

2012 OFFICERS:

President Kim Donnelly
Vice President Steve Hurley
Treasurer Sean Ellis, Esq., LEED AP
Secretary Matt Simmons

2012 GOVERNORS:

Amanda L. Brock, Esq.
Jean Gruss
Roy Hyman
Steven P. Kushner, Esq.
Karen Miller
Robin M. Mixon
Lisa Sands
Past President Kevin M. Fitzgerald

BOARDROOM REPORT

News from recent REIS board meetings

Luncheon Programs:

The May 8 luncheon will focus on efforts to prepare our future workforce, presented by Joseph Burke, PhD, Superintendent of Lee County School District. Sponsored by [Chris-Tel Construction](#).

REIS welcomes suggestions for programs from members. Please convey your ideas to [Steve Hurley](#), 239.337.3330. Sponsorships for future luncheons are available. Contact [Jean Gruss](#), (239.275.2230) for details.

Scholarship Programs:

Since it was established in 2006 the REIS Scholarship Foundation has awarded \$36,000 in college scholarships. The endowed scholarship fund at Florida Gulf Coast University, now named the Paul Sands Memorial - REIS Scholarship, has awarded \$10,500 in scholarships since 2000. Details are at the [REIS website](#).

Seminars & Workshops:

Education Committee chairs Steven P. Kushner and Karen Miller are developing an intriguing program on land use strategies, re-positioning properties, and mitigation. Contact [Steven](#) (239.433.7707) or [Karen](#) (239.936.4003)

Gala Social Event:

The REIS annual party will be at The Edison restaurant on November 15. To assist in planning or to reserve prime sponsorship positions contact Event Chair [Robin Mixon](#) at (239) 334-6870 or 872-3273.

Marketing Ideas:

Present your firm to the key players in Southwest Florida's real estate and development industry by advertising on the REIS website or the *REIS REPORT* newsletter. Contact [Bill Burdette](#) (239.936.1404) for details.

Membership Opportunity: A limited number of memberships are now available if you have colleagues or clients who would like to join. Membership information and application are at www.reis-swf.org.

LEE IMPACT FEES CONTINUE

Lee County commissioners rejected pleas from the Local Planning Agency (LPA), Horizon Council, and business community to suspend impact fees for 2 years. However, they did approve decreases for school impact fees and denied staff recommendations to raise impact fees for parks and emergency services. The new ordinance, including fee schedules is available at the [Dept. of Community Development](#).

LEE CONTINUES TO BUY LAND

Lee County commissioners have lifted the suspension on conservation land acquisitions. The County's "20/20 Conservation Program" currently has \$43.5 million banked for purchase of environmentally critical lands. Details and forms for submitting properties are on the [20/20 website](#).

CHANGING COUNTY GOVERNMENT

A petition drive is underway in Lee County to place a proposed amendment on the ballot that would change the legislative branch of county government. The proposed amendment would replace the current 5 member board of commissioners with a 2-chamber board of county commissioners, with 5 commissioners elected from their individual districts and 2 commissioners elected by all voters in the county. The proposal is supported by Lee County's Republican Party, Democratic Party, Libertarian Party, League of Women Voters, NAACP, and other local Republican and Democratic organizations. Details and petition forms at [Families for Freedom and Fairness](#).

REAL ESTATE & LAND USE SUMMIT

The annual ULI (Urban Land Institute) Florida Summit takes place June 7-8 in St. Petersburg. Event features interactive sessions and workshops covering the future of housing, economic development, transit, tourism, airports/seaports, capital markets/development financing, and regional cooperation. <http://swflorida.uli.org/>



Hoffer & Associates
Environmental • Engineering • Water Resources
www.HofferAssociates.com (941) 628-0205
"Let us do your next phase 1 assessment"



Maxwell & Hendry
Valuation Services, Inc.
Real Estate Appraisers - Consultants
www.maxwellhendry.com

REIS AWARDS SCHOLARSHIPS



Matt Simmons, Kim Donnelly and Lisa Sands of the Real Estate Investment Society; Nitin (Nate) Sehgal of Ave Maria University, Misael Garcia, Charles Shiels, and Andres Boral of Florida Gulf Coast University; and FGCU Trustee Doug St. Cerny.

The Real Estate Investment Society (REIS) proudly announces the award of scholarships for 2012. REIS awards its annual Paul Sands Memorial – REIS Scholarship to FGCU student Charles Shiels while the REIS Scholarship Foundation also awarded scholarships to Nitin (Nate) Sehgal of Ave Maria University and Misael Garcia and Andres Boral of FGCU. Each scholarship provides \$1,000 toward tuition and books.

In addition, each scholar receives honorary membership in REIS for one year where they may attend meetings on a complimentary basis. "We welcome these outstanding scholars to join us, to learn about the area's commercial real estate industry, and develop relationships with members of the business community," explained REIS President Kim Donnelly.

Charles Shiels is a senior Finance major. Nitin (Nate) Sehgal is a junior, majoring in Marketing. Misael Garcia is a sophomore, majoring in Engineering. Andres Boral is a graduate student in the MBA program and has earned a bachelor's degree in Civil Engineering.

SIMMONS NAMED TO STATE BOARD

Governor Scott has appointed Matt Simmons to the Real Estate Appraisal Board, a 9-member board that oversees and implements rules and license laws for appraisers. Simmons is Residential Division Manager for Maxwell & Hendry Valuation Services, Inc. and Secretary of the Real Estate Investment Society.

Advertise your business here!
Contact Bill Burdette for details:
(239) 936-1404
bill@burdetteinc.com

FLORIDA LEGISLATURE REVIEWED

Top business issues addressed in the 2012 Legislature:

Tangible Taxes - Passed JHR 1003 to put a constitutional amendment on the November ballot. If approved by 60% of voters it would empower the Legislature to increase the corporate tax exemption from \$25,000 to \$50,000.

Property Taxes - Failed to pass a proposed amendment that would expand homestead exemption and reduce the caps on annual increases for commercial properties.

Property & Casualty Insurance - Passed HB 1127 to reduce the amount of potential "regular assessments" issued by Citizens Property Insurance & Casualty Corp. The assessments are mandatory no-interest loans from private insurers to pay Citizens' claims.

Replacement Cost Estimates - Passed HB 1101 to allow other options for Citizens Property Insurance Corp. to estimate replacement costs, including valuations by licensed real estate appraisers.

Septic Tank Inspections - Passed HB 1263 to repeal the mandatory inspection law passed in 2010. Established an optional inspection program for local governments.

Growth Management - Passed HB 979 (formerly SB 1180) to allow cities and counties to opt out of the state's Development of Regional Impact review process if they wish to provide faster approval for projects.

Economic Development - Passed HB 7087 which extends public records exemptions for economic development agencies to enable confidential negotiations. Also allows a variety of tax incentives and exemptions, including a corporate income tax credit increase from \$25,000 to \$50,000., to make Florida more attractive to business.

Environmental Regulation - Passed HB 503 to streamline regulatory procedures and allow permit extensions for projects that were ineligible or missed the previous extensions. The legislation also prohibits local governments from requiring permits from state or federal agencies prior to taking action on local development orders or permits. Review time for issuance of permits from Dept. of Environmental Protection or Water Management Districts is reduced from 90 to 60 days. Permits will be governed by regulations in effect at the time the permit was issued.

SPEATH
ENGINEERING

•Civil •Planning •Structural •Consulting
www.SpeathEngineering.com Phone: 239-275-1899

Ad Valorem Assessment of Conservation Lands

By Amanda Brock, Esq.

Since my recent article about property taxation and potential exemptions, I have received numerous questions about the treatment of conservation lands for ad valorem taxation. I first ran into this issue some time ago and had the pleasure of working with George Wheeler with the Florida Department of Revenue to determine the best option for the landowner in that case. George Wheeler is a 30 year employee with the Florida Department of Revenue. He currently serves as IDP Administrator in Classified Use Administration. His responsibilities as Senior Appraiser at DOR include the areas of agriculture/greenbelt, conservation, and working waterfront.

For this article, I imposed on George again and he was kind enough to chat with me about this rather misunderstood area of property taxation. George has spoken at seminars on this issue across the state, which tells us two things off the bat: (1) he is considered a leading expert in these matters and knows his stuff, and (2) these issues are complicated enough to fill entire seminars so it is unlikely we can do more than scratch the surface in this article. But, here goes!

Our conversation started with George's gentle reminder that this is very parcel specific, and the terms of each conservation easement must be carefully reviewed to know how the property should be classified. There are two avenues for conservation lands under Florida law: an exemption and an assessment. The conservation exemption is found in [F.S. 196.26](#) and provides a full or partial exemption for conservation lands depending on the terms of the conservation easement. In a nutshell, to qualify for the exemption you must:

1.) have a recorded instrument dedicating the land in perpetuity for conservation purposes;

2.) ensure the land area subject to the instrument (most commonly a conservation easement) is at least 40 contiguous acres or you must obtain approval from the state's Acquisition and Restoration Council; and disclose whether the recorded instrument allows for any agricultural activities on the property.

If bona fide agricultural purposes are permitted, you may qualify for a partial, but not a full, exemption.

The second avenue is a conservation assessment. This is provided for under [F.S. 193.501](#) and grants a reduced assessment to lands subject to an instrument limiting the property for conservation purposes. This could be a conservation easement, but could also be designated by the local government as environmentally endangered lands, or have a conservation future land use designation, or be used for an outdoor recreational park purpose.

It is possible to seek multiple exemptions or assessment classifications on the same parcel if areas of the property are used for different purposes. For example, you may qualify for both an agricultural exemption and a conservation exemption on the same parcel if the conservation easement allows agricultural uses.

George's first comment to me during our conversation about this being a very parcel specific evaluation is worth repeating. I cannot say how much I enjoyed speaking with him about this, his passion and knowledge of conservation and agricultural lands in this state is nothing short of amazing!

About the Author

Amanda Brock, Esq., is a member of the Real Estate Investment Society (REIS) Board of Governors and is an attorney with Henderson Franklin Starnes & Holt, PA. While in law school, Amanda served as Editor-in-Chief of the "Journal of Land Use and Environmental Law" and has continued that focus in her professional career. She may be contacted at (239) 344-1269 or by [email](#).

Position Your Business
at the Forefront of Southwest Florida's
Real Estate Investment and
Development Community
by Sponsoring a REIS Event!

Contact [Jean Gruss](#) for details.
239.275.2230

*Invite your clients and colleagues
to join you as a member of the*

Real Estate Investment Society

*A limited number of memberships are presently
available. Details and application are at
www.reis-swfl.org*