



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**Thursday, February 19, 2009 at 9:00 am**  
**1<sup>st</sup> Floor Conference Room**  
**1926 Victoria Avenue, Fort Myers, FL 33901**

**AGENDA**

**Mission Statement**

***To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.***

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – Ms. Nichole Gwinnett**

**AWARD PRESENTATION**

- |           |  |                 |
|-----------|--|-----------------|
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11. ADJOURN

**NEXT MEETING DATE**  
**March 19, 2009**

Two or more members of the Peace River Basin Management Advisory Committee may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact Ms. Deborah Kooi at the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550 ext. #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org).

## **SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS**

ABM - Agency for Bay Management - Estero Bay Agency on Bay Management

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

BEER - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

BLIM - Binding Letter of Modification to a DRI with Vested Rights

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

CDC - Certified Development Corporation (a.k.a. RDC)

CEDS - Comprehensive Economic Development Strategy (a.k.a. OEDP)

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)

**EDA - Economic Development Administration**

**EDC - Economic Development Coalition**

**EDD - Economic Development District**

**EPA – Environmental Protection Agency**

**FAC - Florida Association of Counties**

**FACTS - Florida Association of CTCs**

**FAW - Florida Administrative Weekly**

**FCTS - Florida Coordinated Transportation System**

**FDC&F -Florida Department of Children and Families (a.k.a. HRS)**

**FDEA - Florida Department of Elder Affairs**

**FDLES - Florida Department of Labor and Employment Security**

**FDOT - Florida Department of Transportation**

**FHREDI - Florida Heartland Rural Economic Development Initiative**

**FIAM – Fiscal Impact Analysis Model**

**FLC - Florida League of Cities**

**FQD - Florida Quality Development**

**FRCA -Florida Regional Planning Councils Association**

**FTA - Florida Transit Association**

**IC&R - Intergovernmental Coordination and Review**

**IFAS - Institute of Food and Agricultural Sciences at the University of Florida**

**JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties**

**JPA - Joint Participation Agreement**

**JSA - Joint Service Area of Glades & Hendry Counties**

**LCB - Local Coordinating Board for the Transportation Disadvantaged**

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC -National Association of Regional Councils

NOPC -Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP -State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Minutes

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**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
JANUARY 15, 2009**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **January 15, 2009** in the Southwest Florida Regional Planning Council, 1<sup>st</sup> Floor Conference Room located at 1926 Victoria Avenue in Fort Myers, Florida. Due to the absence of Chairman Andrea Messina, the meeting was called to order at **9:00 a.m.** by **Vice Chairman Jim Humphrey**. **Commissioner Butch Jones** led the Prayer and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Commissioner Tricia Duffy, Councilman Don McCormick, Mr. Alan LeBeau

**Collier County:** Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann, Councilman Charles Kiester, Ms. Laura Holquist

**Glades County:** Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck, Dr. Edward Elkowitz

**Hendry County:** Commissioner Karson Turner, Mayor Paul Puletti, Mr. Melvin Karau

**Lee County:** Commissioner Ray Judah, Commissioner Tammy Hall, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Jim Burch, Councilman John Spear

**Sarasota County:** Commissioner Shannon Staub for Commissioner Jon Thaxton, Commissioner Carolyn Mason, Councilman Ernie Zavodnyik, Commissioner Tom Jones

**Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT, Mr. Gordan Romeis for Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Dianne Davies - SWFWMD

**MEMBERS ABSENT**

**Charlotte County:** Commissioner Robert Skidmore, Ms. Andrea Messina

**Collier County:** None

**Glades County:** Councilman Michael Brantley

**Hendry County:** Commissioner Tristan Chapman, Mayor Mali Chamness

**Lee County:** Councilman Tom Babcock

**Sarasota County:** Mr. David Farley, Mr. George Mazzarantani

**Ex-Officio Membership:** Ms. Tammie Nemecek - EDC of Collier County

## INTRODUCTION OF NEW MEMBERS

Vice Chairman Humphrey welcomed the following new members:

- ❖ Commissioner Tricia Duffy, Charlotte County BOCC
- ❖ Commissioner Robert Skidmore, Charlotte County BOCC
- ❖ Commissioner Karson Turner, Hendry County BOCC
- ❖ Commissioner Tristan Chapman, Hendry County BOCC
- ❖ Commissioner Ray Judah, Lee County BOCC
- ❖ Commissioner Tammy Hall, Lee County BOCC
- ❖ Mayor Jim Burch, City of Cape Coral
- ❖ Commissioner Carolyn Mason, Sarasota County BOCC
- ❖ Commissioner Jon Thaxton, Sarasota County BOCC
- ❖ Commissioner Tom Jones, City of North Port

Vice Chairman Humphrey presented the Council's Award of Appreciation of Service to former Council Member, City of North Port Commissioner James Blucher.

### AGENDA ITEM #1 AGENDA

Commissioner Janes moved and Commissioner Staub seconded to approve the agenda as presented. The motion carried unanimously.

### AGENDA ITEM #2 MINUTES OF NOVEMBER 20, 2008

Commissioner Halas moved and Commissioner Judah seconded to approve the minutes of November 20, 2008 as presented. The motion carried unanimously.

### AGENDA ITEM #3 CONSENT AGENDA

Commissioner Judah moved and Commissioner Halas seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statements for November 30, 2008 & December 31, 2008; Agenda Item #3(c) Charlotte County Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(d) City of Bonita Springs Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(e) Murdock Increments I, II & IV DRI - NOPC; Agenda Item #3(f) North Port Gardens DRI - Request for Sufficiency Response Extension; and Agenda Item #3(g) Toll-Rattlesnake DRI- Request for Sufficiency Response Extension. The motion carried unanimously.

**AGENDA ITEM #4(a)**  
**Election of 2009 Officers – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

Chairman: Mayor James Humphrey, City of Fort Myers  
 Vice Chairman: Mayor Mick Denham, City of Sanibel  
 Secretary: Commissioner Paul Beck, Glades County BOCC  
 Treasurer: Councilman Charles “Chuck” Kiester, City of Marco Island

**Commissioner Judah moved and Commissioner Halas seconded to approved the Nominations Committee Report and also approve the 2009 Slate of Officers. The motion carried unanimously.**

**AGENDA ITEM #4(b)**  
**Lower West Coast Watershed Subcommittee Report – Mayor Mick Denham**

Mayor Denham gave a PowerPoint presentation on the history of the subcommittee. He asked the Council to approve the Subcommittee’s final resolution (Resolution #2008-12) and also sunset the planning portion of the subcommittee. He then requested forming a different subcommittee which he is willing to Chair to start the implementation process.

Councilman Kiester stated that he hopes that part of the implementation process will include making presentations to the local governments on specific issues and resolutions. Mayor Denham stated that he would be willing to do that.

**Mayor Denham moved and Commissioner Judah seconded to approve SWFRPC Resolution #2008-12 Southwest Florida Regional Planning Council Stormwater Resolution for Retrofit Development. The motion carried unanimously.**

Commissioner Mason asked if the motion included the sunseting of the subcommittee. Chairman Humphrey replied no.

**Commissioner Hall moved and Councilman Spear seconded to sunset the Lower West Coast Watersheds Subcommittee effective February 1, 2009. The motion carried unanimously.**

Mayor Denham stated that he hopes to form the implementation subcommittee using some of the same members from the existing subcommittee. He stated that he would like to present to the Council at the February meeting a mandate for the implementation subcommittee.

**AGENDA ITEM #5(b)**  
**Legislative Subcommittee Report - Commissioner Jim Coletta**

Commissioner Coletta reviewed the item as presented in the agenda packet and distributed handouts.

Ms. Holquist expressed her concern with the length of the Legislative Priorities. Commissioner Coletta explained that the Legislative Subcommittee discussed that issue at great length and decided that even though some of issues are not going to be compelling issues for State's legislative body that they need to be kept in front of everybody until that point in time we are ready to move forward; because if they are taken off and then added again later it could raise problems. However, if the Council disagrees with the Subcommittee's decision then it can be amended to meet those needs.

Ms. Holquist suggested selecting approximately 10 main priorities that the Council would really want to emphasize. Commissioner Coletta noted that the Subcommittee had chosen six priorities in the very front. Ms. Holquist suggested making them six action points and focus on those and also have the Council focus on those action points to their legislators versus the overall issues.

Commissioner Halas stated that he feels that the priorities are very appropriate, especially with regards to the Sadowski Trust Fund because we all know that it is going to be raided heavily.

**Commissioner Halas moved and Commissioner Judah seconded to approve the Council's Legislative 2009 Priorities Statement as presented.**

Mayor Denham stated that he agrees with Ms. Holquist's comments regarding the length of the document, because he feels that with the length of the document he doesn't feel that it will be read. Therefore, he suggested having one sheet listing the priorities and a few comments and then the rest as a backup document.

Commissioner Coletta suggested that the way the motion is currently the Council could just elaborate on the six priorities on one sheet and then have the backup on the Council's position on every other issue behind it.

**Both Commissioner Halas and Commissioner Judah agreed to include Commissioner Coletta's suggestion to elaborate on the six priorities on one sheet and then have the backup on the Council's position.**

Chairman Humphrey requested that Commissioner Coletta give a report to the Council at the February Council meeting. Commissioner Coletta agreed.

Mayor Burch stated that he had read a news article which ties into this where the regional transportation and infrastructure where Fort Myers and Cape Coral were #1 in foreclosure once again. Another issue is the taking of \$700 million out of the Lawton Chiles Fund and the \$400 million out of another fund, and according to the news article the proposed way to repay the \$700 million Lawton Chiles Fund is to take what they are anticipating coming down from the Federal Government for the Economic Stimulus package, which absolutely ends up killing the cities.

**The motion carried unanimously.**

Commissioner Coletta emphasized that in order to have an effect in Tallahassee you need to go up there as a group and he asked the Council to direct staff to facilitate a Legislative Delegation Day.

**Mr. LeBeau moved and Commissioner Judah seconded to direct staff to facilitate a regional Legislative Delegation Day. The motion carried unanimously.**

#### **AGENDA ITEM #4(j)**

##### **SWFRPC FY 2007/08 Annual Audit - Mr. Jeffrey Tuscan, Tuscan & Company**

Mr. Tuscan reviewed the item as presented in the agenda packet and distributed handout.

**Commissioner Judah moved and Commissioner Hall seconded to approve the SWFRPC FY 2007/08 Annual Audit as presented. The motion carried unanimously.**

Dr. Elkowitz asked Mr. Tuscan how the Council can improve its reserves. Mr. Tuscan explained that he has had the discussion with management staff and it is an interesting question because the Council has a lot of grants; and grants use to provide some ability to provide net income within those grants, but most don't anymore. So the discussion was the option of charging different administrative fees for different projects to earn unrestricted income.

Dr. Elkowitz asked is there a way to cut expenses? Mr. Tuscan explained that like most governments, most of the expenses are personnel and the Council's personnel costs went up very slightly last year, essentially COLA (3.7%), and staff is watching expenses very closely.

Mr. Heatherington explained that staff has cut expenses in many ways:

- Changed vendor for lawn care services
- Changed equipment for in-house water supply
- Changed vendor for building maintenance
- Changed to a State controlled phone conferencing system

Dr. Elkowitz referred to the last page under "personal services" and asked Mr. Tuscan to explain the breakdown. Mr. Tuscan referred to pages 34 and 37 of the audit which illustrated the detailed line items for personal services.

#### **AGENDA ITEM #4(c)**

##### **29I Rules and Fee Agreement - Ms. Liz Donley**

Ms. Donley stated that a public hearing was held on Tuesday, January 6<sup>th</sup> and no comments were received. She explained that the rules have been forwarded onto to the Joint Administrative Procedures Committee (JAPC) and at this time no comments have been received; however, she does expect to receive some technical comments. She said that she still plans on presenting the rules for adoption at the Council February 19<sup>th</sup> meeting and once they are approved by the Council the rules will go into effect 20 days after the vote.

**AGENDA ITEM #4(d)**  
**Executive Director's Annual Review – Mayor Jim Humphrey**

Mayor Humphrey stated that the Executive Committee met on January 7<sup>th</sup> where the Committee performed an evaluation of the Executive Director's performance and it was determined that his overall performance had met or exceeded expectations. When it came to the budget and because the Council did increase the reserves and the Committee saw some affirmative action by Ken and the staff in trying to address some of the concerns that the Council is facing as it pertains to next year's revenue, the Committee was complimentary to him in that regard as well to other items in his evaluation. The Committee concluded that Executive Director should receive a merit increase; however, the Committee did acknowledge the current economy and the effect that it is having on all of our local governments as well as the region, so in reviewing his compensation there was a unanimous decision to increase his salary to \$116,500 which represented a 3% COLA and a 1% merit increase.

Mayor Humphrey explained that in accordance with the Executive Director's contract there is no action needed from the Council, but if there are any questions or concerns regarding the Committee's decision he will address them.

Commissioner Hall complimented Mr. Heatherington on his efforts as Executive Director.

Ms. Holquist stated that in her company they are actually rolling back salaries and doing no pay increases.

**AGENDA ITEM #4(e)**  
**Appointing SWFRPC Representatives to the CHNEP Policy Committee – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented. He noted that both Commissioner Tom Jones of the City of North Port and Councilman Don McCormick of the City of Punta Gorda have agreed to serve as representatives to the CHNEP Policy Committee.

**Commissioner Halas moved and Commissioner Hall seconded to approve the nominations of Commissioner Tom Jones, City of North Port and Councilman Don McCormick, City of Punta Gorda as the Council's representatives to the CHNEP Policy Committee. The motion carried unanimously.**

**AGENDA ITEM #4(f)**  
**Appointment to the Peace River Basin Management Advisory Committee – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

Commissioner Hall volunteered to represent the Council on the Peace River Basin Management Advisory Committee.

**Commissioner Halas moved and Commissioner Duffy seconded to nominate Commissioner Hall to the Peace River Basin Management Advisory Committee as the Council's representative. The motion carried unanimously.**

**AGENDA ITEM #4(g)  
Council Subcommittees Update - Ms. Liz Donley**

Ms. Donley reviewed the item as presented.

Councilman Heitmann volunteered to participate on the Climate and Energy Subcommittee.

Commissioner Staub stated that she will speak with Commissioner Thaxton to participate on the Council's Climate and Energy Subcommittee.

**Commissioner Hall moved and Commissioner Halas seconded to nominate Commissioner Thaxton to represent Sarasota County and Councilman Heitmann to represent the City of Naples on the Council's Climate and Energy Subcommittee. The motion carried unanimously.**

**AGENDA ITEM #4(h)  
Comprehensive Plans Update - Mr. David Crawford**

Mr. Crawford reviewed the item as presented.

**AGENDA ITEM #4(i)  
DRI Update - Mr. Jason Utley**

Mr. Utley gave a PowerPoint presentation.

Councilman Kiester asked if the Council is going to review the new Red Sox Stadium. Mr. Trescott replied yes, it will possibly come in as a Florida Quality Development (FQD).

Mr. LeBeau asked if the Council's charges for time extensions. Mr. Utley explained that staff charges their time to the project. Mr. LeBeau stated that he feels that it would be a good revenue source and there should be a minimum (i.e., 500-700) and then anything over that in hours it is billable. Chairman Humphrey stated that he agrees with Mr. LeBeau and that there needs to be some consistency.

**AGENDA ITEM #5(a)  
Inland Ports Presentation - Commissioner Paul Beck**

Commissioner Beck presented the item as contained in the agenda packet. He then requested staff to produce a resolution in support of the Inland Port for the Council's consideration at its February meeting.

Commissioner Jones reviewed the distributed handout which illustrated the amount of land that has been taken off Glades County tax rolls due to government land purchases. He then expressed the importance of the Inland Port project within the FREDI Region.

Ms. Tracy Whirls, Executive Director for the Glades County Economic Development Council gave a background overview of the Inland Port project.

Commissioner Judah asked if the Inland Port project conflicts with the US Sugar project. Ms. Whirls replied no, not that she is aware of.

Mr. Karau stated that he understands that the Panama Canal is being dredged to 50 feet in order to accommodate ships with a 50' draft. The Port of Miami has been approved for dredging to allow those ships to come in to that port which means that those container ships coming in increase from 5,000 containers to 15,000 containers. He stated that he had heard a presentation from WilsonMiller, Inc. and Ms. Janet Watermeier about the Hillard Property which is adjacent to the Airglades Airport in Hendry County and he feels that the Hillard property is an adequate site because it has the rail and an adjacent airport.

**Councilman Kiester moved and Commissioner Mason seconded to direct staff to prepare a resolution supporting the Inland Port facility within the FREDI Region.**

Commissioner Jones explained that the inland areas are not opposed to the flow-way of the 48,000 acres, which would take away from 187,000 as long as the remaining could be continued to be farmed. Because then you would have two things, you would have an agricultural community survive and also a 48,000 acre flow-way.

Commissioner Judah stated that given the 1-1.5 million acre feet of water storage deficit to provide for adequate storage or flows from Lake Okeechobee 48,000 acres isn't going to get it done, but on the other hand there are opportunities for land exchange.

Mayor Denham asked if he could get an overview of how the Inland Port facility would impact the flow-way.

Councilman Zavodnyik stated that he would like to hear more about the 365,000 jobs that is going to be created with the Inland Port facility at the presentation given at the February meeting.

Commissioner Turner stated that he will be taking an extremely active role in the project and he will even go a step further to show pictures of the Panamax ship's container load, current capacity load of the Panama Canal and what it will be in the future. Statement of facts of Dade County's Ports having the ability to handle those ships the moment they come online, and the Port of Everglades and Palm Beach County not having that ability as of this moment and they don't feel that the permitting rule will be within those timeframes of the canal expansion of the project occurring. He also feels that it is going to be a very easy process to obtain the data which shows the jobs and square footage storage space in association of that number and also that area's of how that distributorship will affect other satellite distributors.

Chairman Humphrey asked Commissioner Jones and Commissioner Beck to invite representatives from the FREDI Region to attend the February Council meeting in order to participate in the discussion regarding the Inland Port facility.

Commissioner Jones explained that the FREDI Region includes three regional planning councils.

Mayor Burch stated that he would like to see more information on the connection between Southwest Florida and the Panama Canal.

**The motion carried unanimously.**

**AGENDA ITEM #5(d)**  
**Southwest Florida's Strategic Investment Framework – Mayor Jim Humphrey**

Chairman Humphrey reviewed the item as contained in the agenda item and distributed handouts.

Mayor Burch mentioned the “box fund” which a committee of the Legislature wanted to take out all of the box funding and the idea was to replace it with the money from the Stimulus Package. He emphasized that all of the local jurisdictions should be writing letters to their legislators stating that they don't approve of practices if local governments are submitting their “Get Ready To Go” lists if the money is already earmarked for other funds.

Mr. LeBeau stated that he likes Chairman Humphrey's concept because that is one of the goals that the Council has set for its self, to be regional.

**Mayor Denham moved and Ms. Holquist seconded to treat the issue on a regional basis.**

Councilman Zavodnyik stated that he doesn't feel comfortable voting on a prioritized list without bringing it before his city council for review.

Chairman Humphrey stated that he agrees with Councilman Zavodnyik and suggested that after the discussion at the Council's February meeting, each member can take the prioritized list to their individual local jurisdiction for review.

Councilman McCormick stated that he doesn't feel that he would have to take the prioritized list back to his City Council for review because the \$73 million projects that his city submitted don't qualify as regional projects; however, they will be submitted in other forms and in other ways and in some aspects of what Cape Coral does will affect Punta Gorda; therefore, he will be happy to work on developing a regional approach.

Mr. Heatherington gave an overview of the NADO and NARC conference call.

Ms. Holquist stated that she believes that this issue relates to the regional visioning process.

Commissioner Duffy explained that her County Commission had a discussion that their list was too long and she approves of the regional approach. She then expressed concern on how the list is going to be trimmed down regionally.

Chairman Humphrey stated that he was thinking of asking staff to coordinate with the various agencies to make a recommendation to the Council.

**The motion carried unanimously.**

At this time Chairman Humphrey turned the meeting over to Vice Chairman Denham.

**AGENDA ITEM #5(c)  
FL's Economic Stimulus & Upcoming Regional Leadership Conference  
- Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

**AGENDA ITEM #5(e)  
Southwest Florida's Regional Vision: People - Prosperity - Preservation "Working Together for a  
Better Tomorrow" - Mr. Ken Heatherington**

Ms. Holquist stated that she is on the State's Century Commission and the regional visioning is something that Century Commission has taken a leading role on and she feels that it is important that the Council understands where the regional visioning is intended to go and within government there is getting support for it to go. She explained the problems with the implementation of the visioning process.

Vice Chairman Denham asked how does it get facilitated.

Ms. Holquist explained that one of the recommendations from the Century Commission to the Governor is to strengthen regional control on being able to run the visioning and implementing the visioning.

Vice Chairman Denham asked Ms. Holquist how does the Council facilitate in trying to make the visioning process a more effective process in a more regional dialog. Ms. Holquist stated that she feels that what Mr. Heatherington had started with the regional visioning is excellent but this Council has to be a significant part of that regional visioning process by taking center stage. We have to include also the business leaders and also other leaders involved too.

Mr. Heatherington explained that this will be a continued item.

Commissioner Staub stated that she feels that each member should bring it before their local boards and ask them if they are willing to commit to be in a regional vision.

Mayor Burch strongly urged everybody to think about regional planning and vision relative to normal conditions which does not necessarily mean the Stimulus Package.

Vice Chairman Denham recommended that the vision issue be brought back for further discussion at a future meeting.

**AGENDA ITEM #5(f)**  
**Climate Prosperity Strategy - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

**AGENDA ITEM #5(g)**  
**Other Emerging Regional Issues**

Commissioner Jones reviewed the item as presented and stated that he wasn't prepared to take any action at this time.

Councilman Heitmann stated that this issue affects the City of Naples and would like to have it discussed at a future Council meeting.

Vice Chairman Denham requested that it be placed on the Council's February agenda.

**AGENDA ITEM #6**  
**PUBLIC COMMENTS**

There were no public comments at this time.

**AGENDA ITEM #7**  
**DIRECTOR'S COMMENTS**

Mr. Heatherington stated that at Chairman Humphrey's request he announced that in March there is a Festival of Flowers out at CREW and Chairman Humphrey suggested having the Council's March meeting out at the CREW property.

Mr. Heatherington announced that in order to move the Council meetings around the region the following locations have been selected:

- May - Seminole Tribe
- August - Kimal Lumber in Sarasota County
- October - Charlotte County Event Center

Commissioner Turner stated that he represents the Big Cypress Seminole Tribe in Hendry County and if the Council could move their meeting to a time in which they could include their families he would like to extend an invitation to Billy Swamp Safari which would be an incredible experience for the whole family. There is an eco-friendly hotel being constructed in 2010 and also there is the largest organic farm in Hendry County.

**AGENDA ITEM #8**  
**STATE AGENCIES COMMENTS/REPORTS**

SFWMD - Mr. Flood announced that the kick-off workshop is scheduled for next Wednesday at John Boy Auditorium in Clewiston in order to obtain the community's vision on what to do with the US Sugar's lands.

**AGENDA ITEM #9  
COUNCIL ATTORNEY'S COMMENTS**

Ms. Donley announced that staff is currently working the USEPA Region 4 to set up a green infrastructure workshop.

**AGENDA ITEM #10  
COUNCILMEMBERS' COMMENTS**

No Council members had comments at this time.

**AGENDA ITEM #11  
ADJOURN**

The meeting adjourned at 11:55 a.m.

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Commissioner Paul Beck, Secretary

The meeting was duly advertised in the January 9, 2009 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 35, Number 01.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Consent Agenda

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## CONSENT AGENDA

### **Agenda Item #3(a) – Intergovernmental Coordination and Review**

Approval of the administrative action clearinghouse review items.

### **Agenda Item #3(b) – Financial Statement for January 31, 2009**

Approve the financial statement for January 31, 2009 as presented.

### **Agenda Item #3(c) – Town of Longboat Key Comprehensive Plan Amendments (DCA 09-1)**

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and the Town of Longboat Key.

### **Agenda Item #3(d) – Lee County Comprehensive Plan Amendments (DCA 09-1)**

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

### **Agenda Item #3(e) – City of North Port Comprehensive Plan Amendments (DCA 09-D1)**

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and the City of North Port.

### **Agenda Item #3(f) – Town of Fort Myers Beach Comprehensive Plan Amendments (DCA 09-1)**

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and the Town of Fort Myers Beach.

### **Agenda Item #3(g) – Big Cypress DRI – Request for Sufficiency Response Extension**

Approve the requested extension.

### **Agenda Item #3(h) – Harborview Substantial Deviation DRI – Request for Sufficiency Response Extension**

Approve the requested extension.

### **Agenda Item #3(i) – North Port Gardens DRI – Request for Sufficiency Response Extension**

Approve the requested extension.

**RECOMMENDED ACTION:** Approve consent agenda as presented.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3a

Intergovernmental  
Coordination & Review

3a

3a

## Project Review and Coordination Regional Clearinghouse Review

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning January 1, 2009 and ending January 31, 2009.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.

Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.

Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the State Clearinghouse (Office of Planning and Budgeting) in Tallahassee.

**RECOMMENDED ACTION:** Approval of the administrative action on Clearinghouse Review items.

02/2009



# ICR Council - 2000/09

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2008-061	Ms. Sue Faulkner	Collier County Government	Collier County	Collier County Transportation Services Division - FTA 5310 Program to purchase one replacement paratransit vehicle.	Federal Transit Administration	\$75,018.00	Regionally Significant and Consistent
2008-062	Ms. Sue Faulkner	Collier County Government	Collier County	Collier County Transportation Services Division - FTA 5311 Program for the operational funding needed to continue Rural Transit and Paratransit in Collier County.	Federal Transit Administration	\$531,110.00	Regionally Significant and Consistent
2009-001	Mr. Gary Bryant	GoodWheels, Inc.	Lee County	GoodWheels, Inc. - 2009 U.S.C. Section 5311 Grant - Operating expenses for Dial-A-Ride transportation services for non-urbanized areas.	Federal Transit Administration	\$238,600.00	Regionally Significant and Consistent
2009-002	Mr. Gary Bryant	GoodWheels, Inc.		GoodWheels, Inc. - 2009 U.S.C. Section 5310 Grant - Purchase six (6) replacement vehicles for high level service to the elderly and person with disabilities.	Federal Transit Administration	\$650,525.00	Regionally Significant and Consistent
2009-003	Mr. Kirk A. Zaremba	Sunrise Community of Southwest	Lee County	Sunrise Community of Southwest Florida, Inc. - Program vehicle (replacement) purchase.	Florida Department of	\$71,473.00	Regionally Significant and Consistent
2009-004	Mr. Kirk A. Zaremba	United Cerebral Palsy of Sarasota-	Sarasota County	United Cerebral Palsy of Sarasota-Manatee & Southwest Florida, Inc. - Program vehicle (replacement) purchase.	Federal Transit Administration	\$71,473.00	Regionally Significant and Consistent

<b>SWFRPC #</b>	<b>Name1</b>	<b>Name2</b>	<b>Location</b>	<b>Project Description</b>	<b>Funding Agent</b>	<b>Funding Amount</b>	<b>Council Comments</b>
2009-006	Mrs. Peggy J. Connell	Community Haven for Adults &	Sarasota County	Community Haven for Adults & Children with Disabilities, Inc. - FTA Section 5310 Grant Application - Capital Assistance Program for the Elderly and Persons with Disabilities in Sarasota, Manatee, and Charlotte Counties.	FTA	\$70,000.00	Regionally Significant and Consistent

## *Review in Progress*

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2008-002			Collier County	FDEP - Bureau of Beaches & Coastal Systems - Doctor's Pass North Jetty Rehabilitation in Collier County, Florida.			Review in Progress
2008-003			Collier County	FDEP - Bureau of Beaches & Coastal Systems - Hideaway Beach Groins and Beach Fill Modification in Collier County, Florida.			Review in Progress
2008-028			Collier County	FDEP - Corkscrew Field Wildcat Drilling Permit Application No. 1335 in Collier County, Florida.			Review in Progress
2008-030			Collier County	FDEP - Oil and Gas Section - Raccoon Point - Pad 5 Oil Well Drilling Permit Application No. 1331AH.			Review in Progress
2008-035			Lee County	Lee County Department of Parks and Recreation - National Park Service - Land and Water Conservation Fund Grants - Prairie Pines Preserve Improvements Project in Lee County, Florida.			Review in Progress
2008-038			Collier County	FDEP - Bureau of Mine Reclamation - Raccoon Point-Pad 5 Oil Well Drilling Permit Application No. 1332.			Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2008-041			Collier County	FDEP - Raccoon Point - Pad 5 Oil Well Drilling Permit Application # 1333 in Collier County, Florida.			Review in Progress
2008-045			Lee County	U.S. Coast Guard - Notification of Intent - Construct a new pier extension to connect two existing piers at U.S. Coast Guard Station Fort Myers - Fort Myers Beach, Lee County, Florida.			Review in Progress
2008-047			Sarasota County	FDEP - Environmental Permitting Section - Bureau of Beaches & Coastal Systems - Joint Coastal Permit #0270032-001-JC - Lido Key Nourishment Project, City of Sarasota, Sarasota County, Florida.			Review in Progress
2009-005			Lee County	FDOT ETDM# 10564 - Advance Notification SR 80 (Second Street) Widening from Fowler Street to Palm Beach Boulevard in Lee County, Florida.			Review in Progress
2009-007			Hendry County	USCOE - Jacksonville District of Engineers - ACCELER8 Project Permit Application - Final Environmental Impact Statement to Construct Stormwater Treatment Areas on Compartments B and C of the Everglades Agricultural Area - Palm Beach and Hendry Counties, Florida.			Review in Progress

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3b

Financial Statement  
For January 31, 2009

3b

3b

**MONTHLY FINANCIAL CONTENTS**  
**For the month ending January 31, 2009**

	Pages
<b>Financial Reports:</b>	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
This page is a comparison of the budget and actual for the current month as well as the year to date figures. It also includes the net income for both the month and the year to date. The last column of the report reflects the percentage spent of the budget in each expense line as well as the overall total.	
Explanation of Council's Financial at current month end including:	4
- Percentage of Budget Spent for RPC, MPO, and NEP and any predicted expenses as to percentages not within acceptable range. There may be further comments on the breakdown of actual expenses.	
- Net income at current month end	
- Graphs showing the distribution of revenues and expenses	
- Any other notes felt needed at this time	
Amendments	5
As requested, amendments will be made as needed throughout the year rather than at year end as previously accepted.	
Breakdown of actual expenses for the RPC, MPO, NEP including	
- percentages and any amendments requested.	
- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10
Income statement - Comparison of current year vs. prior year	11
This page is a comparison of the actual figures for the current month and year to date to the previous year's figures. It also includes the net income for both years.	

At the request of our auditors, we are also including a bank reconciliation for the current month and a general ledger reflecting our other bank balances.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
COMBINED BALANCE SHEET -  
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS  
January-09**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
<b>ASSETS AND OTHER DEBIT</b>					
Cash and cash equivalents	\$ 229,577	\$ -	\$ -	\$ -	\$ 229,577
Investments	516,880	-	-	-	516,880
Receivables - grants and contracts	-	494,277	-	-	494,277
Receivables - other	-	-	-	-	-
Due from other funds	-	14,031	-	-	14,031
Other assets	451	-	-	-	451
Property and equipment, net	-	-	1,673,593	-	1,673,593
Amount to be provided for retirement of general long-term debt	-	-	-	1,378,188	1,378,188
<b>TOTAL ASSETS AND OTHER DEBIT</b>	<b>\$ 746,907</b>	<b>\$ 508,308</b>	<b>\$ 1,673,593</b>	<b>\$ 1,378,188</b>	<b>\$ 4,306,997</b>
<b>LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>					
<b>LIABILITIES</b>					
Accounts payable and accrued expenses	\$ 359	\$ -	\$ -	\$ -	\$ 359
Retainage payable	27,062	-	-	-	27,062
Due to other governments	-	-	-	-	-
Due to other funds	14,031	-	-	-	14,031
Deferred revenue - grants and contracts	-	508,308	-	-	508,308
Accrued compensated absences	-	-	-	67,943	67,943
Notes payable	-	-	-	1,310,245	1,310,245
<b>TOTAL LIABILITIES</b>	<b>41,452</b>	<b>508,308</b>	<b>-</b>	<b>1,378,188</b>	<b>1,927,948</b>
<b>FUND EQUITY AND OTHER CREDIT</b>					
Investment in general fixed assets	-	-	1,673,593	-	1,673,593
Fund balance					
Reserved, designated	550,200	-	-	-	550,200
Unreserved, undesignated	155,256	-	-	-	155,256
<b>TOTAL FUND EQUITY AND OTHER CREDIT</b>	<b>705,456</b>	<b>-</b>	<b>1,673,593</b>	<b>-</b>	<b>2,379,049</b>
<b>TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>	<b>\$ 746,907</b>	<b>\$ 508,308</b>	<b>\$ 1,673,593</b>	<b>\$ 1,378,188</b>	<b>\$ 4,306,997</b>

SWFRPC  
Balance Sheet  
January 31, 2009

31 of 227

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	134,082.48
Cash - Bank of America Max.		95,294.30
Cash - FL Local Gov't Pool		495,723.69
Cash - FL Gov't Pool-Fund B		21,156.00
Petty Cash		200.00
Accounts Receivable		325,559.13
Accounts Receivable-MPO		168,717.76
Bulk Mail Prepaid Postage		450.69
Amount t.b.p. for L.T.L.-Leave		67,943.06
Amount t.b.p. for L.T.Debt		1,310,245.36
		2,619,372.47
Property and Equipment		
Property, Furniture & Equip		2,015,083.33
Accumulated Depreciation		(341,489.94)
		1,673,593.39
Total Assets	\$	4,292,965.86

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	27,061.64
Deferred Income		508,308.09
United way Payable		144.00
Deferred Compensation Payable		4.34
Accrued Annual Leave		67,943.06
Long Term Debt - Bank of Am.		1,310,245.36
LEPC Contintency Fund		210.44
		1,913,916.93
Total Current Liabilities		1,913,916.93
Total Liabilities		1,913,916.93
Capital		
Fund Balance-Unrestricted		87,790.72
Fund Balance-Restricted		550,200.00
Fund Balance-Fixed Assests		1,673,593.39
Net Income		67,464.82
		2,379,048.93
Total Capital		2,379,048.93
Total Liabilities & Capital	\$	4,292,965.86

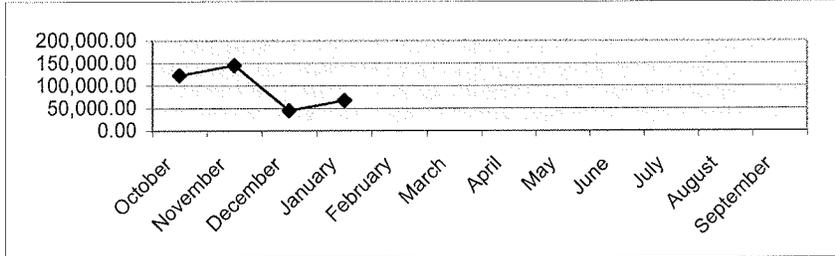
SWFRPC  
Income Statement  
Compared with Budget  
For the Four Months Ending January 31, 2009

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget	% Spent
<b>Revenues</b>					
Total Revenues	251,719.08	356,461.50	1,146,069.51	4,277,538.00	26.79
<b>Expenses</b>					
Salaries Expense	131,771.87	146,416.67	529,818.20	1,757,000.00	30.15
FICA Expense	9,918.51	10,166.67	43,535.68	122,000.00	35.68
Retirement Expense	17,149.46	14,166.67	48,172.93	170,000.00	28.34
Health Insurance Expense	16,033.69	17,500.00	77,959.93	210,000.00	37.12
Unemployment Comp. Expense	0.00	0.00	826.54	0.00	0.00
Workers Comp. Expense	553.00	833.33	2,212.00	10,000.00	22.12
Legal Fees Expense	0.00	250.00	0.00	3,000.00	0.00
Grant/Consulting Expense	7,957.00	3,333.33	25,470.00	40,000.00	63.68
NEP-Contractual	7,809.46	21,266.67	63,189.00	255,200.00	24.76
MPO-Contractual	0.00	24,166.67	950.00	290,000.00	0.33
Audit Services Expense	0.00	3,916.67	42,200.00	47,000.00	89.79
Travel Expense	1,771.13	4,958.33	14,980.20	59,500.00	25.18
Telephone Expense	607.37	1,208.33	2,994.90	14,500.00	20.65
Postage / Shipping Expense	88.23	2,500.00	17,973.59	30,000.00	59.91
Storage Unit Rental	224.00	250.00	1,120.00	3,000.00	37.33
Equipment Rental Expense	2,865.00	3,333.33	12,708.90	40,000.00	31.77
Insurance Expense	154.53	2,916.67	25,766.81	35,000.00	73.62
Repair/Maint. Expense	4,852.21	2,500.00	8,973.91	30,000.00	29.91
Printing/Reproduction Expense	395.66	6,791.67	24,794.59	81,500.00	30.42
Utilities (Elec, Water, Gar)	2,083.04	2,500.00	6,925.64	30,000.00	23.09
Advertising/Legal Notices Exp	1,560.03	920.83	3,940.31	11,050.00	35.66
Other Misc. Expense	83.85	416.67	597.78	5,000.00	11.96
Office Supplies Expense	867.52	2,333.33	6,234.93	28,000.00	22.27
Computer Related Expense	14,515.73	4,666.67	28,519.82	56,000.00	50.93
Publication Expense	67.50	875.00	515.75	10,500.00	4.91
Prof. Develop./Dues Expense	1,421.75	3,291.67	22,367.93	39,500.00	56.63
Meetings/Events Expense	75.00	4,650.00	21,993.67	55,800.00	39.42
Capitol Outlay Expense	0.00	4,000.00	1,278.00	48,000.00	2.66
Capitol Outlay - Building	0.00	2,500.00	0.00	30,000.00	0.00
Long Term Debt	10,645.92	10,666.67	42,583.68	128,000.00	33.27
Reserve for Operations Expense	0.00	53,165.67	0.00	637,988.00	0.00
Total Expenses	233,471.46	356,461.50	1,078,604.69	4,277,538.00	25.22
Net Income	\$ 18,247.62	0.00	\$ 67,464.82	\$ 0.00	0.00

The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as 33 of 227 in general operations. Included in these pages, as requested, are percentages for each line item and an overall percentage spent by the RPC, NEP, and MPO.

The overall percentage of the Budget spent is 25.22%  
 The percentage of the RPC Budget spent is 27.71%  
 The percentage of the MPO Budget spent is 17.39%  
 The percentage of the NEP Budget spent is 28.58%

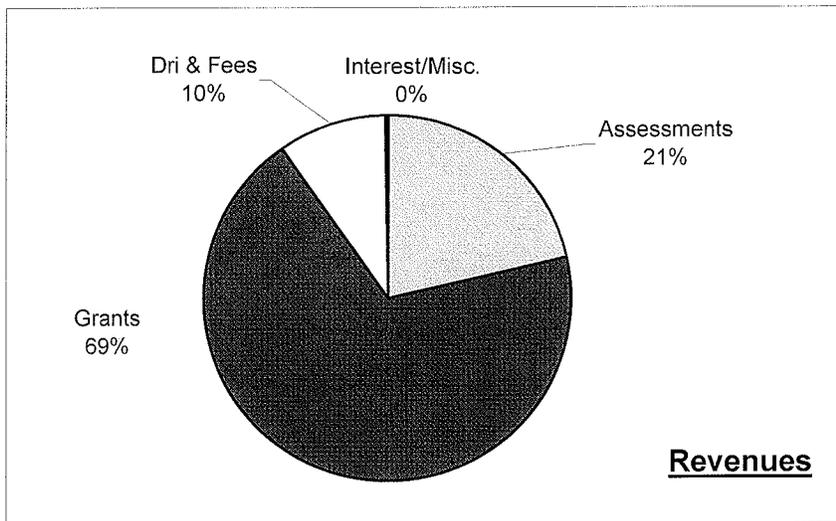
For the month ending January 31, 2009 **\$67,469** is our net income.



**Net Income (unaudited)**

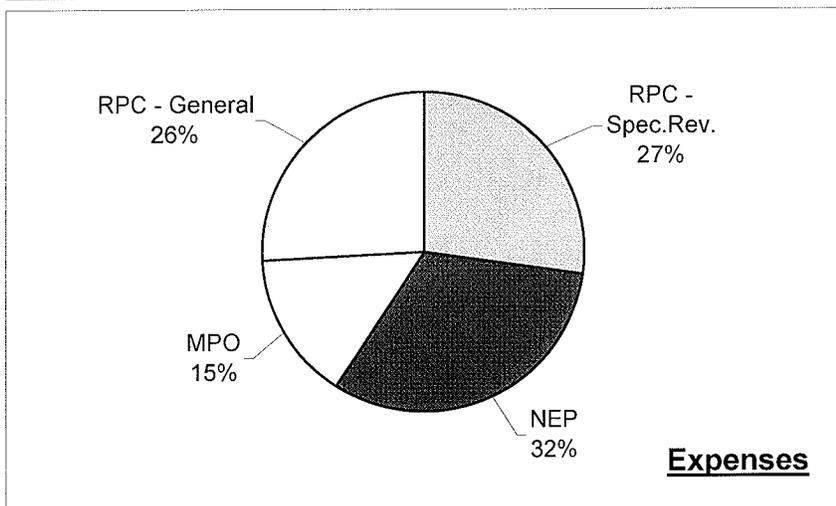
As can be seen in this graph, the net income moves in quarterly cycles. For the month ending January 31, 2009

Total Revenues	1,146,070
Total Expenses	1,078,605
Net Income	<u>67,465</u>



**Revenues**

Assessments	244,611
Grants	789,352
Dri & Fees	109,617
Interest/Misc.	2,490
	<u>1,146,070</u>



**Expenses**

RPC - Spec.Rev.	294,116
NEP	342,889
MPO	163,882
RPC - General	277,714
	<u>1,078,605</u>

As requested, are any amendments needed at this time. These amendments are explained below:

As per the instructions of the auditors, we are adjusting the fund balance from \$565,843 to \$637,988. This is the 9/30/08 adjusted fund balance figure.

NEP Amendments:

Printing	15,000	
Equipment Rental	200	
Contractual		-15,200

RPC-MPO-NEP Combined  
Budget vs. Actual  
For the month ending January 31, 2009

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	41.67%	Combined Comments
<b>Revenues</b>								
Membership Dues	244,611	464,696	464,696	0	464,696	220,085	52.64%	
Federal/State/Local Grants	789,352	2,944,854	2,944,854	0	2,944,854	2,155,502	26.80%	
Dr/ Monitoring Fees	109,617	200,000	200,000	0	200,000	90,383	54.81%	
Interest And Miscellaneous	2,490	30,000	30,000	0	30,000	27,510	8.30%	
Carry Over Fund Balance		565,843	637,988	0	637,988			
<b>Total Income</b>	<b>1,146,070</b>	<b>4,205,393</b>	<b>4,277,538</b>	<b>0</b>	<b>4,277,538</b>	<b>2,493,480</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	529,814	1,757,000	1,757,000	0	1,757,000	1,227,186	30.15%	
FICA	43,536	122,000	122,000	0	122,000	78,464	35.68%	
Retirement	48,173	170,000	170,000	0	170,000	121,827	28.34%	
Health Insurance	77,960	210,000	210,000	0	210,000	132,040	37.12%	
Workers Compensation	3,039	10,000	10,000	0	10,000	6,961	30.39%	
Legal Fees	0	3,000	3,000	0	3,000	3,000	0.00%	
Consultant Fees	25,470	40,000	40,000	0	40,000	14,530	63.68%	
NEP Contractual	63,189	255,200	240,000	0	240,000	176,811	26.33%	
MPO Contractual	950	290,000	290,000	0	290,000	289,050	0.33%	
Audit Fees	42,200	47,000	47,000	0	47,000	4,800	89.79%	
Travel	14,980	59,500	59,500	0	59,500	44,520	25.18%	
Telephone	2,995	14,500	14,500	0	14,500	11,505	20.65%	
Postage	17,974	30,000	45,000	0	45,000	27,026	39.94%	
Storage Space Rental	1,120	3,000	3,000	0	3,000	1,880	37.33%	
Equipment Rental	12,709	40,000	40,200	0	40,200	27,491	31.61%	
Insurance	25,767	35,000	35,000	0	35,000	9,233	73.62%	
Repair/Maintenance	8,974	30,000	30,000	0	30,000	21,026	29.91%	
Printing/Reproduction	24,795	81,500	81,500	0	81,500	56,705	30.42%	
Utilities (Elec, Gas, Water)	6,926	30,000	30,000	0	30,000	23,074	23.09%	
Advertising	3,940	11,050	11,050	0	11,050	7,110	35.66%	
Other Miscellaneous	598	5,000	5,000	0	5,000	4,402	11.96%	
Office Supplies	6,235	28,000	28,000	0	28,000	21,765	22.27%	
Computer Related Expenses	28,520	56,000	56,000	0	56,000	27,480	50.93%	
Publications	516	10,500	10,500	0	10,500	9,984	4.91%	
Professional Development	22,368	39,500	39,500	0	39,500	17,132	56.63%	
Meetings/Events	21,994	55,800	55,800	0	55,800	33,806	39.42%	
Capital Outlay-Operations	1,278	48,000	48,000	0	48,000	46,722	2.66%	
Capital Outlay-Building	0	30,000	30,000	0	30,000	30,000	0.00%	
Long Term Debt	42,584	128,000	128,000	0	128,000	85,416	33.27%	
Allocation of Fringe/Indirect		0	0	0	0	0		
Reserve for Operation Expense		565,843	637,988	0	637,988	637,988		
<b>Total Cash Outlays</b>	<b>1,078,601</b>	<b>4,205,393</b>	<b>4,277,538</b>	<b>0</b>	<b>4,277,538</b>	<b>3,198,937</b>	<b>25.22%</b>	
<b>Net Income/(Loss)</b>	<b>67,469</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	41.67%	CHNEP Comments
<b>Revenues</b>								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	342,889	1,199,550	1,199,550		1,199,550	856,661	28.58%	
Dir/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
Carry Over Fund Balance		0	0		0	0		
<b>Total Income</b>	<b>342,889</b>	<b>1,199,550</b>	<b>1,199,550</b>	<b>0</b>	<b>1,199,550</b>	<b>856,661</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	90,224	395,000	395,000		395,000	304,776	22.84%	
FICA	0	0	0		0	0		
Retirement	0	0	0		0	0		
Health Insurance	0	0	0		0	0		
Workers Compensation	0	0	0		0	0		
Legal Fees	0	0	0		0	0		
Consultant Fees	0	0	0		0	0		
NEP Contractual	63,189	255,200	240,000		240,000	176,811	26.33%	
MPO Contractual	0	0	0		0	0		
Audit Fees	0	0	0		0	0		
Travel	7,278	21,500	21,500		21,500	14,222	33.85%	
Telephone	123	1,500	1,500		1,500	1,377	8.17%	
Postage	17,290	10,000	25,000		25,000	7,710	69.16%	
Storage Space Rental	515	1,000	1,000		1,000	485	51.50%	
Equipment Rental	130	0	200		200	70	65.04%	
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	27,074	60,000	60,000		60,000	32,926	45.12%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	0	550	550		550	550	0.00%	
Other Miscellaneous	0	500	500		500	500	0.00%	
Office Supplies	1,181	3,000	3,000		3,000	1,819	39.36%	
Computer Related Expenses	757	4,000	4,000		4,000	3,243	18.94%	
Publications	0	500	500		500	500	0.00%	
Professional Development	355	8,000	8,000		8,000	7,645	4.44%	
Meetings/Events	15,096	33,800	33,800		33,800	18,704	44.66%	
Capital Outlay-Operations	1,278	15,000	15,000		15,000	13,722	8.52%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	118,400	390,000	390,000		390,000	271,601		
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>342,889</b>	<b>1,199,550</b>	<b>1,199,550</b>	<b>0</b>	<b>1,199,550</b>	<b>856,661</b>	<b>28.58%</b>	
<b>Net Income/(Loss)</b>								

MPO  
Budget vs. Actual  
For the month ending January 31, 2009

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO VARIABLE	41.67%	MPO Comments
<b>Revenues</b>								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	163,882	942,495	942,495		942,495	778,613	17.39%	
Dri/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
Carry Over Fund Balance		0	0		0	0		
<b>Total Income</b>	<b>163,882</b>	<b>942,495</b>	<b>942,495</b>	<b>0</b>	<b>942,495</b>	<b>778,613</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	69,021	280,000	280,000		280,000	210,979	24.65%	
FICA	0	0	0		0	0		
Retirement	0	0	0		0	0		
Health Insurance	0	0	0		0	0		
Workers Compensation	0	0	0		0	0		
Legal Fees	0	0	0		0	0		
Consultant Fees	0	0	0		0	0		
NEP Contractual	0	0	0		0	0		
MPO Contractual	950	290,000	290,000		290,000	289,050	0.33%	
Audit Fees	0	0	0		0	0		
Travel	710	8,000	8,000		8,000	7,290	8.88%	
Telephone	251	3,000	3,000		3,000	2,749	8.37%	
Postage	341	5,000	5,000		5,000	4,659	6.81%	
Storage Space Rental	0	0	0		0	0		
Equipment Rental	0	0	0		0	0		
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	72	6,500	6,500		6,500	6,428	1.11%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	1,214	7,500	7,500		7,500	6,286	16.19%	
Other Miscellaneous	28	500	500		500	472	5.60%	
Office Supplies	337	5,000	5,000		5,000	4,663	6.74%	
Computer Related Expenses	0	2,000	2,000		2,000	2,000	0.00%	
Publications	0	1,500	1,500		1,500	1,500	0.00%	
Professional Development	52	1,500	1,500		1,500	1,448	3.47%	
Meetings/Events	250	2,000	2,000		2,000	1,750	12.50%	
Capital Outlay-Operations	0	3,000	3,000		3,000	3,000	0.00%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	90,655	326,995	326,995		326,995	236,340		
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>163,882</b>	<b>942,495</b>	<b>942,495</b>	<b>0</b>	<b>942,495</b>	<b>778,613</b>	<b>17.39%</b>	
<b>Net Income/(Loss)</b>								

Regional Planning Council  
Budget vs. Actual  
For the month ending January 31, 2009

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC VARIABLE	41.67%	RPC Comments
<b>Revenues</b>								
Membership Dues	244,611	464,696	464,696		464,696	220,085	52.64%	
Federal/State/Local Grants	282,581	802,809	802,809		802,809	520,228	35.20%	
Drift/Monitoring Fees	109,617	200,000	200,000		200,000	90,383	54.81%	
Interest And Miscellaneous	2,490	30,000	30,000		30,000	27,510	8.30%	
Carry Over Fund Balance		565,843	637,988		637,988	637,988	0.00%	
<b>Total Income</b>	<b>639,299</b>	<b>2,063,348</b>	<b>2,135,493</b>	<b>0</b>	<b>2,135,493</b>	<b>1,496,194</b>		
<b>Expenditures</b>								
<u>Direct:</u>								
Salaries	370,569	1,082,000	1,082,000		1,082,000	711,431	34.25%	
FICA	43,536	122,000	122,000		122,000	78,464	35.68%	
Retirement	48,173	170,000	170,000		170,000	121,827	28.34%	
Health Insurance	77,960	210,000	210,000		210,000	132,040	37.12%	
Workers Compensation	3,039	10,000	10,000		10,000	6,961	30.39%	
Legal Fees	0	3,000	3,000		3,000	3,000	0.00%	
Consultant Fees	25,470	40,000	40,000		40,000	14,530	63.68%	
NEP Contractual	0	0	0		0	0		
MPO Contractual	0	0	0		0	0		
Audit Fees	42,200	47,000	47,000		47,000	4,800	89.79%	
Travel	6,992	30,000	30,000		30,000	23,008	23.31%	
Telephone	2,621	10,000	10,000		10,000	7,379	26.21%	
Postage	343	15,000	15,000		15,000	14,657	2.29%	
Storage Space Rental	605	2,000	2,000		2,000	1,395	30.25%	
Equipment Rental	12,579	40,000	40,000		40,000	27,421	31.45%	
Insurance	25,767	35,000	35,000		35,000	9,233	73.62%	
Repair/Maintenance	8,974	30,000	30,000		30,000	21,026	29.91%	
Printing/Reproduction	-2,352	15,000	15,000		15,000	17,352	-15.68%	
Utilities (Elec, Gas, Water)	6,926	30,000	30,000		30,000	23,074	23.09%	
Advertising	2,726	3,000	3,000		3,000	274	90.86%	
Other Miscellaneous	570	4,000	4,000		4,000	3,430	14.24%	
Office Supplies	4,717	20,000	20,000		20,000	15,283	23.59%	
Computer Related Expenses	27,762	50,000	50,000		50,000	22,238	55.52%	
Publications	516	8,500	8,500		8,500	7,984	6.07%	
Professional Development	21,961	30,000	30,000		30,000	8,039	73.20%	
Meetings/Events	6,648	20,000	20,000		20,000	13,352	33.24%	
Capital Outlay-Operations	0	30,000	30,000		30,000	30,000	0.00%	
Capital Outlay-Building	0	30,000	30,000		30,000	30,000	0.00%	
Long Term Debt	42,584	128,000	128,000		128,000	85,416	33.27%	
Allocation of Fringe/Indirect	-209,054	-716,995	-716,995		-716,995	-507,941	29.16%	
Reserve for Operation Expense		565,843	637,988		637,988	637,988		
<b>Total Cash Outlays</b>	<b>571,830</b>	<b>2,063,348</b>	<b>2,135,493</b>	<b>0</b>	<b>2,135,493</b>	<b>1,563,663</b>	<b>27.71%</b>	
<b>Net Income/(Loss)</b>	<b>67,469</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

Regional Planning Council  
Budget vs. Actual  
For the month ending January 31, 2009

	DCA	HMEP/SQG/ EMERG	Economic Developmt.	Hurricane Evac/Sea Level Rise	TDs	DRIs/ NOPOs	Other Contracts	Total RPC Special Rev.	General	Empl.Bene.	Total RPC General	Total RPC Actual
<b>Revenues</b>												
Membership Dues	76,811	56,046	14,906	30,693	52,383		51,742	0	244,611		244,611	244,611
Federal/State/Local Grants								282,581			0	282,581
Drf/Monitoring Fees						109,617		109,617			0	109,617
Interest And Miscellaneous								0	2,490		2,490	2,490
Carry Over Fund Balance								0			0	0
<b>Total Income</b>	<b>76,811</b>	<b>56,046</b>	<b>14,906</b>	<b>30,693</b>	<b>52,383</b>	<b>109,617</b>	<b>51,742</b>	<b>392,198</b>	<b>247,101</b>	<b>0</b>	<b>247,101</b>	<b>639,299</b>
<b>Expenditures</b>												
<b>Direct:</b>												
Salaries	32,624	2,460	5,465	13,064	5,286	46,497	17,116	122,512	138,567	109,490	248,058	370,569
FICA	0	0	0	0	0	0	0	0	0	0	43,536	43,536
Retirement	0	0	0	0	0	0	0	0	0	0	48,173	48,173
Health Insurance	0	0	0	0	0	0	0	0	0	0	77,960	77,960
Workers Compensation	0	0	0	0	0	0	0	0	0	3,039	3,039	3,039
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	0	0	0	0	0	0	2,120	2,120	23,350	0	23,350	25,470
NEP Contractual	0	0	0	0	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0	0	0	0	0
Travel	871	609	0	454	0	92	460	2,486	42,200	0	42,200	42,200
Telephone	0	0	0	0	0	0	0	0	4,506	0	4,506	6,992
Postage	0	0	100	0	0	0	0	100	2,621	0	2,621	2,621
Storage Space Rental	0	0	0	0	0	0	0	0	243	0	243	343
Equipment Rental	0	0	0	0	0	0	0	0	605	0	605	605
Insurance	0	0	0	0	0	0	0	0	12,579	0	12,579	12,579
Repair/Maintenance	0	0	0	0	0	0	0	0	25,767	0	25,767	25,767
Printing/Reproduction	0	0	0	0	0	0	0	0	8,974	0	8,974	8,974
Utilities (Elec, Gas, Water)	0	405	0	0	0	0	0	405	-2,757	0	-2,757	-2,352
Advertising	0	0	0	0	299	0	0	460	6,926	0	6,926	6,926
Other Miscellaneous	0	0	161	0	0	0	0	0	2,266	0	2,266	2,726
Office Supplies	0	0	0	0	0	0	0	0	570	0	570	570
Computer Related Expenses	0	26	0	0	0	0	0	26	4,691	0	4,691	4,717
Publications	0	0	0	0	0	0	0	0	27,762	0	27,762	27,762
Professional Development	475	0	2,000	0	0	0	400	2,875	516	0	516	516
Meetings/Events	0	0	0	16	0	3,060	0	3,076	19,086	0	19,086	21,961
Capital Outlay-Operations	0	0	0	0	0	0	0	0	3,572	0	3,572	6,648
Capital Outlay-Building	0	0	0	0	0	0	0	0	0	0	0	0
Long Term Debt	0	0	0	0	0	0	0	0	42,584	0	42,584	42,584
Allocation of Fringe/Indirect	42,842	3,231	7,180	17,159	6,942	61,051	21,653	160,057	-369,112	0	-369,112	-209,054
Reserve for Operation Expense												
<b>Total Cash Outlays</b>	<b>76,811</b>	<b>6,731</b>	<b>14,906</b>	<b>30,693</b>	<b>12,527</b>	<b>110,699</b>	<b>41,749</b>	<b>294,116</b>	<b>-4,483</b>	<b>282,197</b>	<b>277,714</b>	<b>571,830</b>
<b>Net Income/(Loss)</b>												<b>67,469</b>

SWFRPC  
Income Statement - Two Years  
For the Four Months Ending January 31, 2009

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
<b>Revenues</b>				
Total Revenues	251,719.08	312,165.03	1,146,069.51	1,088,708.18
<b>Expenses</b>				
Salaries Expense	131,771.87	145,362.83	529,818.20	480,367.07
FICA Expense	9,918.51	11,020.49	43,535.68	40,221.31
Retirement Expense	17,149.46	11,929.44	48,172.93	40,391.05
Health Insurance Expense	16,033.69	29,186.51	77,959.93	73,582.76
Unemployment Comp. Expe	0.00	0.00	826.54	0.00
Workers Comp. Expense	553.00	590.00	2,212.00	2,360.00
Grant/Consulting Expense	7,957.00	682.50	25,470.00	(4,545.98)
NEP-Contractual	7,809.46	29,542.43	63,189.00	137,933.39
MPO-Contractual	0.00	0.00	950.00	1,672.13
Audit Services Expense	0.00	8,000.00	42,200.00	27,000.00
Travel Expense	1,771.13	2,810.30	14,980.20	12,509.04
Telephone Expense	607.37	642.04	2,994.90	3,139.07
Postage / Shipping Expense	88.23	414.70	17,973.59	9,055.46
Storage Unit Rental	224.00	372.00	1,120.00	744.00
Equipment Rental Expense	2,865.00	284.90	12,708.90	9,926.36
Insurance Expense	154.53	0.00	25,766.81	27,455.93
Repair/Maint. Expense	4,852.21	1,552.00	8,973.91	7,140.35
Printing/Reproduction Expen	395.66	354.00	24,794.59	25,997.04
Utilities (Elec, Water, Gar)	2,083.04	1,708.90	6,925.64	7,517.78
Advertising/Legal Notices Ex	1,560.03	1,028.85	3,940.31	4,370.20
Other Misc. Expense	83.85	207.07	597.78	744.96
Office Supplies Expense	867.52	3,748.37	6,234.93	8,884.54
Computer Related Expense	14,515.73	2,979.95	28,519.82	14,115.73
Publication Expense	67.50	290.78	515.75	439.50
Prof. Develop./Dues Expens	1,421.75	1,057.95	22,367.93	24,893.95
Meetings/Events Expense	75.00	(3,107.76)	21,993.67	13,545.49
Capitol Outlay Expense	0.00	0.00	1,278.00	2,596.80
Capitol Outlay - Building	0.00	7,450.00	0.00	7,450.00
Long Term Debt	10,645.92	10,645.92	42,583.68	42,583.68
Total Expenses	233,471.46	268,754.17	1,078,604.69	1,022,091.61
Net Income	\$ 18,247.62	\$ 43,410.86	\$ 67,464.82	\$ 66,616.57

SWFRPC  
Account Reconciliation

As of Jan 31, 2009

101000 - Cash - Bank of America Oper.

Bank Statement Date: January 31, 2009

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance		(32,085.49)
Add: Cash Receipts		268,128.68
Less: Cash Disbursements		(174,660.14)
Add (Less) Other		73,136.39
Ending GL Balance		<u>134,082.48</u>
Ending Bank Balance		<u>188,384.31</u>
Add back deposits in transit		
Total deposits in transit		
(Less) outstanding checks		
	Feb 9, 2007	38577 (75.00)
	Sep 1, 2008	40063 (51.62)
	Sep 30, 2008	40154 (74.00)
	Sep 30, 2008	40171 (2,435.00)
	Sep 30, 2008	40172 (324.00)
	Sep 30, 2008	40174 (750.00)
	Oct 24, 2008	40244 (104.13)
	Nov 20, 2008	40321 (64.98)
	Dec 19, 2008	40398 (3.34)
	Dec 19, 2008	40406 (60.00)
	Dec 31, 2008	40465 (285.63)
	Dec 31, 2008	40476 (35.50)
	Jan 15, 2009	40491 (254.11)
	Jan 16, 2009	40496 (24.03)
	Jan 16, 2009	40498 (51.62)
	Jan 16, 2009	40499 (63.77)
	Jan 16, 2009	40500 (19.58)
	Jan 16, 2009	40502 (53.40)
	Jan 16, 2009	40503 (40.05)
	Jan 16, 2009	40505 (400.00)
	Jan 16, 2009	40507 (51.62)
	Jan 16, 2009	40509 (55.18)
	Jan 16, 2009	40510 (3,277.81)
	Jan 16, 2009	40511 (266.82)
	Jan 16, 2009	40512 (28.48)
	Jan 16, 2009	40515 (60.08)
	Jan 16, 2009	40518 (10,667.10)
	Jan 16, 2009	40519 (229.35)
	Jan 16, 2009	40523 (42.72)
	Jan 16, 2009	40524 (23.14)
	Jan 23, 2009	40525 (391.16)
	Jan 30, 2009	40526 (13,992.00)
	Jan 30, 2009	40527 (100.00)
	Jan 30, 2009	40528 (22.25)
	Jan 30, 2009	40529 (67.50)
	Jan 30, 2009	40530 (7,500.00)
	Jan 30, 2009	40531 (26.13)
	Jan 30, 2009	40532 (3,000.00)
	Jan 30, 2009	40533 (160.92)
	Jan 30, 2009	40534 (224.00)
	Jan 30, 2009	40535 (60.00)
	Jan 30, 2009	40536 (109.56)
	Jan 30, 2009	40537 (177.61)
	Jan 30, 2009	40538 (165.10)
	Jan 30, 2009	40539 (28.00)
	Jan 30, 2009	40540 (130.90)
	Jan 30, 2009	40541 (18.00)
	Jan 30, 2009	40542 (425.00)
	Jan 30, 2009	40543 (600.00)
	Jan 30, 2009	40544 (3,054.73)
	Jan 30, 2009	40545 (2,700.00)

SWFRPC  
Account Reconciliation

As of Jan 31, 2009

101000 - Cash - Bank of America Oper.

Bank Statement Date: January 31, 2009

Filter Criteria includes: Report is printed in Detail Format.

(Less) outstanding checks (cont.)	Jan 30, 2009	40546	(1,344.00)
	Jan 30, 2009	40547	(81.97)
	Jan 30, 2009	40548	(50.94)
	Dec 11, 2008	Sick Pay	
	Dec 11, 2008	Sick Pay	
Total outstanding checks			(54,301.83)
Add (Less) Other			
Total other			
Unreconciled difference			0.00
Ending GL Balance			134,082.48

SWFRPC  
General Ledger

For the Period From Jan 1, 2009 to Jan 31, 2009

Filter Criteria includes: 1) IDs from 101000 to 101006B. Report order is by ID. Report is printed with shortened descriptions and in Summary By Period Format.

Account ID Account Description	Date	Trans Description	Debit Amt	Credit Amt	Balance
101000	1/1/09	Beginning Balance			-32,085.49
Cash - Bank of America O		Current Period Change	399,828.68	233,660.71	166,167.97
	1/31/09	Ending Balance			134,082.48
101001	1/1/09	Beginning Balance			226,732.48
Cash - Bank of America M		Current Period Change	261.82	131,700.00	-131,438.18
	1/31/09	Ending Balance			95,294.30
101006	1/1/09	Beginning Balance			495,723.69
Cash - FL Local Gov't Pool		Ending Balance			495,723.69
101006B	1/1/09	Beginning Balance			21,156.00
Cash - FL Gov't Pool-Fund		Ending Balance			21,156.00

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3c

Town of Longboat Key  
Comprehensive Plan  
Amendments (DCA 09-1)

3c

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
TOWN OF LONGBOAT KEY**

The Council staff has reviewed proposed amendments to the Town of Longboat Key Comprehensive Plan (DCA 09-1). The proposed amendments are requesting changes to the Town of Longboat Key Comprehensive Plan. This amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. (A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I, staff comments are provided in Attachment II, and a location map is provided in Attachment III.)

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
Town of Longboat Key DCA 09-1	no	no	no	1. not regionally significant; 2. consistent with the SRPP with conditions

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Town of Longboat Key.

01/09



**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
     A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda  
 Collier County, Everglades City, Marco Island, Naples  
 Glades County, Moore Haven  
 Hendry County, Clewiston, LaBelle  
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel  
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

## Attachment I

### Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to Developments of Regional Impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

#### Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.**

**Attachment II****SWFRPC COMMENTS  
Town of Longboat Key Comprehensive Plan Amendments****Proposed Amendments (DCA 09-1)**

The Town of Longboat Key has requested two changes to their Comprehensive Plan. The proposed amendments were the results of a referendum vote on March 18, 2008. The first proposed amendment provides for policies and text that allow the voluntary rebuilding of legally non-conforming dwelling and tourism units under certain conditions. The second proposed amendment provides policies and text that allow for an additional 250 tourism commercial units within the town. These units restore the level of available tourism units within the town to number identified in the year 2000.

**Regional Significance and Consistency**

The proposed amendments change the texts in the Town's Comprehensive Plan Future Land Use Element (FLUE). The first changes to the FLUE are to Goal 1, Objective 1.1 and Policies 1.1.4, 1.1.5 (A), 1.1.5 (B) and 1.1.11. The second text change to the FLUE Table 1. In addition, the requested amendments provide density changes shown on the Town's Future Land Use Map (FLUM). These changes are as follows:

- **Future Land Use Element**

**Goal 1**

**To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade system; and, 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.**

**Objective 1.1**

The Town will manage land development through the preparation, adoption, implementation, and enforcement of land development regulations.

**Policy 1.1.4**

LDRs will be based on and consistent with densities and intensities on Table 1.

**Policy 1.1.5 (A)**

It is the intent of the Town that, in the event of involuntary destruction due to natural events, noncompliant structures ~~shall~~ may be allowed to rebuild to the same density and building cubic volume, and allowed to increase height to correspond with the increase of height required by flood regulations, so long as the nonconformities are reduced or

eliminated, to the greatest ~~degree~~ extent possible, as determined by the Town consistent with the Town Code.

Policy 1.1.5 (B)

It is the intent of the Town that, for the purposes of voluntary reconstruction, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, allowed to increase the height required by flood regulations, and allowed additional standards to encourage redevelopment while reducing or eliminating non-conformities to the greatest extent possible, as determined by the Town and consistent with the Town Code.

Policy 1.1.11

Historically, tourism has been an important element of the Town's economy. As reflected by the referendum vote of March 16, 2008, the Town supports the adoption of land development regulations that provide a process to allow for a limited increase of density and intensity standards for up to 250 tourism units on specified parcels to help restore a historic balance between residential and tourism uses.

- **Future Land Use Element Table 1**  
Increase densities and intensities for multifamily and tourism uses, above that set forth in Table 1, may be available in specified parcels under the land development regulations for voluntary reconstruction or utilization of up to 250 tourism units as reflected by the referendum vote of March 18, 2008.
- **Future Land Use Map**  
Increased densities and intensities for tourism uses may be available in specified future land use districts under the land development regulations for utilization of up to 250 tourism units, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.

### **Council Staff Findings**

Council staff has reviewed the proposed changes as they relate to the magnitude, character and location and find that the requested amendments are not regionally significant. In addition, Council staff finds that the proposed amendments are consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### **Livable Communities**

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy:** Develop livable, integrated communities that offer residents a high quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

### **Conclusion**

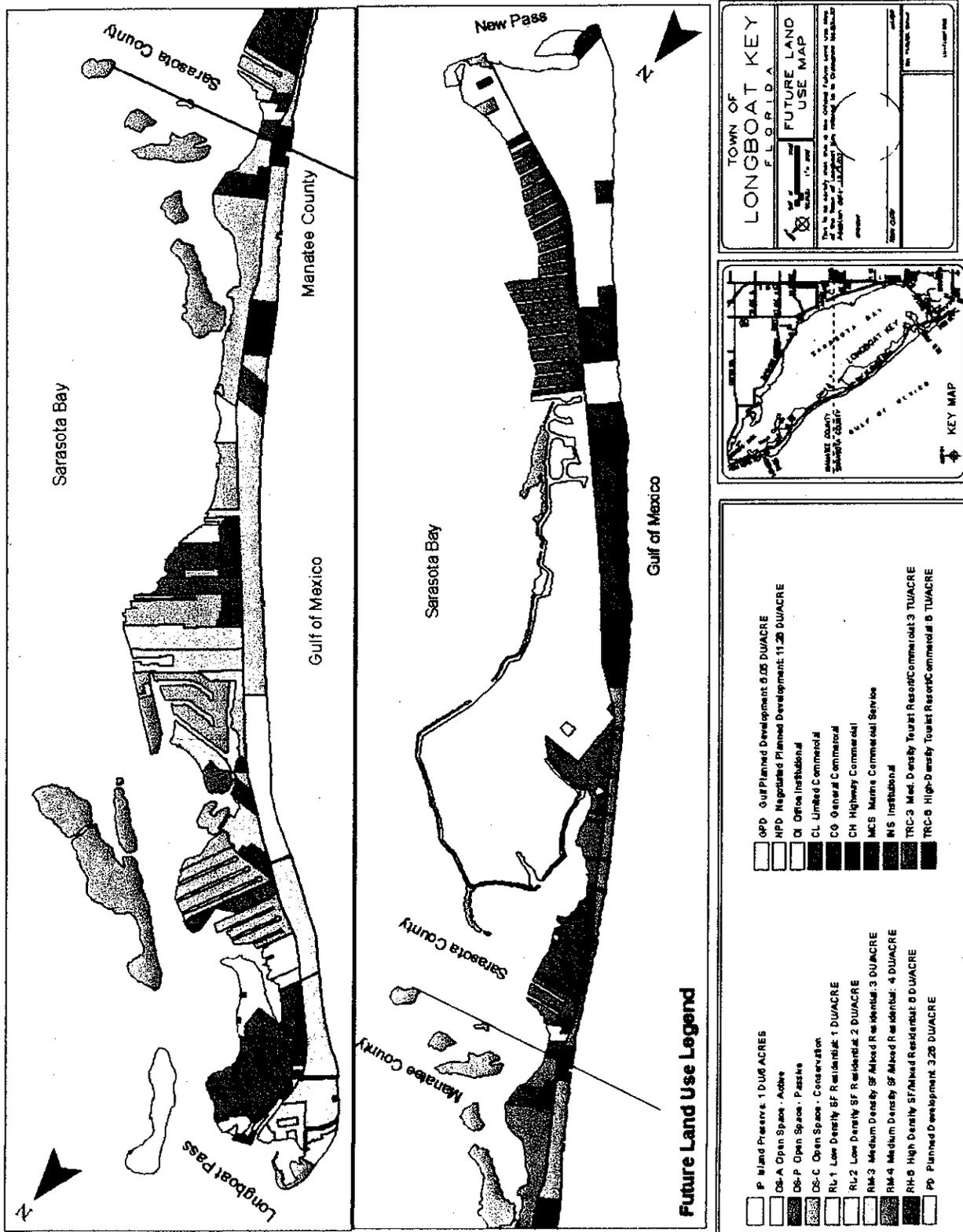
The proposed amendments are not regionally significant and consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan. Therefore, Council staff recommends that the amendments be approved.

**Attachment III**

# **Maps**

## **Town of Long Boat Key**

Figure 2: Future Land Use Map



\* Increased densities and intensities for tourism uses may be available in specified future land use districts under the land development regulations for utilization of up to 250 tourism units, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3d

Lee County

Comprehensive Plan

Amendments (DCA 09-1)

3d

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 09-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2006-15 Cauthen</b>	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
<b>CPA 2006-20 Water Supply Facilities Work Plan</b>	no	no	yes	(1) regionally significant; and (2) consistent with SRPP

<b>Proposed Amendment</b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2006-21</b> Capital Improvement Program	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2006-26</b> Conservation Lands Update	yes	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2006-27</b> Corridor Access Management Plans	yes	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2007-48</b> Page Field Airport Layout Plan	yes	no	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2007-57</b> Southwest Florida International Airport Table 5 Update	yes	no	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2007-59</b> Hurricane Evacuation/ Coastal High Hazard Area	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2006-09</b> Alva Community Plan	yes	no	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2006-11</b> Page Park Community Plan	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2007-01</b> Caloosahatchee Community Plan	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2007-50</b> North Captiva Community Plan	yes	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2006-03</b> Olga Community Plan	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2007-56</b> North Fort Myers Community Plan	yes	yes	yes	(1) potential DRI; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2006-14</b> Raymond Lumber	yes	no	yes	(1) approve with conditions; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2007-51</b> San Carlos Island	yes	yes	yes	(1) potential DRI; (2) regionally significant; and (3) not consistent with SRPP
<b>CPA 2007-53</b> NUHA, LLC	yes	no	yes	(1) procedural; (2) not regionally significant; and (3) not consistent with SRPP

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2007-55</b> Commercial/Industrial Study	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2007-54</b> Realmark Burnt Store Marina, LLC	yes	no	yes	(1) regionally significant; and (2) consistent with SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

02/09

**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda  
 Collier County, Everglades City, Marco Island, Naples  
 Glades County, Moore Haven  
 Hendry County, Clewiston, LaBelle  
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel  
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

**Attachment I****Comprehensive Plan Amendments**

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

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[(s. 163.3184(6)(b))]

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**Regional Planning Council Review**

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

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**Attachment II**

**SWFRPC COMMENTS**  
**Lee County Comprehensive Plan Amendments**  
**DCA 09-1**

The Lee County amendments submitted for review by the Council contains nineteen amendments to the Lee Plan. These changes included eleven future land use map and text amendments, six updates to community plans, the Water Supply Facilities Work Plan, and changes to the Capital Improvement Plan. These amendments are as follows:

**Proposed Amendment (CPA 2006-15) Cauthen**

This proposed amendment is a privately sponsored request by John Cauthen to amend the County's Future Land Use Map (FLUM), Lee Plan Map 1. The amendment proposes to change the existing land use designation found on a 13.5 acre parcel from Rural to Commercial. The subject site is located on the southwest corner of Pine Island Road and Veterans Parkway.

**Regional Significance and Consistency**

The intended Comprehensive Plan amendment is located at the intersection of a north-south inter-county roadway and an east-west State Road and therefore is an important location for the region. The proposed development will have a greater impact on these roadways than other projects of comparable size. In order to address the potential impacts from the proposed development, the County requested that applicant to change the amendment from the original requested land use designation of Intensive Development to Commercial. In doing so, many of the potential impacts of the development on the subject property were eliminated.

The subject property is in close proximity to land that lays within the boundary of the City of Cape Coral. The properties abutting on the east and north of the subject site are within the City and all are designated as part of the Pine Island Road District in the City's Comprehensive Plan. The properties to the east and west of the parcel are identified for commercial uses and are compatible with the proposed commercial land use change. Also, the Pine Island Road District is compatible with the proposed commercial development.

Council staff reviewed the County staff's analysis of the proposed developments impacts and supports the County in that the proposed commercial uses on the subject site are compatible with the site location standards of the Lee Plan. In addition, Council staff agrees with the County staff that the proposed development is also compatible with the future land use Goals of the City of Cape Coral. The site has been inspected and found to be heavily disturbed due to the fact that it has historically been used as a pasture.

The proposed amendment site is located on Veterans Parkway on the west and Pine Island Road on the north. Both of these roads are classified by the County as arterial roadways and both are classified by the Region as regionally significant roadways. In addition, Veterans Parkway is designated by the County as a "Limited Access" facility. Access points are limited to those specified by the Board of County Commissioners' resolution. That resolution currently limits access from Veterans Parkway to a right-in/right-out connection approximately one-quarter mile south of the intersection with Pine Island Road. There is a potential for an additional left-in connection at the south property line assuming a joint access can be worked out with the Royal Tee country Club subdivision.

The County staff was concerned that stormwater retention may be a problem with regard to wetlands on the site; however, the site was found not to contain any historic wetlands. The water found on the site by County staff was determined to be caused due to development on surrounding parcels. This conclusion was supported by the County's soil analysis, which indicated non-hydric soils that are indicative of non-wetland conditions. These facts are also in accord with the site's species survey, which reported no protected species or signs of protected species were observed on the property.

Based on the County staff analysis of the proposed land use change and the resultant commercial development proposed for the subject site, Council staff finds that the proposed amendment promotes sound planning and produces a coordinated development pattern in this area of the region. Council staff also finds that the request, while impacting the regional roadway network, is not of sufficient magnitude to significantly impact regional resources and is therefore not regional in nature. Council staff therefore recommends approval of the requested amendment.

Council staff finds that this amendment not regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy:** Maintain the physical infrastructure to meet growth demands.

**Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.

**Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

## **Livable Communities**

### **Goal 3: A stable regional economy based on a continuing excellent quality of life.**

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

### **Proposed Amendment (CPA 2006-20) Water Supply Facilities Work Plan**

This requested change is a Board of County Commissioners initiated amendment intended to coordinate the relevant sections of the Lee Plan with the South Florida Water Management District Water Supply Plan and to include a ten-year Water Supply Facilities Work Plan as required by Florida Statutes. The proposed amendment changes the text in the community Facilities and Services, Potable Water sub-element, the Conservation and Coastal Management Element, and the Intergovernmental Coordination Element of the Lee Plan.

### **Regional Significance and Consistency**

In a letter dated January 12, 2008, the Council received the comments from the South Florida Water Management (SFWMD) concerning this requested amendment. Based on the SFWMD review, they requested clarification of the plan's population projections, clarifications concerning the level of service found in the plan, and a revision request to Policy 151.5, which provides for coordination between the County, the water suppliers, and local governments. In addition, the SFWMD requested that the County provide data and analysis to demonstrate that water supply sources and water facilities are available to provide water service to the sites of the proposed land use amendments. Council agrees and supports the SFWMD review and request for additional information with respect to the proposed work plan.

Council staff believes that the Water Supplies Facilities Work Plan is extremely important to the region and impacts a significant regional resource. The planning contained in this document is important necessary to provide for the future development that is identified in the County's Comprehensive Plan. Because the subject plan is required by State Statute, Council staff believes that the plan is procedural in nature to meet State law. Because of these reasons, County staff supports the comments of the SFWMD and because the proposed amendment impacts and is important to the provision of water to the citizens of the region, the requested plans will have significant impacts on regional water resources, staff conditionally supports the County's water supply plans if the questions raised by the SFWMD are adequately answered. Council staff recommends conditional approval of the requested Water Supply Facilities Work Plan.

Council staff finds this amendment to be regionally significant, procedural and conditionally consistent with the following Goal, Strategy and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Water Resource Management**

**Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable wells, wellfields and contributing areas from contamination.**

**Strategy: To resolve this land planning and water management disjunct, all entities need a common, readily accessible, understandable water resource modeling tool.**

**Action 3:** Work with the WMDs and local governments to insure a better provide land use/water linkage and provide for consideration that the land use scenarios recognize the land use patterns of urban, agricultural, and natural system coverage, and the social/economic factors that guide change to land use.

**Action 5:** Where economic/political units are divided by Water Management District boundaries (i.e., metropolitan areas or cohesive rural food and fiber production areas), assist in the coordination between districts and the political units that emphasizes the planning for water resource development and improvements (and expected results), not on the permitting process.

### **Proposed Amendment (CPA 2006-21) Capital Improvement Program**

This proposed change is a Board of County Commissioners initiated amendment to the Capital Improvement Element of the Lee Plan by adopting the latest updates to Tables 3 and 4.

### **Regional Significance and Consistency**

Florida Statute 163.3177(3) requires a Capital Improvement Element (CIP) in the Lee Plan. This element is required to be annually reviewed and modified, pre Florida Statute 163.3177(3)(b). The last such amendment (CPA2005-27) was approved on May 16, 2007 and included in the CIP for fiscal years FY06/07 through FY10/11. This amendment was initiated by the Board of County Commissioners on October 3, 2006 and covers years FY08/09 through FY12/13.

Because of the proposed amendment meet the requirements of Florida Statutes, staff supports the findings of the County staff and recommends approval of the requested amendment.

Council staff also finds this amendment not to be regionally significant, procedural and consistent with and supported by the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

## **Regional Cooperation**

**Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.**

**Strategy: Promote regional cooperation and coordination for economic development.**

**Action 1:** Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

### **Proposed Amendment (CPA 2006-26) Conservation Lands Update**

This proposed amendment is intended to change the FLUM Series, Map 1 by updating the Conservation Lands future land use designations.

### **Regional Significance and Consistency**

The Conservation Future Land Use Map (FLUM) designation is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Lands in the conservation land use designation typically include such uses as wildlife preserves, large wetland and upland mitigation areas and banks, natural resource based parks, and water related areas such as aquifer recharge lands, flowways, flood prone areas, and well fields.

The County's 1996 EAR update recommended that the County create a new land use designation for Conservation Lands. In 1998, the Board of County Commissioners adopted Policy 1.4.6 of the Comprehensive Plan to create such a designation. The purpose of the Conservation Lands designation was to ensure that preserve lands are protected by designating them appropriately within the designation. Appropriate land uses included passive recreation, environmental education, aquifer recharge, wildlife preserves, and mitigation areas and banks. In March 27, 2002, the Board of County Commissioners adopted amendment CPA 200-09 that included new language to the Lee Plan Policy 1.4.6 that stated "2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program and 2020 ordinances. This amendment contains lands purchased by Lee County through the Conservation 2020 Program after August 2006, and other lands owned by the County that are for conservation purposes, the Caloosa Land Trust and lands included within the Conservation Lands district of the City of Fort Myers.

Because the proposed amendment will protect additional regionally significant resources, such as wildlife preserves, large wetland and upland mitigation areas and banks, natural resource based parks, and water related areas such as aquifer recharge lands, flowways, flood prone areas, and well fields, Council staff supports the findings of the County and recommends approval of the requested amendment as identified by County staff.

Council staff also finds this amendment to be procedural, regionally significant, and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Natural Resources Protection**

**Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.**

**Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.**

**Action 1:** To help eliminate possible duplication or competition on a tract of land between entities, provide a clearinghouse and inventory of lands included in all land acquisition programs in a central location so various entities can see if any other entities were involved in a specific location. A future Web Site would be a useful tool and provide easy access.

**Action 2:** Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASC, CREW, WRDA and other efforts in the Region.

**Action 5:** Facilitate and assist in the coordination of all land acquisition programs in the Southwest Florida Region by sponsoring periodic meetings of all public and private initiatives.

**Action 6:** Create a map depicting land that has been set aside for conservation purposes within approved developments (existing conservation easements).

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

**Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

- Action 4:** Working in cooperation with agencies and local governments, insure that all mining and borrow operations prepare and implement reclamation programs that restore and ensure long-term sustainability of their watersheds and native habitats.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.
- Action 9:** Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

### **Proposed Amendment (CPA 2006-27) Corridor Access Management Plan**

This proposed amendment is a Board of County Commissioners initiated change to update Policy 1.8.2 of the Future Land Use Element (FLUE) of the Lee Plan in order to reflect the status of the adopted Corridor Access Management Plans for State Road 82 and Gunnery Road.

#### **Regional Significance and Consistency**

The Board of County Commissioners formally initiated this amendment in October 2006. Gunnery Road is a local Arterial Road with access governed by Lee County. SR 82 is a State Road with access governed by the Florida Department of Transportation (FDOT). This amendment was initiated by the Lee County Planning staff in anticipation of a corridor access management plan being adopted by FDOT for SR 82. In July 2007 FDOT adopted the *Corridor Access Management Plan (CAMP) for SR 82* and the Lee County Board of County Commissioners adopted Resolution 08-06-28 supporting the CAMP and establishing Meadow Road as the primary access road to SR 82. An access management plan for Gunnery Road was similarly adopted by the Board of County Commissioners in 2001 which established Gretchen Avenue as the primary access road to Gunnery Road.

Based on the Council staff review of the proposed amendment, Council staff agrees with County staff in that many of the impacts of the proposed changes have been adequately addressed. Council staff believes that the changes as proposed by County staff are appropriate and should be supported by the Council. Council staff recommends that the quadrant future land use designation changes of the plan that County staff and Board of County Commission has put forth should be approved.

Objective 1.8 and its subsequent policies direct commercial uses in Lehigh Acres through the Lehigh Acres Commercial Overlay zones. Policy 1.8.2 provides that commercial uses will be permitted in the Reclaimed Strip overlay facing SR 82 and Gunnery Road when a corridor access management plan for each roadway is adopted.

At this time, an access management plan has been adopted for both SR 82 and Gunnery Road. County staff is proposing an update in this amendment to Lee Plan Policy 1.8.2 regulating the

Reclaimed Strip overlay in Lehigh Acres to implement the two access management plans. Adoption of the access management plans designate Meadow road as the primary access for the lots fronting on SR 82 and Gretchen Avenue as the primary access for the lots fronting Gunnery Road through the local development order process. With the adoption of the access management plans, local development orders cannot be approved for access directly onto SR 82 or Gunnery Road unless the proposed access is consistent with the adopted access management plans for each roadway. Lee Plan Policy 1.8.2 should be updated to reflect the status of the access management plans. The approval of this proposed amendment will clarify the access management plans are in effect and commercial uses will be permitted on the lots in the Reclaimed Strip overlay.

Because the proposed amendment will improve access and provide clarity for the location of commercial development onto SR 82, which is a regional roadway, Council staff supports the findings of the County staff and recommends approval of this amendment. Council staff believes that this amendment represents appropriate coordination between the County and FDOT and provides for the health, safety and welfare of the citizens of the region.

Council staff finds this amendment to be procedural, regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.**

**Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.**

**Actions 4:** Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

**Strategy: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.**

**Actions 1:** Report on comprehensive plans and land development regulations that protect future state, regional, and local public facilities, corridors, and rights-of-way from building encroachment.

**Actions 2:** Depict in the annual report, right-of-way for transportation projects in designated transportation corridors that make effective use of conventional and innovative approaches to protection and acquisition.

**Actions 3:** During the development approval process, assist local government in requiring dedicated right-of-way where there is a relationship between the land use and need for the transportation improvement.

## **Regional Cooperation**

**Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.**

**Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.**

**Action 2:** In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

## **Proposed Amendment (CPA 2007-28) Page Field Airport Layout Plan**

This request is a Port Authority initiated and Board of County Commissioners sponsored amendment that proposes to change the Lee Plan FLUM Series, Map 1 by changing portions of Page Field Airport property land use designation from Public Facilities to the Airport. The amendment also adopts the latest approved Airport Layout Plan for Page Field and amends the following parts of the Lee Plan: the Vision Statement, the Future Land Use Element, the Ports, Aviation, and Related Facilities sub-element of the Transportation Element, the Intergovernmental Coordination element and the Glossary. This amendment will exempt the Page Field Airport from the DRI process, pursuant to the Florida Statutes.

## **Regional Significance and Consistency**

In September 2007, the Board of County Commissioners endorsed the submittal of a Comprehensive Plan amendment application to incorporate the Page Field General Aviation Airport Master Plan Update and Airport Layout Plan into the Lee Plan.

Council staff agrees with the County staff in recognizing that Page Field is an important regional facility and is one of the economic engines of the region. During 2005, data from the County's report shows that the airport accommodated 8,290 general aviation arrivals and generated \$50.7 million in economic output, almost 920 jobs (500 full time), and salaries of \$24 million in Southwest Florida.

The proposed amendment addresses the past and future projects that have been constructed or planned at the airport, in addition to the new statutory requirements relating to airport master plans and comprehensive plan elements as it relates to establishing a system of coordinated reviews between the airport and various County departments. The provision of an inter-agency coordination found in the plan amendment will provide an official means for scheduled review and comment regarding Airport Master Plan and Capital Improvement Programs (CIP); related land use amendments; annual updates of the Airport Plan and CIP; permitting for scheduled improvement projects; amendments to the Airport zoning approvals; and compliance with the County's Land Development Code. The approval of this amendment will allow the County staff to become involved earlier in the process and for the Port Authority staff to obtain comments and input regarding airport project consistency with the Lee Plan and County regulations.

If approved, the proposed amendment will replace existing Map 3G "Runway Protection Zones (Clear Zones) Page Field General Aviation Airport" with a new Map 3G "Page Field Airport Master Plan Airport Layout Plan." The amendment also proposes to incorporate a new Table, Table 5(b) "Page Field General Aviation Airport Proposed Development Schedule." Both of these new additions to the Lee Plan will guide future development on Airport property.

Table 5(b) includes the opportunity for the Port Authority to establish new non-aviation related land uses. The Table 5(b) includes a summary of the possible land uses that include 80,000 square feet of Commercial (Retail and Service), 33,000 square feet of Office (Medical and Non-medical), and 40,000 square feet of Light Industrial.

These development parameters found in the plan are the upper limits of the new non-aviation land uses that could be developed at Page Field before the year 2025. The Port Authority will enter into leases with proposed end users, and the uses will still have to be approved through the normal local review processes such as rezoning, development orders, and building permits.

Page Field property was designated "Industrial/Business" by the original Lee County Future Land Use Map (FLUM) that was adopted in 1984. Subsequently, Lee Plan amendments in the mid and late 1980s changed this land use designation to the Public Facilities and Industrial Development. The majority of the subject site is currently designated Public Facilities.

The subject property currently has access from US 41, South Road, Danley Drive, Fowler Street, and North Airport Road. This amendment requires a circulation analysis to determine the proposed effect of the amendment on Map 3A, the Financially Feasible Transportation Plan Map, and on the Capital Improvement Element. Lee County DOT stated in their report that the amendment does not need to modify the FSUTMS model data and that the modifications proposed by the applicant are justified. In addition, the Lee County DOT also found that the request does not require any transportation network modifications due to traffic. County staff also found that there is currently no concurrency issue for the surrounding roadways that would be accessed by the expanded land uses at Page Field.

In the County report, they reviewed the population accommodation, environmental considerations, soils, historic resources, school impacts, parks, recreation and open space, emergency medical services (EMS), solid waste, mass transit, police, fire, utilities, internal consistency with the Lee Plan, consistency with the State Plan and affects on adjacent local governments. Council staff agrees and supports the County staff review that found the proposed amendment provides sound planning and coordination between Lee County staff and the Port Authority staff. In addition, Council staff agrees with the County staff that the amendment language provides the beginning of a continuous planning process between the County and the Port Authority for Page Field. In addition, Council staff agrees that the approval of the Airport Master Plan Update and Airport Layout Plan into the Lee Plan will provide an exemption for Page Field from undergoing the Development of Regional Impact review in the future.

Council staff finds that the proposed changes to the Lee Plan relative to Page Field are regionally significant. Council staff also finds that the proposed amendments are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Balanced Intermodal/Multimodal System**

**Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.**

**Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.**

**Strategy: In cooperation with FDOT and the region's airport operators develop a mode balanced plan for people and freight.**

**Actions 1:** Assist the region's airports in planning new improvements that will minimize travel delays and improve ground access for passengers, goods and commercial vehicles.

**Actions 2:** In cooperation with FDOT, local government, and the MPOs, to annually identify airport improvements that optimize Intermodal connections with other transportation modes.

**Strategy: Ensure airports in the Region will be expanded to meet the regional aviation systems needs for foreseeable demand in passengers and cargo and in private small plane operations.**

**Actions 1:** By 2003, identify land surrounding airports to be preserved and protected to allow for future increased operations and expansion.

**Actions 2:** By 2005, update an air systems plan component consistent with the Continuing Florida Aviation System Planning Process that incorporates air space management and airport master plan improvements.

**Actions 3:** Assist the MPOs in scheduling financial assistance programs which support aviation systems plans identified as capital improvements to airport-managed properties.

## **Regional Cooperation**

**Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.**

**Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.**

**Action 2:** In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

**Action 3:** Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.

**Action 4:** Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.

**Action 9:** In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.

**Action 10:** In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.

**Action 11:** Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

**Action 12:** The Council will work with the Urbanized MPOs, FDOT, and local governments in promoting regional coordination for addressing transportation

planning and programming for the entire region, including those counties and portions thereof that are not represented with the MPO.

### **Proposed Amendment (CPA 2007-57) Southwest Florida International Airport Table 5 Update**

This request is a Port Authority initiated and Board of County Commissioners sponsored amendment that proposes to change the Lee Plan Table 5, which pertains to the Southwest Florida International Airport (SWFIA) development schedule. The amendment proposes to: broaden allowable uses; recognizes existing as built conditions and corrects inadvertently omitted conditions; incorporates two conversion options for non-aviation uses; and, deletes some completed projects.

#### **Regional Significance and Consistency**

The Port Authority is requesting to amend the Lee Plan Table 5 to add a general land use designation at the Southwest Florida International Airport (SWFIA) for “Commercial and Service.” The only specific use being requested under this new designation would be “Animal Kennel and Clinic” intended to care for pets of the traveling public using the airport. Public interest has been expressed for such a facility since it would eliminate separate trips to kennels while going to the airport to catch a flight and when returning from the airport after a flight.

Approval of this use would provide a service to the traveling public and would also create an additional source of lease revenue to support the airport. Revenue sources such as this on airport areas not directly needed for aviation are encouraged by the FAA. Such animal kennel facilities are located at other airports, including Jacksonville International.

The addition of the general category of Commercial and Service will also increase the flexibility of Table 5 to accommodate commercial and service uses in future amendments. This and other non-aviation uses on the airport will supplement similar “Tradeport” uses that have been lost to the County through the recent annexations by the City of Fort Myers of the Arborwood and Airside Plaza developments which will be converted to predominantly residential developments.

In addition, the proposed amendment corrects several omissions and updates several midfield project references in Table 5. It adds certain airport facilities that existed in 2003 but were inadvertently omitted in Table 5 that was adopted in 2004. These existing facilities that are being added include: 1) the Airport Maintenance and adjacent Vehicle Maintenance Shop located in the northwest portion of the airport; 2) the Airport Training and Conference Center and adjacent Gun Range, also located in the airport’s northwest; 3) the Airline Catering building, located northeast of the runway; 4) the rental car north side service areas; 5) the Aircraft Rescue and Fire Fighting (ARFF) located on the north side; and 6) the airline catering facility in the airport’s northeast. Also not identified previously on Table 5 were two projects connected to the midfield construction, the 12,000-foot parallel Taxiway F located south of the runway and the additional fourth airline fuel tank at the existing fuel farm north of the runway. Finally, the requested

amendment corrects the as-built area of the midfield terminal and the as-built size of the terminal apron.

Council staff along with the County staff recognizes that continuing importance to the SWFIA and its status as one of the main economic engines in the Region. A recent economic impact study found that the airport generated \$2 billion in economic output, almost 44,000 jobs, and salaries of \$885 million in Southwest Florida during 1999. The airport provides approximately 1,400 full-time jobs. Since 1994, the SWFIA has served more than 4 million passengers each year.

Council staff also recognizes the size, complexity and volume of projects planned and constructed at the SWFIA, in addition to new statutory requirements relating to the airport master plans and Comprehensive Plan elements make it prudent and appropriate to continue a system of coordinated review between the Airport and various County departments that is provided by the Comprehensive Plan.

Council staff agrees and supports the conclusion of the County staff that the proposed Table 5 changes are consistent with the approved Airport Master Plan and Airport Layout Plan. The parameters listed in Table 5 are the upper limits of non-aviation related land uses that could be developed at SWFIA before the year 2020. The Port Authority will enter into leases with proposed end users, and uses will still have to be approved through the normal County processes such as rezoning, development orders, and building permit approvals.

The subject property was designated "Airport," "Open Lands," and "Resource Protection and Transition Zones" by the original Lee County FLUM adopted in 1984. "Open Lands" was established as a non-urban future land use designation with a maximum density of one unit per acre. Subsequent Lee Plan amendments changed this designation to the "Density Reduction/Groundwater Resource" designation and then to "Airport." The "Resource Protection and Transition Zones" land use designation were consolidated into the "Wetlands" land use designation. Currently the property is designated "Airport" and "Wetlands."

The subject property currently has access from Daniels Parkway via Chamberlin Parkway and Paul J. Doherty Parkway. The new mid-field terminal's main access is from Treeline Avenue/Ben Hill Griffin Parkway. The Port Authority's desire is to have a direct connection to I-75 in the future.

Lee County DOT stated in their report that the amendment does not need to modify the FSUTMS model data and that the modifications proposed by the applicant do not require any transportation network modifications due to traffic.

During the review of this project, Council staff assess the County analysis that addressed population accommodation, environmental impacts, soils, historic resources, school impacts, parks, recreation and open space, emergency medical services (EMS), solid waste, mass transit, police, fire, utilities, internal consistency with the Lee Plan, consistency with the State Plan and

affects on adjacent local governments. Council staff agrees and supports the County staff review that found the proposed amendment provides sound planning and coordination between Lee County staff and the Port Authority staff. In addition, Council staff agrees with the County staff that the amendment language provides the beginning of a continuous planning process between the County and the Port Authority. In addition, Council staff agrees that the approval of this Lee Plan amendment to provide changes to Table 5 and to add a general land use designation at the Southwest Florida International Airport (SWFIA) for “Commercial and Service” will allow for additional commercial services that will assist in the revenue stream for the airport and help maintain the financial solvency of this important regional facility.

Council staff finds that the proposed changes to the Lee Plan relative to SWFIA are regionally significant. Council staff also finds that the proposed amendments are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Balanced Intermodal/Multimodal System**

**Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida’s economic competitiveness.**

**Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.**

**Strategy: In cooperation with FDOT and the region’s airport operators develop a mode balanced plan for people and freight.**

**Actions 1:** Assist the region’s airports in planning new improvements that will minimize travel delays and improve ground access for passengers, goods and commercial vehicles.

**Actions 2:** In cooperation with FDOT, local government, and the MPOs, to annually identify airport improvements that optimize Intermodal connections with other transportation modes.

**Strategy: Ensure airports in the Region will be expanded to meet the regional aviation systems needs for foreseeable demand in passengers and cargo and in private small plane operations.**

**Actions 1:** By 2003, identify land surrounding airports to be preserved and protected to allow for future increased operations and expansion.

**Actions 2:** By 2005, update an air systems plan component consistent with the Continuing Florida Aviation System Planning Process that incorporates air space management and airport master plan improvements.

**Actions 3:** Assist the MPOs in scheduling financial assistance programs which support aviation systems plans identified as capital improvements to airport-managed properties.

## **Regional Cooperation**

**Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.**

**Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.**

**Action 2:** In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

**Action 3:** Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.

**Action 4:** Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.

**Action 9:** In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.

**Action 10:** In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.

**Action 11:** Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

### **Proposed Amendment (CPA 2007-59) Hurricane Evacuation/Coastal High Hazard Area**

This Board of County Commissioners sponsored amendment proposes to amend the Conservation and Coastal Management Element of the Lee Plan to establish a Category 5 hurricane evacuation standard; a shelter time standard; and mitigation measures for future plan amendments increasing density in the Coastal High Hazard Area (CHHA). The amendment also amends the Lee Plan Map 5, the Coastal High Hazard Area and the Lee Plan Glossary to redefine the Coastal High Hazard Area, as required by recent changes to the Florida Statutes.

#### **Regional Significance and Consistency**

This amendment was initiated by the Board of County Commissioners and is intended to address bills enacted by the Florida Legislature in response to the high level of hurricane activity in recent years. In 2006, the legislation added requirements to Chapter 163.3178, F.S. that required local governments amend their FLUM and coastal management element of their Comprehensive Plans to depict the revised CHHA and if necessary update evacuation times in the coastal management element if a level of service for out of County evacuation had not been established. In addition, the legislation established an evacuation standard, a shelter time standard, and mitigation measures for proposed Comprehensive Plan amendments as options for compliance with the State coast high hazard provisions.

In response to these new requirements, the County staff provided in this amendment textual revisions to Objective 109.1 and several subsequent policies in the Conservation and Coastal Management Element of the Lee Plan. These changes provided a definition of the CHHA in the Glossary of the Lee Plan, and Map 5, Coastal High Hazard Area, of the FLUM series based on the changes made to Chapter 163.3178, F.S. In addition, the County staff provided a new policy, Policy 109.1.5, which included new requirements for proposed amendments to the Comprehensive Plan.

Council staffs reviewed the proposed text changes to the Lee Plan and finds that the provision of these policies and definitions will improve the health, safety and welfare of the citizens of the region with respect to hurricane preparedness. In addition, based on the Council review or the request and County analysis of the textual changes, Council staff finds that the proposed changes to the Lee Plan are procedural in nature and are regionally significant.

Council staff finds the proposed text changes to the Lee Plan are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### **Natural Hazards**

**Goal 1: The general public and its governmental agencies become aware of the extent of flooding that can be induced from the Gulf of Mexico and Lake Okeechobee by tropical storm or hurricane.**

**Strategy: Make easily understood information available with timely updates.**

**Action 1:** Maps depicting areas subject to storm surge flooding will be regularly updated and circulated to affected populations.

**Goal 3: Safe evacuation or protection for the most threatened populations.**

**Strategy: Develop programs that assess risk and are capable of giving priority to those who have the greatest threat, when time or resources provide constraints on total evacuation.**

**Action 1:** Each hurricane study update shall update the numbers and locations of the most exposed populations.

**Action 2:** Each hurricane study update shall update the evacuation times of the exposed zones, and recommend for prioritization for road improvements those zones with greater than 18 hour evacuation times.

**Action 3:** Each hurricane study update shall update estimates and concentrations of housing types more subject to hurricane force wind damage, and prioritize these populations for sheltering.

### **Proposed Amendment (CPA 2006-09) Alva Community Plan**

This proposed amendment is sponsored by the Board of County Commissioners and the Alva Community Planning Panel. It proposes to amend the Vision Statement and FLUE of the Lee Plan to add a new Goal, Objectives and Policies specific to the Alva Community. It also proposes to amend the Lee Plan Map 1, page 2 of 6, Special Treatment Areas to identify the area subject to the adopted Goal.

### **Regional Significance and Consistency**

The Alva community is located along the Caloosahatchee River in the northeastern portion of Lee County. It is an unincorporated area that has been in existence since 1866 when settlers began making there homes in the Caloosahatchee basin. The town of Alva was founded and platted in 1882. The residents of Alva have a strong desire to retain the rural nature of the area in which they live and as a result have been working on a plan for the area since the early 1990s.

Over the years, numerous workshops and meetings have taken place to produce a plan that can be supported by the people living in the area. Generally, the residents of the area have stated that they have moved to Alva from high quality but increasingly overcrowded areas in order to live in a scenic and rural environment. The general consensus of the population in the area has

indicated that they want the area to remain the same in terms of density and environment while retaining property rights and appropriately directing how future growth will occur.

Over the past few years, ALVA Inc., the local civic planning organization, has continued to work on the preparation of a plan that their community could support. In 2006, the group submitted a version of their community plan to the County that included a revised Vision Statement, a new Goal, Objectives, and Policies, and a new Future Land Use designation specific to the core of Alva for the to consider for adoption into the Lee Plan. This amendment is accomplishing that adoption.

Council staff has reviewed the amended Vision Statement and FLUE of the Lee Plan that adds a new Goal, Objectives and Policies specific to the Alva Community. Council staff has also reviewed the amended Lee Plan Map 1, page 2 of 6, Special Treatment Areas to identify the area subject to the adopted Goal and believes that the changes achieve the desires of the residents of the area to remain rural and provide for future growth.

Based on the review, Council staff finds that the plan is regionally significant in that it will impact two jurisdictions. Overall, the proposed changes to the Alva area will assist the County to retain rural areas and will assist in the proper future development of Alva town center. In addition, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

#### **Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

- Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.
- Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

- Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.
- Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.
- Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.
- Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.
- Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2006-11) Page Park Community Plan**

This amendment is sponsored by the Board of County Commissioners and the Page Park Community Planning Panel. It proposes to amend the Lee Plan FLUE to add a new Vision statement, Goal, Objectives and Policies to address Page Park. It also Proposes to amend Lee Plan Map 1, Page 2 of 6, Special Treatment Areas to identify the area subject to the adopted Goal. It would also add a Page Park Overlay Map to the Lee Plan.

#### **Regional Significance and Consistency**

The Page Park community is located in the central portion of Lee County between two major commercial corridors (US 41 and Metro Parkway.) The community is bounded by US 41 and Danley Road on the west, Iona Drainage District (IDD) Canal L to the east, the IDD Canal L-7 to the south and Page Field Airport to the north. It is predominately an existing residential area consisting of single-family and multi-family residences. The community's residences often abut commercial and/or industrial uses. Over the years, there have been increase pressures to increase the intensity of development in the community. The community however has desired less development and to maintain and enhance the small community feel, while embracing its heritage and unique beginnings as Lee County's only military base. The people in the community also want to transition to a more compatible mixed use redevelopment format that is more attractive and architecturally pleasing.

Council staff has reviewed the new Vision statement, Goal, Objectives and Policies that address Page Park. Council has also reviewed the amended Lee Plan Map 1, Page 2 of 6, Special Treatment Areas that identify the area subject to the adopted Goal and the added Page Park Overlay Map and finds that the changes are procedural in nature in order to achieve the desires of the residents of the area to achieve the desired growth pattern improvements and to provide for future development activities.

Based on the review, Council staff finds that the plan is not regionally significant in that it will not impact multiple jurisdictions or have the magnitude to produce new regional impacts. Overall, the proposed changes to the Page Park area will assist the County to improve the area and will assist in the proper future development of the area adjacent to Page Field. In addition, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

**Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

**Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

- Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2007-01) Caloosahatchee Community Plan**

This amendment is sponsored by the Board of County Commissioners and the East Lee County Council. It proposes to amend Goal 21 of the Lee Plan FLUE. It will add a policy to Goal 21 that provides that no FLUM amendments to the Rural future land use designation will be permitted without a finding of overriding public necessity by three members of the Board of County Commissioners.

### **Regional Significance and Consistency**

The Caloosahatchee Shores Community Plan was undertaken by the Caloosahatchee Shores Community Planning Panel working as a subgroup of the East Lee County Council (ELCC). The planning area encompasses that portion of the Fort Myers Shores planning community located east of I-75.

The Caloosahatchee Shores Community Plan was submitted to Lee County in September 2002. The plan contained a Goal, Objectives, and Policies and was adopted by the County in October 2003 and is currently Goal 21 in the Lee Plan. The ELCC has continued to work on improvements to Goal 21 and this is the second amendment to Goal 21. This text amendment adds a new Policy 21.1.5 to the plan that states no FLUM amendments to the Rural future land use designation will be permitted without a finding of overriding public necessity by three members of the Board of County Commissioners.

Council staff finds that the refinement of these policies and definitions are procedural in nature and are not regionally significant. Overall, these changes to the Caloosahatchee Shores plan will assist the County maintain the rural nature of the planning area and will assure in the proper needs requirements are identified and approved before any changes can be made to the plan and provide sound planning in the area.

Council staff finds the proposed changes to the Lee Plan are not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

**Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.

**Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

**Proposed Amendment (CPA 2007-50) North Captiva Community Plan**

This amendment is sponsored by the Board of County Commissioners and the North Captiva Planning Panel. It proposes to add a new Vision Statement, Goal, Objectives and Policies specific to North Captiva. It also Proposes to amend Lee Plan Map 1, Page 2 of 6, Special Treatment Areas to identify the area subject to the adopted Goal. The proposed amendment also seeks to amend Lee Plan Policy 1.4.2.

## **Regional Significance and Consistency**

North Captiva is a barrier island located in the northern gulf shore area of Lee County. The island is partially developed in the Safety Harbor area and extremely environmentally sensitive relative to coastal islands in the region. The existing community seeks to preserve the character, scale, environment and way of life currently found on the island. This is being done with this community plan. The residents on the island has recommended textual changes to the existing plan to provide a new Vision Statement and a Goal, Objectives and Policies specific to North Captiva. It also proposes to amend Lee Plan Map 1, Page 2 of 6, Special Treatment Areas to identify the area subject to the adopted Goal. The proposed amendment also seeks to amend Lee Plan Policy 1.4.2.

Council staff has reviewed the proposed amendments and finds that the refinement of these policies and definitions are procedural in nature and are regionally significant given that they are impacting an important regional barrier island resource. Overall, these changes to the North Captiva Community Plan will assist the County maintain the rural nature and important environmental aspects of the island and provide sound planning in the area. .

Council staff finds the proposed changes to the Lee Plan are regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

- Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.
- Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

- Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.
- Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.
- Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.
- Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.
- Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2006-03) Olga Community Plan**

This amendment is sponsored by the Board of County Commissioners and the East Lee County Council. It proposes to add a new Goal, Objectives and Policies specific to the Olga Community within the Caloosahatchee Shores planning area. It also amends the Future Land Use designation for a 48-acre site fronting SR 80 from Suburban and Rural to Commercial and Conservation Lands.

#### **Regional Significance and Consistency**

The Olga Community Plan was undertaken by the Olga Community Planning Panel working as a sub-group of the East Lee County Council (ELCC). The planning area encompasses that portion of the Caloosahatchee Shores planning area generally located between the east and west intersections of Old Olga Road and SR 80 north to the Caloosahatchee River.

The Olga Community Plan was submitted to the County in November 2007. The residents of Olga continued to work on refining the Olga policies after they were submitted to the County. These changes reflect those refinements.

The new Goal proposed for Olga is intended to express the communities desire to protect and maintain the existing character of the Olga community, and to assure that new development in the area maintains that character. One major change to the community plan is the new proposed commercial land use designation on east side of South Olga Road. The new land use designation will impact two parcels of land comprising approximately 48 acres. The development on these parcels would be limited to a Floor Area Ration (FAR) of 0.25, which would produce a project with parameters below the DRI thresholds.

Council staff has reviewed the proposed amendments and finds that the addition of a new Goal, Objectives and Policies are procedural in nature and are not regionally significant. Overall, these changes to the Olga Community Plan will assist the County maintain the rural nature of the existing community and provide sound planning in the area.

Council staff finds the proposed changes to the Lee Plan are regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

**Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.

**Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

- Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2007-56) North Fort Myers Community Plan**

This amendment is sponsored by the Board of County Commissioners and the North Fort Myers Community Planning Panel. It proposes to add a new Vision Statement, Goal, Objectives, and Policies specific to North Fort Myers. The amendment also proposes to amend the future land use designation for an 85-acre site located along Pine Island Road from Suburban, Central Urban and Sub-Outlying Suburban to Commercial and Conservation Lands.

### **Regional Significance and Consistency**

The North Fort Myers Community Plan is a collective effort of local area citizens who formed a nine-member community planning panel to create a vision and plan for the community. Each planning panel member was a chairperson for one of nine subcommittees. The subcommittees addressed land use, environment, communication, transportation, infrastructure, affordable housing, community character, economic development, and health and human services.

A draft plan was submitted to the County and the community in January 2008 and was revised based on input from County staff and the community. The final report was submitted to the County in February 2008. Based on the work done by the planning panel, a new vision for North Fort Myers emerged. The new vision statement provided a revised view of the future from the people of North Fort Myers.

In addition to amendments to the community plan, this plan amendment includes a FLUM change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The current Future Land Use designation would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units and up to 835,882 square feet of Commercial with a Floor Area Ratio (FAR) of 0.2597.

The County DOT prepared an analysis on the impacts the proposed Commercial change would have on Pine Island Road and adjacent street systems. According to the County report, the results indicated that with the proposed commercial development the road network will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. County staff has concerns that the site could some day be annexed into the City and be developed under the City's regulations.

Council staff has reviewed the proposed amendments and finds that the addition of a new Goal, Objectives and Policies are regionally significant because the proposed change of land use designation on the commercial parcel would allow a development that appears to be of the magnitude to be a Development of Regional Impact and would therefore be regionally significant by definition. Overall, these changes to the North Fort Myers Community Plan will assist the County maintain the urban nature of the existing community and provide sound planning in the area.

Council staff finds the proposed changes to the Lee Plan are regionally significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

**Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.

**Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2006-14) Raymond Lumber**

This amendment is privately requested change by Raymond Building Supply Corp. It proposes to amend the future land use designation on a 14-acre parcel from the existing Suburban designation to an Industrial Development designation. The subject parcel is located on the north side of Bayshore Road approximately one mile to the west of I-75.

### **Regional Significance and Consistency**

The applicant is proposing to change the future land use designation on the subject property from Suburban to Industrial Development. This property is currently a vacant parcel that is abutting the existing Raymond Lumber Yard on the east side and a large vacant parcel on the west and south. Chapel Creek forms the western border of the subject site. On the north side of the parcel is a railroad right-of-way operated by the Seminole Gulf Railroad Company. The lands to the west and south currently has a land use designation of Suburban, while the lands to the north and east have a land use designation to Industrial Development. The property located directly to the east of the subject site is currently an active commercial lumber supply facility operated by the applicant. There are no wetlands shown on the subject property.

The subject lands in this request was designated Suburban on the Lee Plan FLUM since 1984, the year that the plan was adopted. There have been two previous small-scale amendments on the property that allowed the relocation of the lumber operation to its present site. These small-scale amendments allowed the Raymond lumber operation to move to the site by redesignating 9.98 acres of land from Suburban to Industrial Development and more recently to expand the operation by redesignation 9.26 acres from Suburban to Industrial Development.

Raymond Lumber is a significant employer in Lee County. Expansion of the existing operation onto adjacent lands will have a large impact on both the North Fort Myers planning community and Lee County in general. The positive economic benefits of increase industrial development should be measured to the potential negative impacts on such factors as utility services, transportation network, and the natural environment.

Based on the County staff's report, this proposed amendment, if approved, would allow the existing industrial activities of Raymond Lumber to expand and thereby cause negative impacts to Chapel Creek, which is an important regional resource. Chapel Creek runs along the entire western and southern boundaries of the subject site. In addition, approximately 22 gopher tortoises occupy a portion of the northern end of the parcel. Any industrial uses for the subject site will have to address these issues. To date these issues have not been adequately addressed.

The County staff report stated that the proposed development has the potential to negatively impact Chapel Creek and an area inhabited by gopher tortoises. Although the applicant provided a site plan to the County that showed preserve areas that will be proposed during the rezoning process, there are no measures in this amendment request to conform to the environmental regulations of the Lee Plan. Council staff agrees and supports the County staff with these concerns.

The creation of an additional 14 acres of industrial acres of Industrial Development in the County will not substantially impact the 2030 allocations identified on Table 1(b) of the Lee Plan. Similarly, the reduction of 14 acres of Suburban land will have no substantial effect on the population capacity of the North Fort Myers planning community. The decrease in residential development will decrease the potential impact on the Lee County School District. Potable water, wastewater, and solid waste service providers will be able to maintain their levels-of-service to the subject site. The proposed amendment will not adversely affect fire, EMS, or law enforcement services. The proposed development will not adversely affect local road network. The future industrial uses for the subject site are compatible with adjacent industrial land uses and will not adversely affect abutting land uses. The close proximity of a railroad, an arterial roadway and 1-75 puts the property in conformance with the Lee Plan.

Council staff agrees with the County staff that this amendment, if approved, may result in negative impacts to Chapel Creek, which is an important regional resource. Council staff however also recognizes the economic benefit to the North Fort Myers community from the expansion of the Raymond Lumber business activities. Council staff finds that because of the character and location of the requested amendment, the future industrial uses that will be placed on the subject site may negatively impact regional resources; proper actions must be taken by the applicant to overcome these impacts.

Council staff recommends that the request be approved with the condition that all environmental concerns with respect to impacts on Chapel Creek and the gopher tortoises are addressed prior to any construction on the property. Council staff finds the requested amendment is regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

#### **Goal 3: A stable regional economy based on a continuing excellent quality of life.**

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

### **Proposed Amendment (CPA 2007-51) San Carlos Island**

This request is a privately sponsored amendment by Darrell Hanson and Ramon Alvarez, represented by McHarris Planning and Design. It proposes to amend the future land use designation on 29-acre site located on San Carlos Island from the existing Suburban, Urban Community, and Industrial Development land use designations to a new future land use designation of Destination Resort Mixed-Use Water-Dependent. In addition, it proposes to change 7 acres on San Carlos Island from the existing Wetland land use designation to the Conservation Lands designation. The amendment proposes to adopt the Destination Resort Mixed-Use Water-Dependent future land use designation as well as new Lee Plan Objectives and Policies pertaining to this area. It also amends Tables 1(a) and 1(b) to add the new future land use designation to relocate acres to accommodate the proposal. The subject property is on San Carlos Island east of San Carlos Boulevard and both sides of Main Street.

### **Regional Significance and Consistency**

This proposed amendment is the result of the applicant's desire to redevelop and expand the existing land uses and replace some of the uses with new uses such as residential, commercial-retail, hotel and office uses by creating a new future land use designation in the Lee Plan. The new land use designation would be called "Destination Resort Mixed-Use Water Dependent." The new designation would facilitate the replacement of the existing land uses on the subject site as well as provide for new uses that would increase public use of the water front.

The proposed plan for the property would include up to 376 residential units, 115 time share units, a 350 room hotel with accessory uses, a marina with a 500 boat storage capacity 98,000 square feet of general commercial and would allow for 110 live aboard units.

If this amendment is approved, the proposed development will occur on 28.97 acres. The subject parcel is currently developed with a recreational vehicle park, a marina, a restaurant and some ancillary and accessory uses. The new proposed land use designation would facilitate the redevelopment of the existing recreational vehicle park, marina, and restaurant, which is currently located on the subject property and provide high rise multi-family residential development, along with a large hotel with ancillary and commercial uses, and a marina with water dependent uses.

The subject site currently has a land used designation of Suburban as identified on the Lee Plan FLUM. This designation allows up to six dwelling units per acre. The proposed land use designation would allow up to 17 dwelling units per acre. (The new land use designation allows the residential density to be calculated over the entire development area.)

Originally, the subject parcel was designated "Urban Community" and "Industrial Development by the 1984 FLUM. In 1990, the northern portion of the property was designated "Suburban" and "Wetlands," while the southern portion kept its original land use designation of "Urban Community" and "Industrial Development."

As proposed, the development that would result from this amendment would substantially increase the number of residential units and overall development in a coastal high hazard area. Council staff has concerns with the request as submitted in that new large scale developments should avoid being located in high hazards zones. Council staff would support the County staff recommendation that reduces the density of the project to a number comparable to the amount of residential development already existing on the site.

Council staff has reviewed the proposed development parameters presented in this amendment as it relates to the project's Development of Regional Impact (DRI) status. Council staff believes although the project is a mixed use development, the 350 room hotel equals the DRI threshold as currently provided for in Section 28-24 F.S. and is therefore presumed to be a DRI. The applicant should be required to provide a Binding Letter of Interpretation from the Florida Department of Community Affairs (DCA) to clarify the DRI status of this project. Council staff believes that given the magnitude, character and location of this project there are regional impacts associated with this proposed development and should undergo DRI review.

Council staff finds that due to the magnitude, character and location of this amendment the resultant project is regionally significant. Council staff finds that the request undergo DRI review and is therefore not consistent at this time with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.**

- Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.
- Action 2:** Working in cooperation with agencies and local governments, insure that beaches and inlets that have been damaged by human activity are replaced/renourished and/or managed in order to have the total system function naturally.
- Action 3:** Working in cooperation with agencies and local governments, provide for air quality improvement and maintenance as our population and urban areas increase.

- Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.
- Action 7:** Working with all levels of government within Southwest Florida actively plan and prepare for the potential long-term impact of sea level rise upon the Region's natural systems.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.
- Action 9:** Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

### **Proposed Amendment (CPA 2007-53) NUHA, LLC**

This is a privately sponsored amendment by NUHA, LLC. It proposes to amend Lee Plan Policy 1.8.2 to allow for a right-in/right-out access on to Gunnery road for the property located on the southwest corner of Gunnery Road and Leonard Road.

### **Regional Significance and Consistency**

The applicant for this request owns a 1.2 acre parcel located on the southwest quadrant of the intersection of Leonard Boulevard and Gretchen Avenue. The applicant has submitted for local development order approval to develop a gas station/convenience store and car wash on the property. The applicant desires to obtain a right-in/right-out access onto Gunnery Road.

In 1994 Lee County expanded its Community Redevelopment Agency (CRA) to include Lehigh Acres. The purpose was to formulate strategies for the economic, social, and physical redevelopment of Lehigh Acres. Many of these strategies were needed to remedy deficiencies in the original platting pattern, which created an unbalanced community dominated by single-family lots and insufficient lands for employment centers, public facilities, retail and office areas, and future roadway needs.

One of the eight original goals of the CRA was to "increase commercial zoning to provide for commercial opportunities and long term economic stability by the development of appropriate zoning and land use relationships." The Lehigh Acres Commercial Land Use Study analyzed the imbalance of commercial land and recommended community-wide solutions. The final report included recommendations calling for the creation of access management plans for Gunnery Road and SR 82 to accommodate commercial development along these corridors. This planning effort recognized the need to balance commercial development opportunities with the protection of the carrying capacity of Gunnery Road and SR 82 as Lehigh Acres builds for it's a population of 300,000 people.

The Board of County Commissioners initiated a plan amendment to incorporate the findings of the commercial land use study into the Lee Plan. Policy 1.8.2 is the result of that amendment.

The plan was followed by an effort to accomplish the Gunnery Road access management plan. The plan was adopted by the Board of County Commissioners in November 2001. The plan identified full median openings, directional median openings, road closures, new connections and traffic signal locations for the streets intersecting Gunnery Road.

Based on the plan, County staff concluded that the parcel has reasonable access to the County road network and that granting the requested amendment will potentially result in many additional requests for driveway connections onto Gunnery Road potentially negating the access management plan.

Based on the County staff conclusions, Council staff finds that the requested amendment is procedural in nature and not regionally significant.

Council staff finds this request is not consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### Livable Communities

**Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.**

**Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.**

**Actions 4:** Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

#### Proposed Amendment (CPA 2007-55) Commercial/Industrial Study

This request is a Board of County Commissioners sponsored amendment. It proposes to evaluate and incorporate Lee Plan policy changes and additions in the FLUE and Glossary based on the Commercial/Industrial Study.

#### **Regional Significance and Consistency**

In June 2006, the Board of County Commissioners contracted with Basile Baumann Prost & Associates to perform a Commercial/Industrial Lands study to identify appropriate lands for

economic development. This study was requested by the Office of Economic Development as an analysis of the County's commercial and industrial lands.

The study provided sections on fact-finding, stakeholder interviews, and background studies; review of the real estate market, leasing, sales, absorption rates, development patterns and existing zoning; recommendations for future land use planning ; and reviews of the Comprehensive Plan and relevant Development Codes.

The consultant found that there is currently adequate industrial and commercial land in the County to meet demand through 2025. They also found that over the next few years the location and suitability of the lands will be the key issues. The consultant suggested that the County should encourage new development that better utilizes the land inventory, reserving the more valuable commercial and industrial corridors for businesses and industries that will locate in Lee County over the next two decades. Uses would include medical research groups, research and development companies, corporate headquarters, financial and consulting firms, and other similar uses. This would be accomplished through greater use of the mixed-use development concept.

Based on the consultant's recommendations, the County staff provided recommendations for the changes to the Comprehensive that will provide for better implementation of the mixed-use and regional activity center concepts of development. These changes are provided in this amendment. Council staff agrees with the County staff that the recommendations are intended to implement the Commercial/Industrial Land Use Analysis suggestions. The recommendations are also an attempt to allow greater opportunities in the County for mixed-use and cluster development patterns and incentives for greater residential densities in the commercial and office developments and in the Industrial Development and Tradeport future land use designations.

Council staff finds these requests procedural in nature, not to be regional significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Development**

#### **Livable Communities**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Maintain the physical infrastructure to meet growth demands.**

**Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.

**Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.

- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 5:** Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.
- Action 6:** Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.
- Action 7:** Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

**Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.**

- Action 1:** Map or assist in mapping the appropriate distribution of urban uses for growth.
- Action 2:** Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.
- Action 3:** Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.
- Action 4:** Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.
- Action 5:** Review proposed development for increased densities and infill in suitable urban areas.

**Proposed Amendment (CPA 2007-54) Realmark Burnt Store Marina, LLC**

This is a privately sponsored amendment by Realmark Burnt Store Marina, LLC. It proposes to amend the future land use designation on an 18-acre site from the existing Rural land use designation to a proposed new future land use designation called the "Burnt Store Marina Village." In addition, the request amends the FLUE to create new policies specific to this new land use designation. The proposal also amends Table 1(a) and 1(b) to add the new land use

designation to the table and reallocate commercial, industrial, and residential acreage to accommodate the proposal. The subject property is located to the west of Burnt Store road and just south of the Charlotte County line in the northwesterly area of the county. The Burnt Store community fronts on Charlotte Harbor on the west.

### **Regional Significance and Consistency**

Burnt store marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed development encompasses 13.3± acres in Tract C and 4.95± acres in Section 22.

The subject property currently has some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The commercial uses will provide services to the surrounding residential units as well as provide the foundation for a mixed use community.

The proposed amendment is the result of a desire of the applicant to redevelop and expand the existing land uses from a limited mix of marine, residential, commercial-retail, hotel and office use by creating a new future land use designation specific to Burnt Store Marina. The new land use designation would enhance the waterfront as well as permit continued public use of the boat ramp.

The proposed amendment would allow the redevelopment of an 18.25± acre parcel in the Burnt Store Marina development, which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding land uses are predominantly multi-family residential and some single-family residential structures. The proposed amendment, if approved, would allow an additional 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail uses with 300 parking spaces (located in a garage); 145 hotel rooms; 525 wet slips (existing) and 800 dry slip storage spaces.

The subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12. The Lee Plan in Goal 125 encourages development and implementation of a public water access program, which this requests addresses.

According to the County staff report, the Burnt Store Marina community is non-conforming in relation to the Rural future land use designation. The existing community is more consistent with an urban or mixed-sue land use designation. Council staff agrees with the County staff assessment and supports the applicant's request to provide for a land use designation that permits expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the Lee Plan and supports the office, retail, and hotel uses, which will augment and complement the existing uses on the property.

Council staff finds that the provision of a land use designation for Burn Store Village is procedural in nature and not regionally significant. Overall, these changes to the Burn Store community will assist the redevelopment of the community and will assist in the proper future development of Burnt Store Marina.

Council staff finds these requests to be regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

#### **Goal 3: A stable economy based on a continuing excellent quality of life.**

**Strategy:** Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

**Actions 2:** Participate in studies, plans, and programs for public access to beaches and other resources.

**Actions 3:** Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

**Strategy:** Ensure sustainable volumes of natural resources for economic productivity.

**Actions 1:** Promote and assist resource planning programs to incorporate local government population projections and assessments of land consumption.

**Actions 2:** Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Actions 1:** Maintain an inventory of public infrastructure and recommended improvements.

**Actions 2:** Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

**Actions 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

**Conclusion**

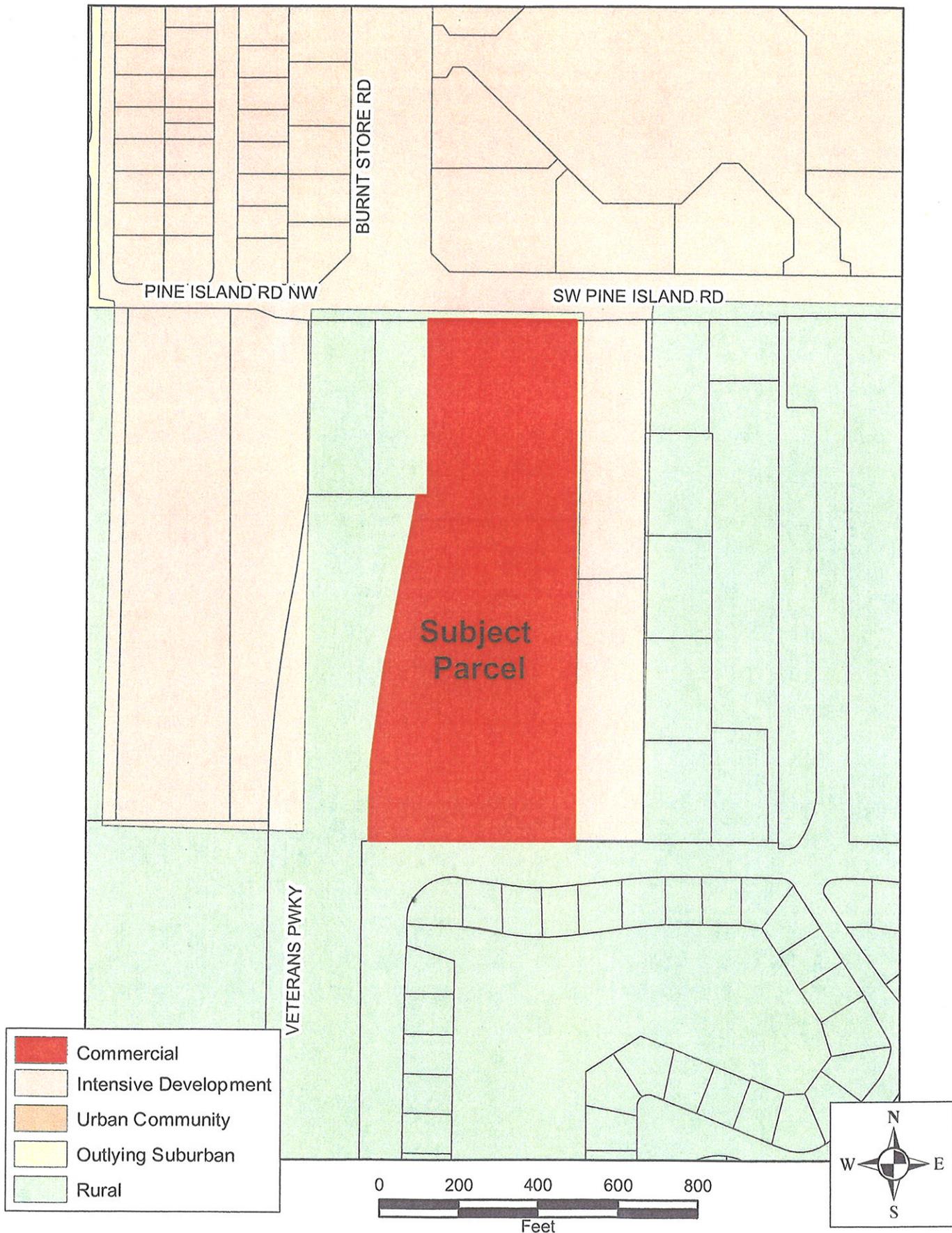
Council staff finds that thirteen (13) of the nineteen proposed amendments requested are regionally significant; six (6) are not regionally significant, and nine (9) are procedural. Council staff also found that seventeen (17) are consistent with the SRPP, while two (2) of the requests are not consistent with the SRPP. Council recommended one (1) of the requests be approved with conditions and two (2) of the requests are potential DRIs. Council staff found that the San Carlos Island amendment request is not consistent with the SRPP and should be required to obtain a Binding Letter of Interpretation from DCA to clarify the proposed development's DRI status.

**Attachment III**

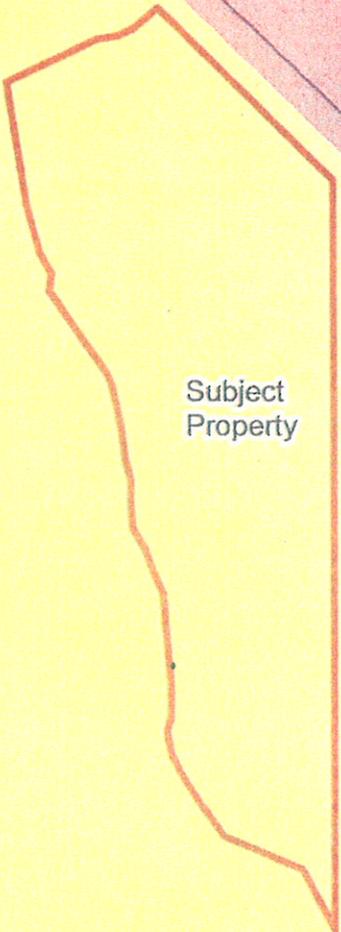
# **Maps**

**Lee County  
DCA 09-1**

# CPA2006-15 Cauthen Amendment Proposed Future Land Use Map



CPA2006-14 Raymond Lumber  
Existing Future Land Use



Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

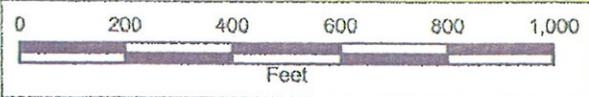
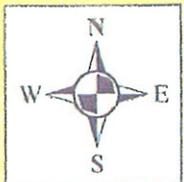
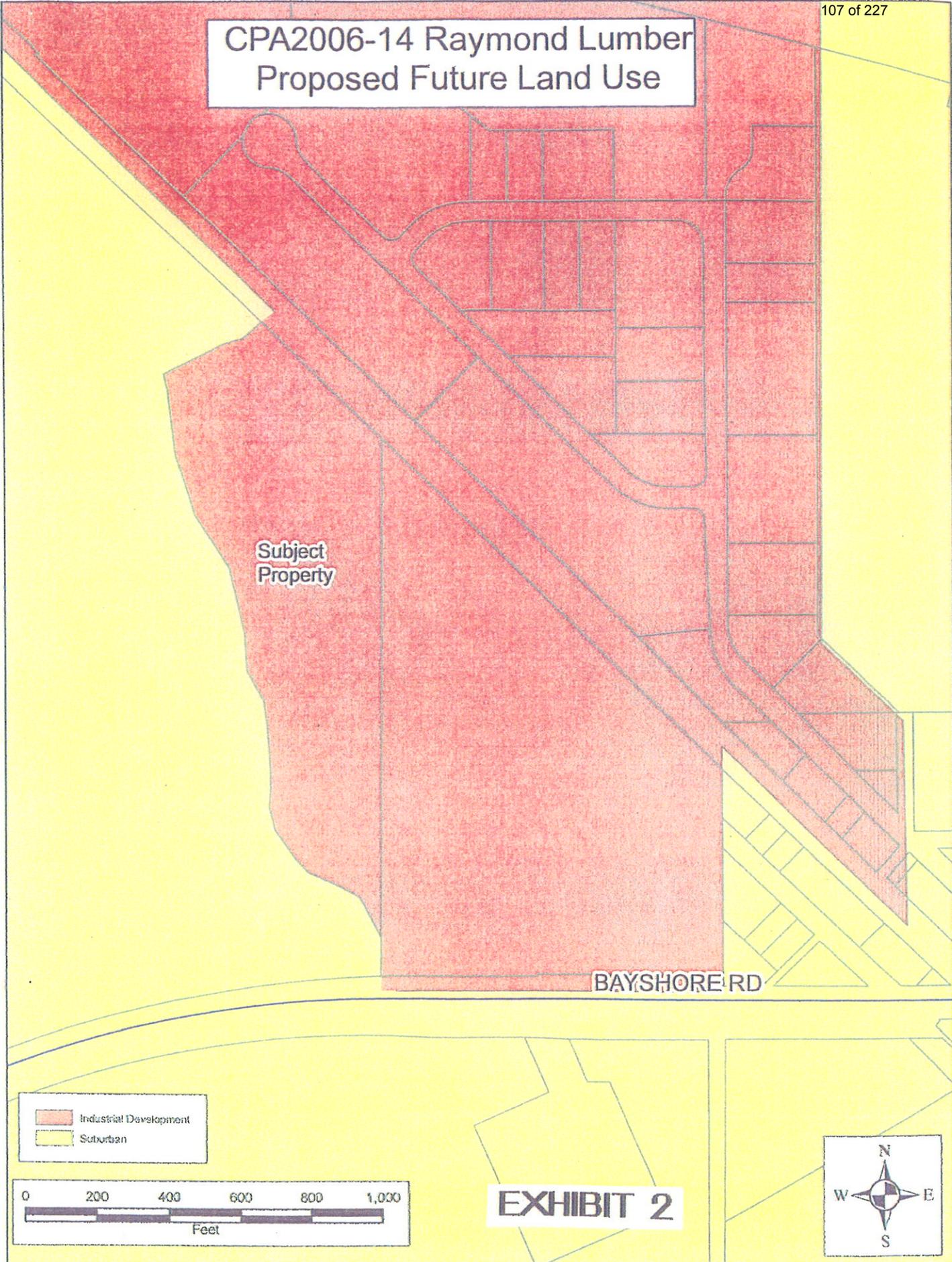


EXHIBIT 1



# CPA2006-14 Raymond Lumber Proposed Future Land Use



Subject  
Property

BAYSHORE RD

Industrial Development  
Suburban

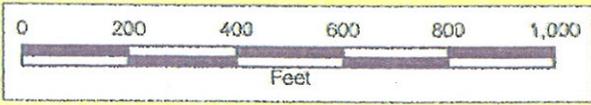


EXHIBIT 2



CPA2006-14 Raymond Lumber  
Staff Proposed Future Land Use Map

Subject  
Parcel

BAYSHORE RD

Future Land Use Category

- Industrial Development
- Suburban
- Conservation Land

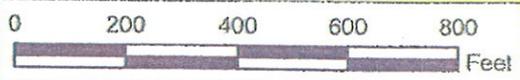
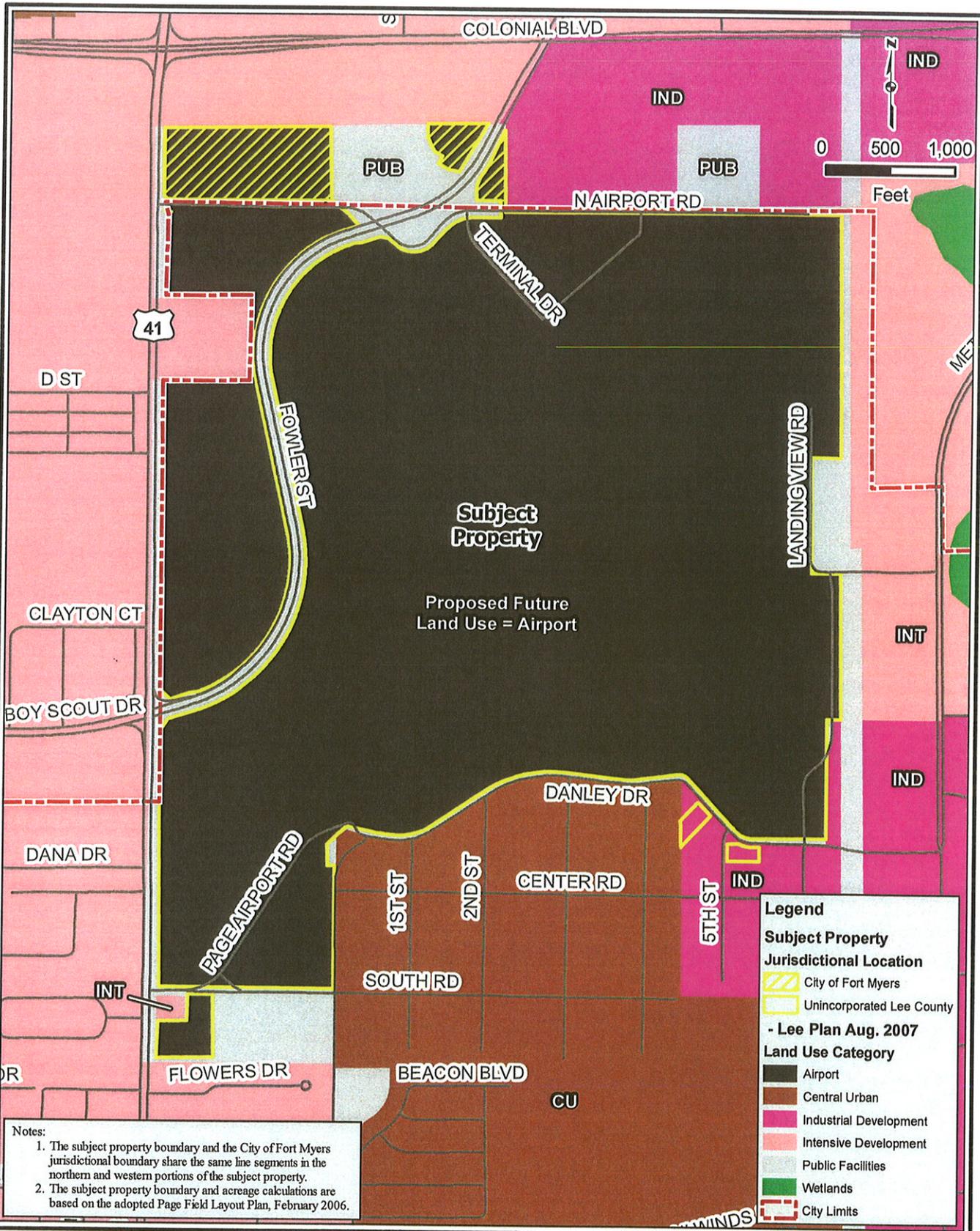


EXHIBIT 3





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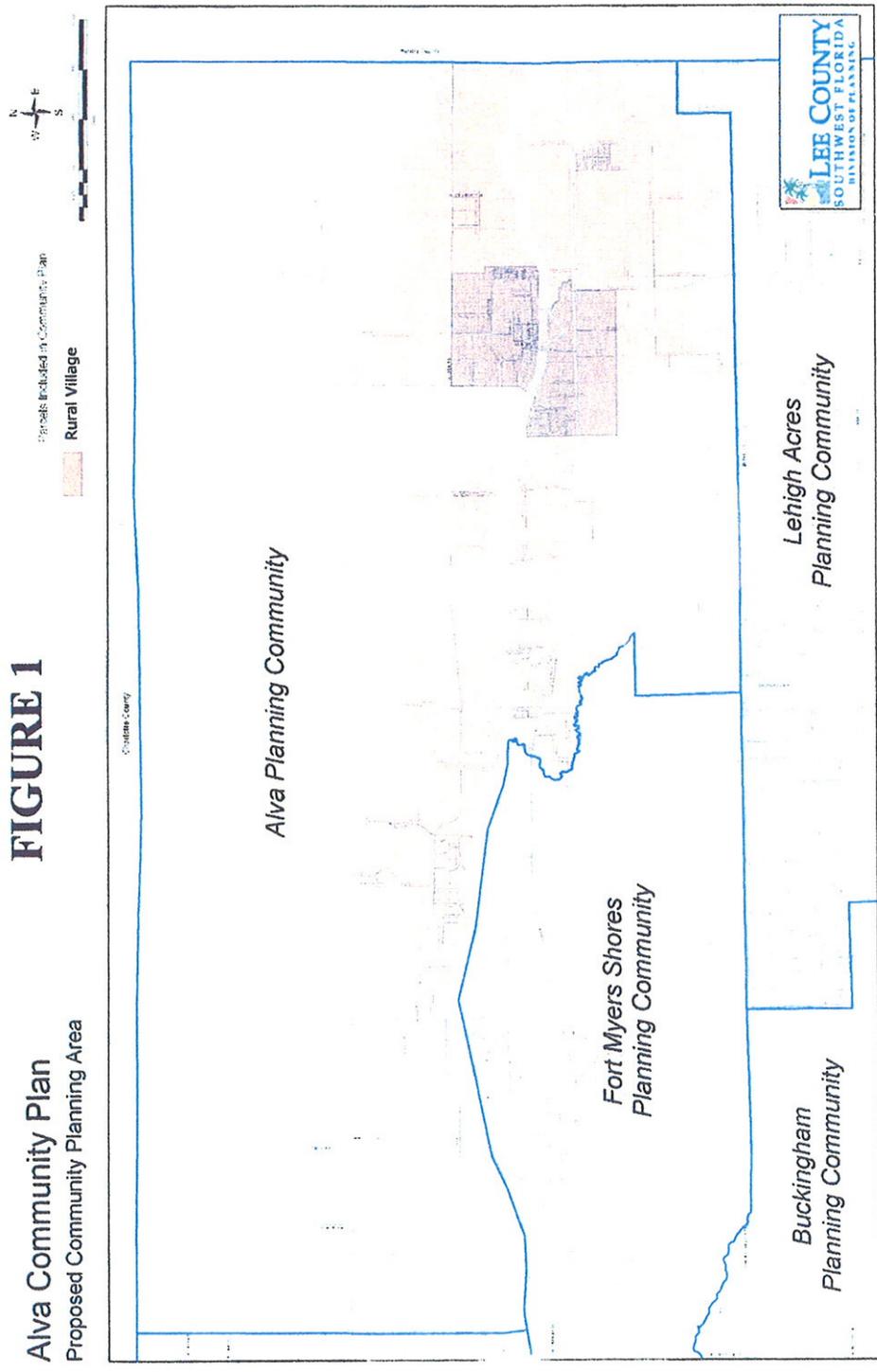
2122 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (239) 334-0046  
 FAX (239) 334-3661  
 E.B. #642 & L.B. #642

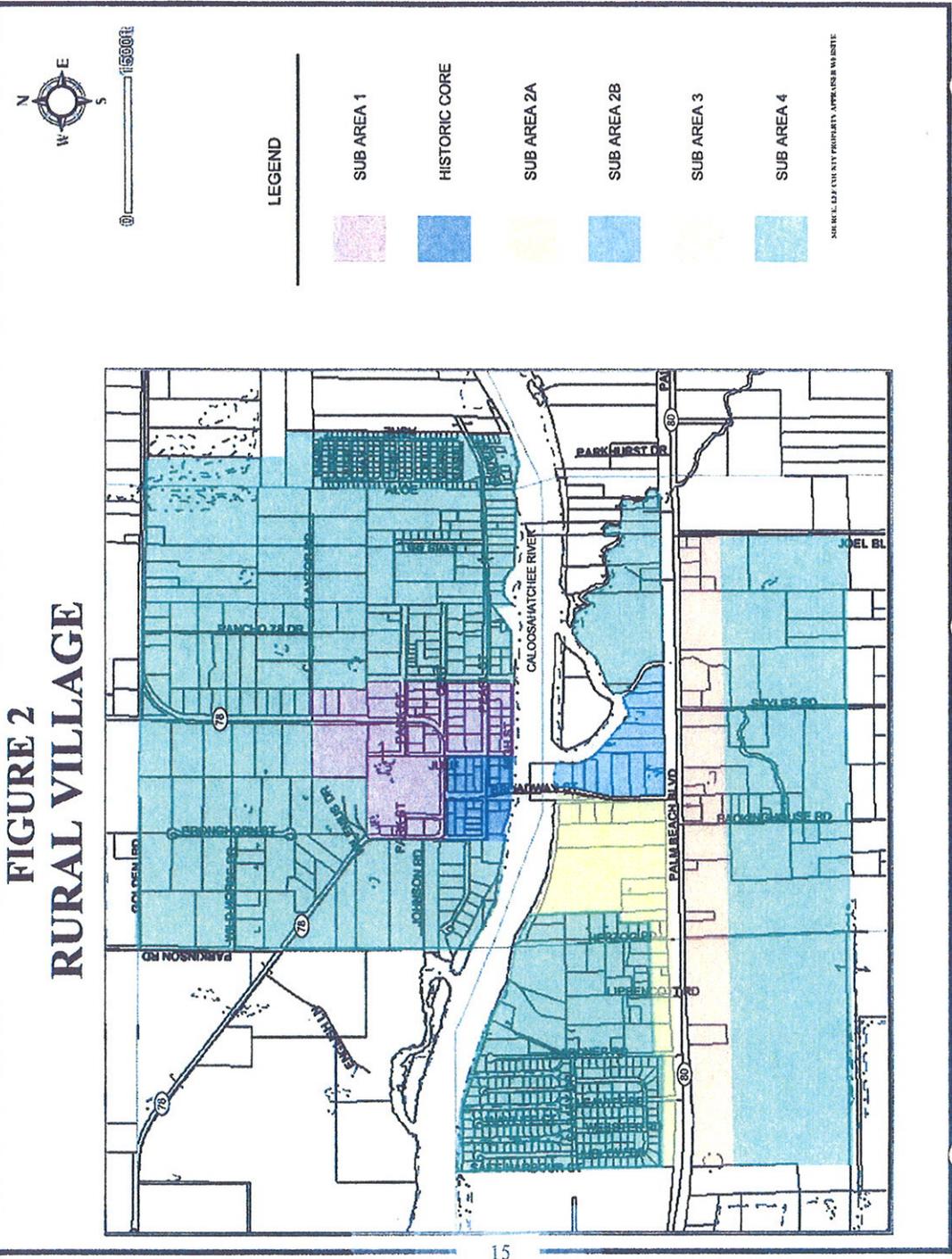
**Proposed Future Land Use**

DATE	PROJECT	FILE NO.	SCALE	EXHIBIT NO.
06/20/08	20033734-127	00-00-00	As Shown	4-B

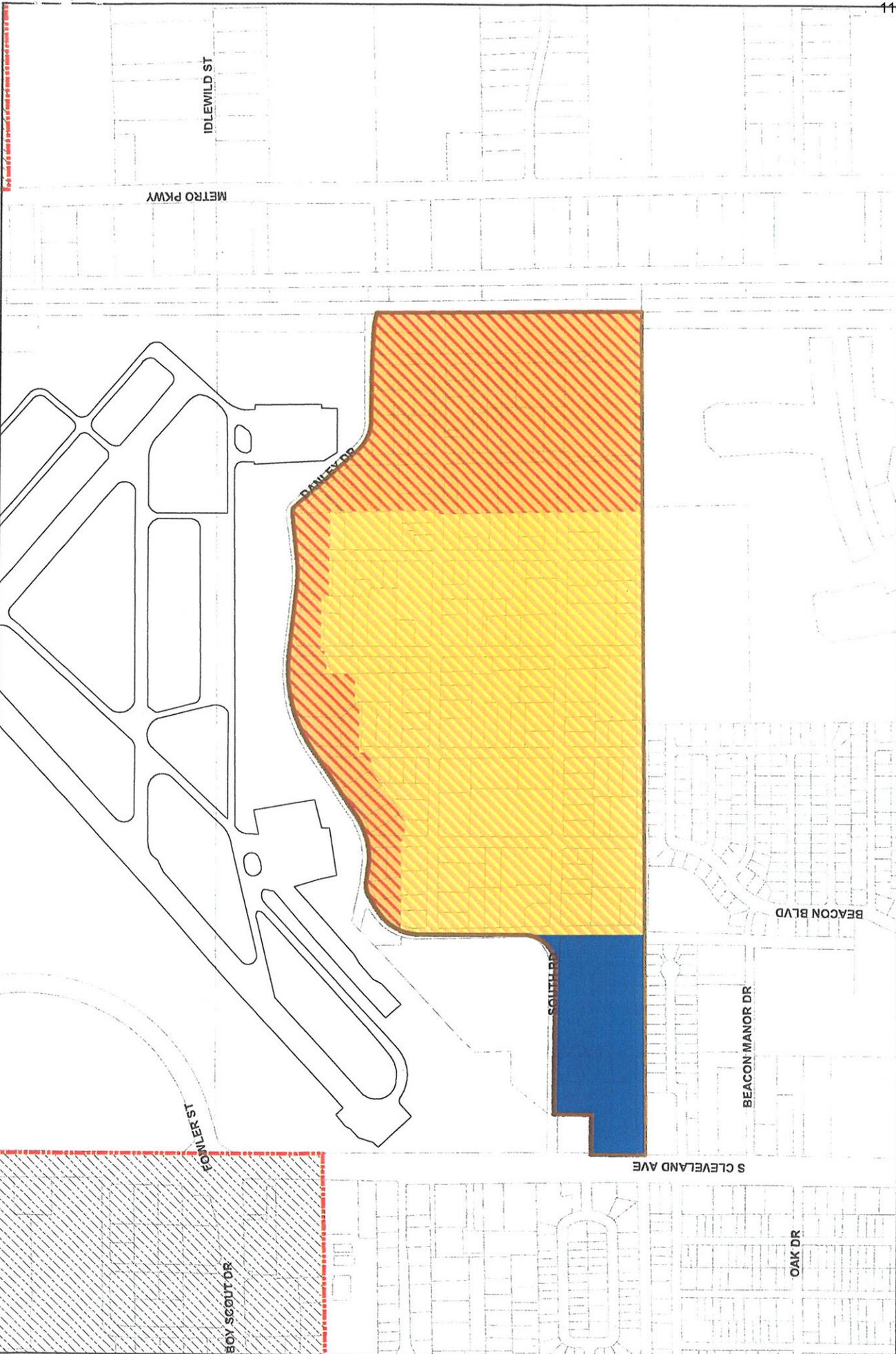








15

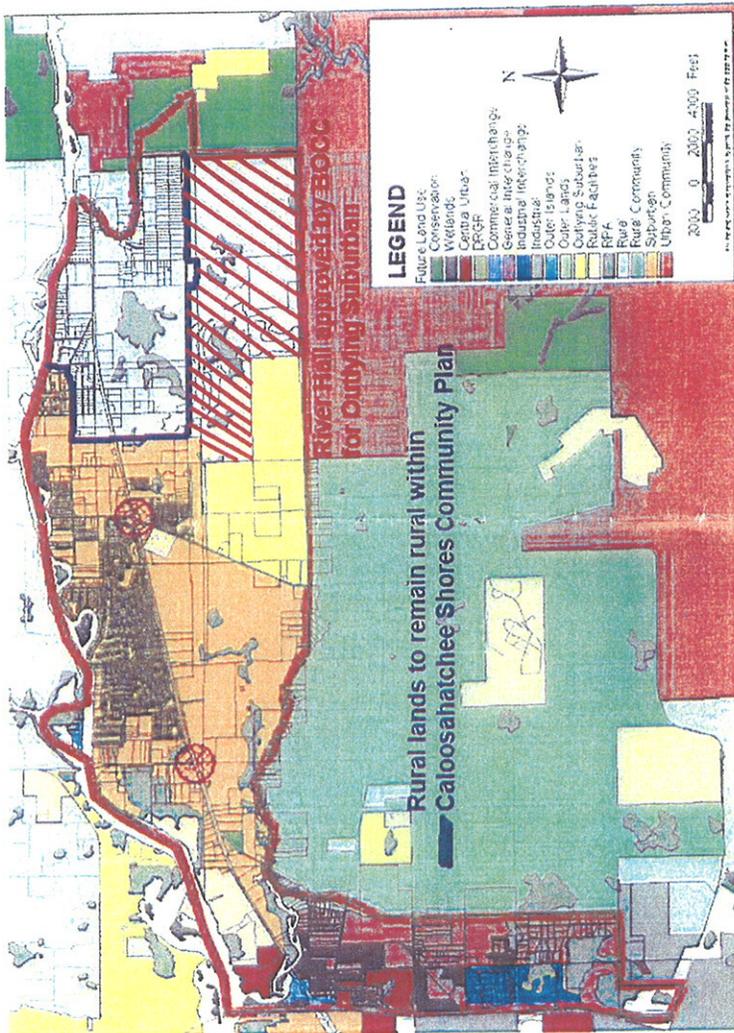


# PAGE PARK Community Plan CPA 2006-00011

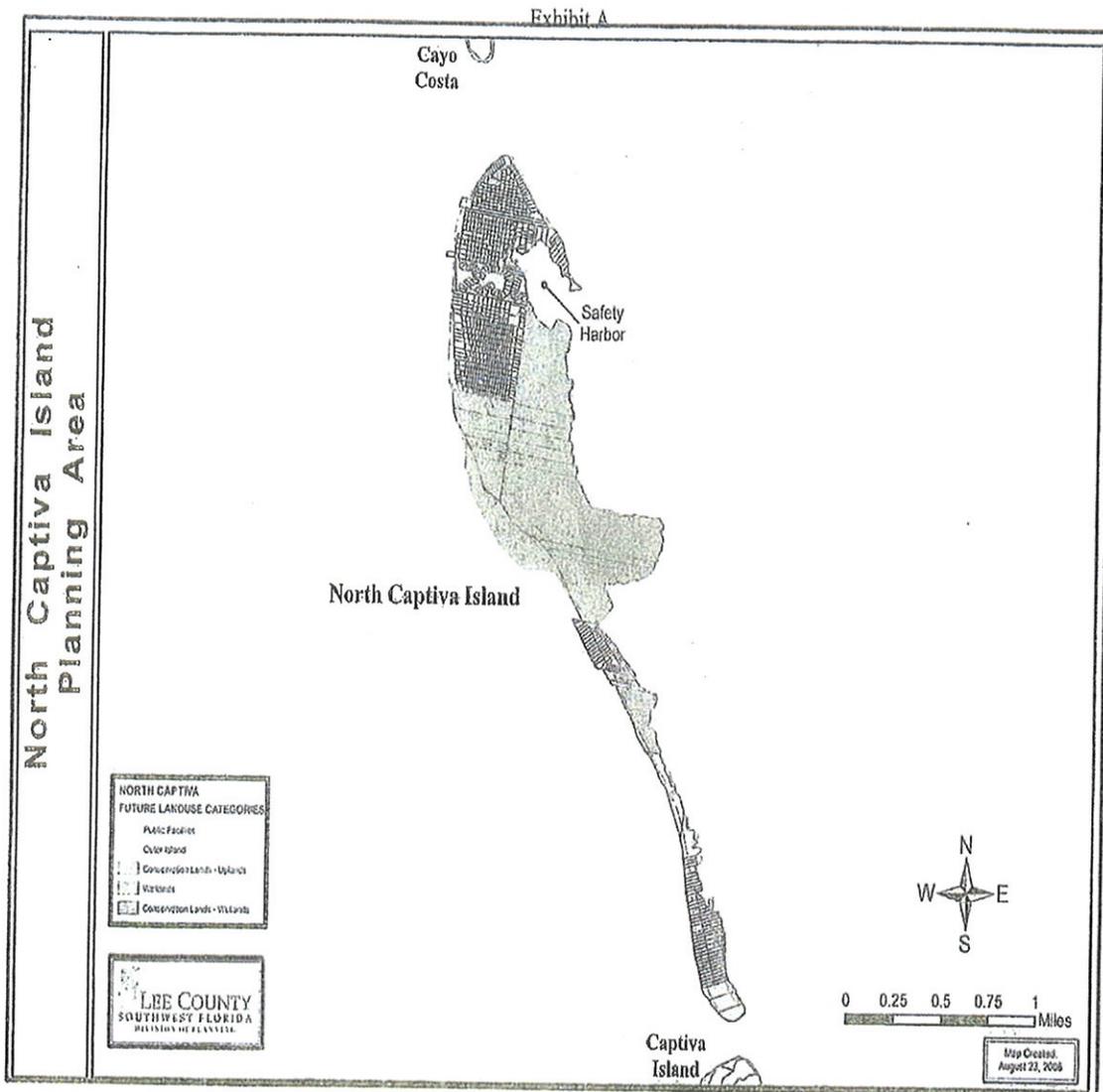
- Mixed Use Overlay**
-  Stand Alone Commercial Allowed - See Policy 27.4.1
  -  Commercial/Mixed Use - See Policy 27.4.1
  -  County Owned Park

- Community Plan**
-  Page Park
  -  City Limits





# Community Planning Boundary Map



# CALOOSA HATCHEE SHORES



- COMMUNITY BOUNDARY
- OLGA OVERLAY DISTRICT

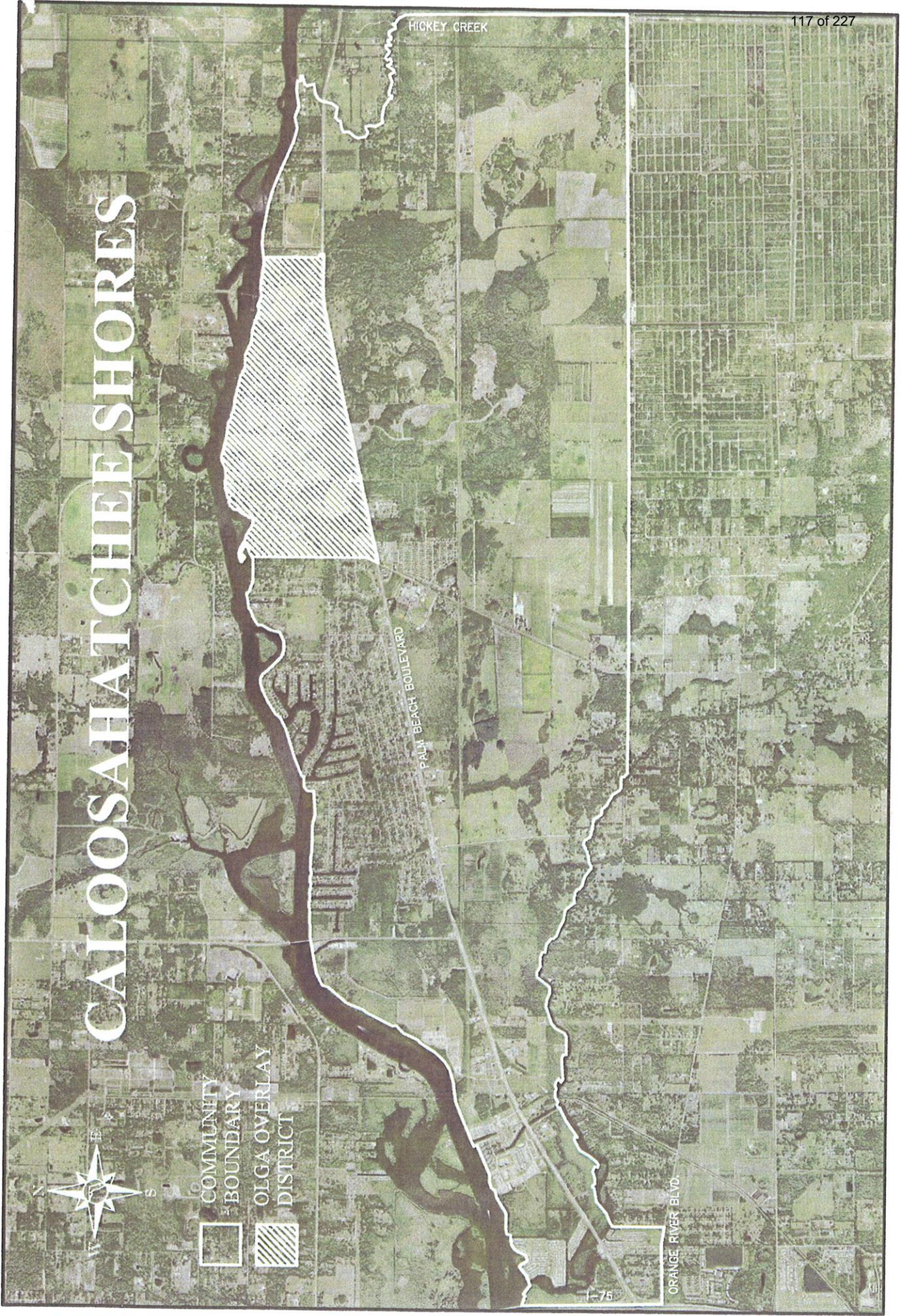


HICKEY CREEK

PALM BEACH BOULEVARD

ORANGE RIVER BLVD.

1-75





# OLGA COMMUNITY

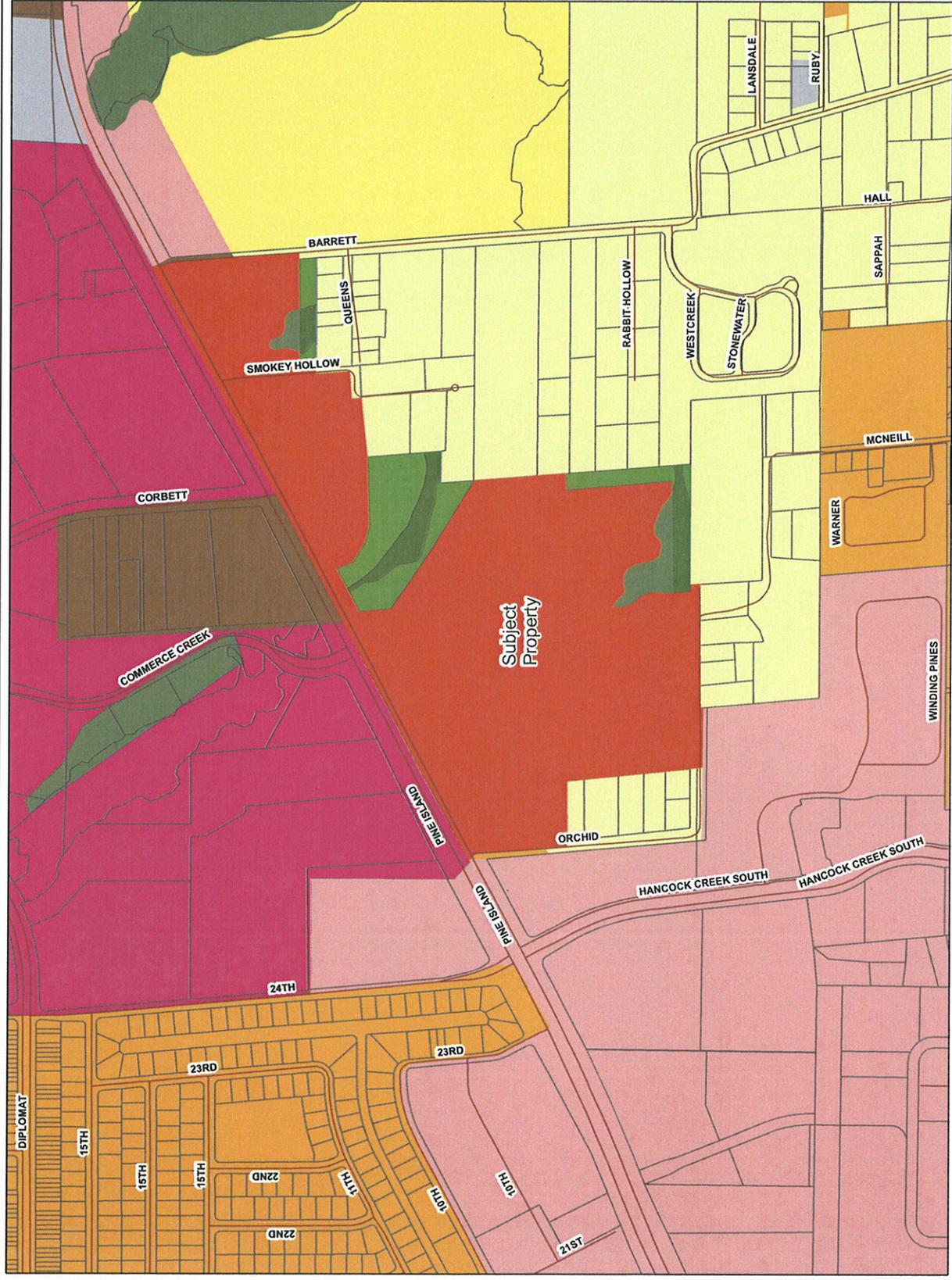
# CPA2007-56 NORTH FORY MYERS COMMUNITY PLAN

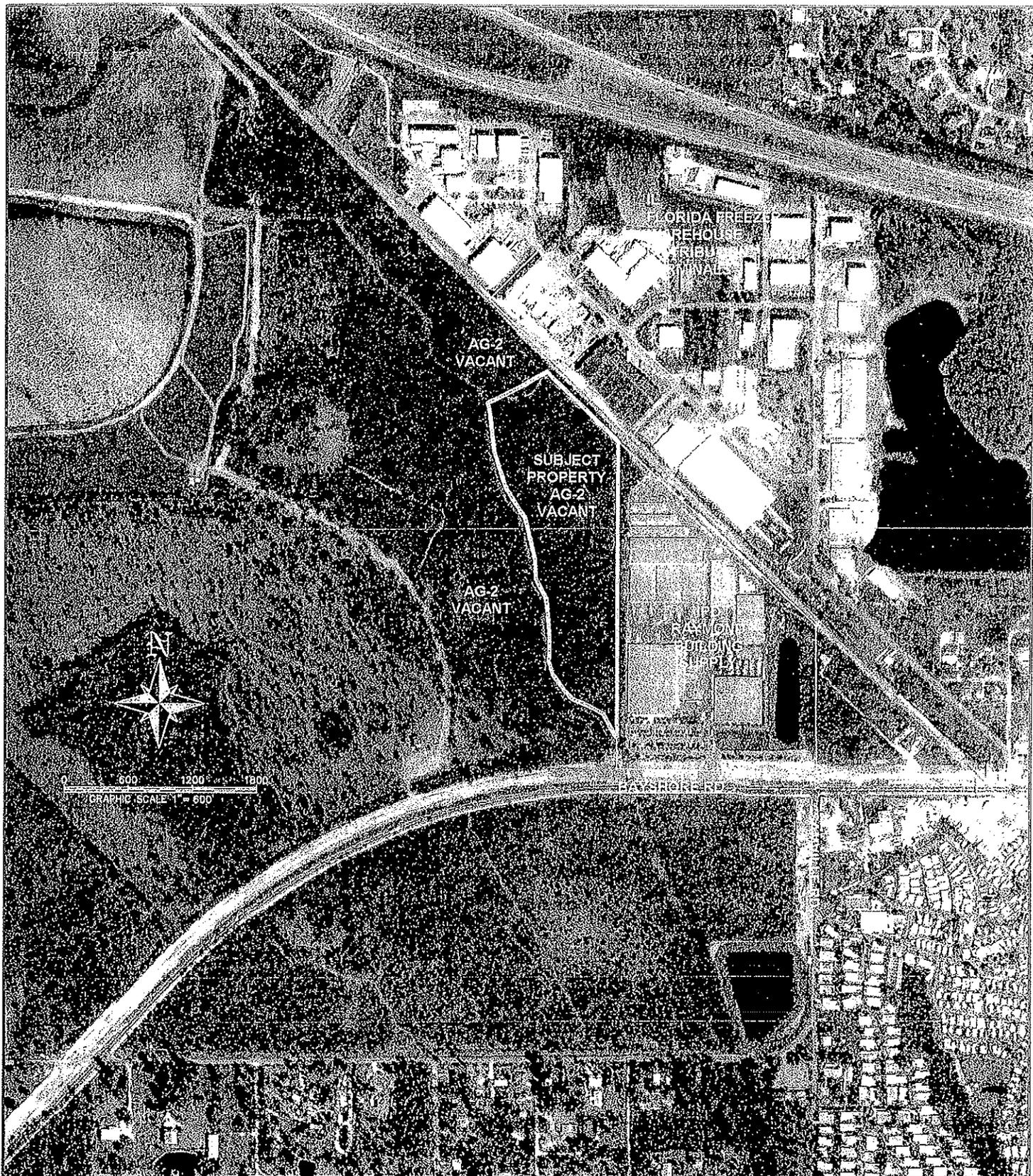
Board Transmitted  
Proposed  
Future Land Use Map

- Proposed Commercial
- Proposed Conservation Lands Wetlands
- Proposed Conservation Lands Upland
- Intensive Development
- Wetlands
- Central Urban
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- IND
- Public Facilities



Map Generated: October 2008





**Banks Engineering**

Professional Engineers, Planners & Land Surveyors

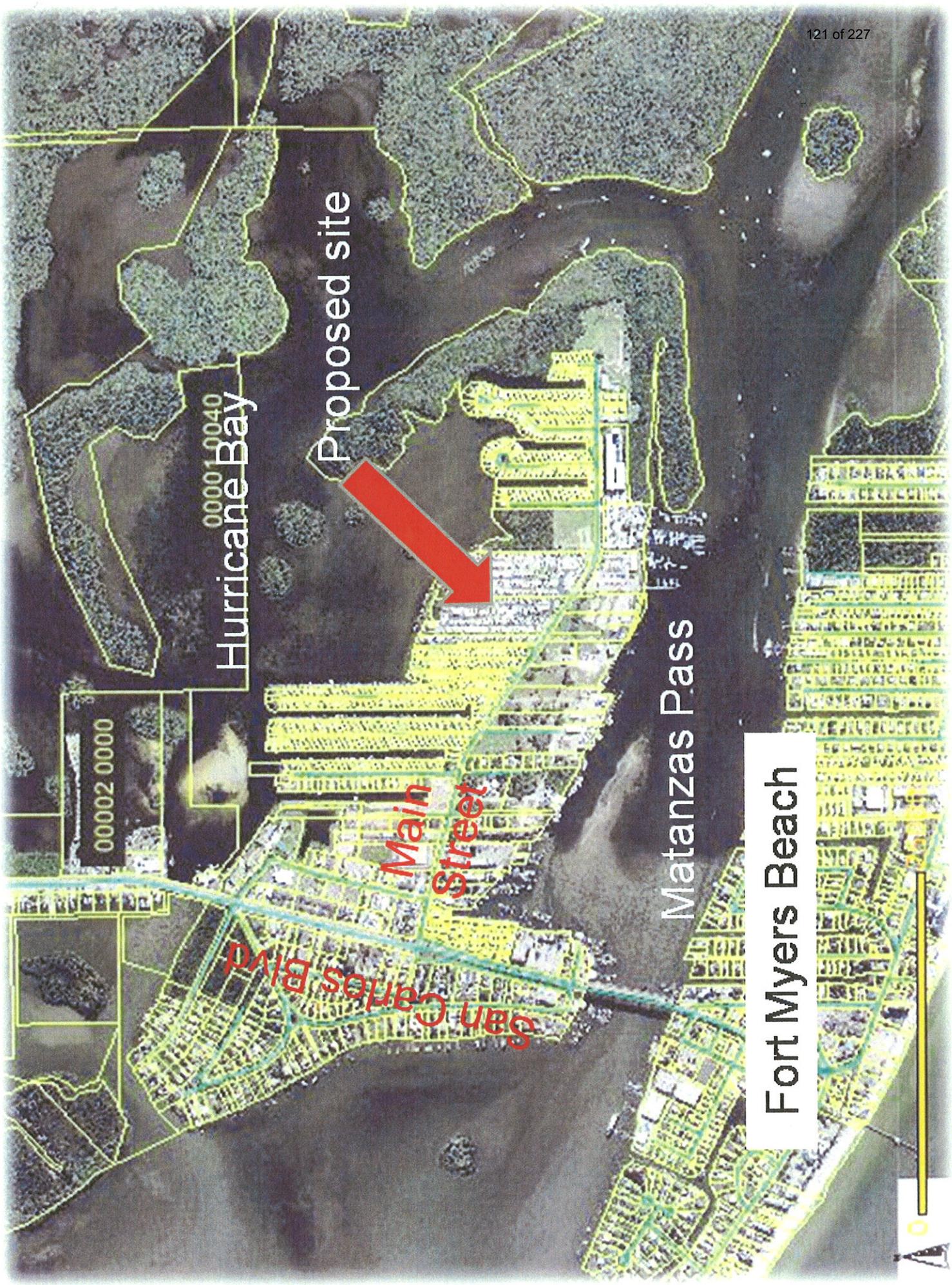
10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 939-5490 FAX: (239) 939-2523  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690

EXISTING LAND USE, ZONING AND AERIAL

**RAYMOND BUILDING SUPPLY - PHASE 2**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
8/25/2006	2249	_AER	SDJ	SDJ		1"=600'	1	1	(20-45-25)

**EXHIBITS**  
**A.3 & A.4**



Hurricane Bay  
00001 0040

Proposed site



Main Street

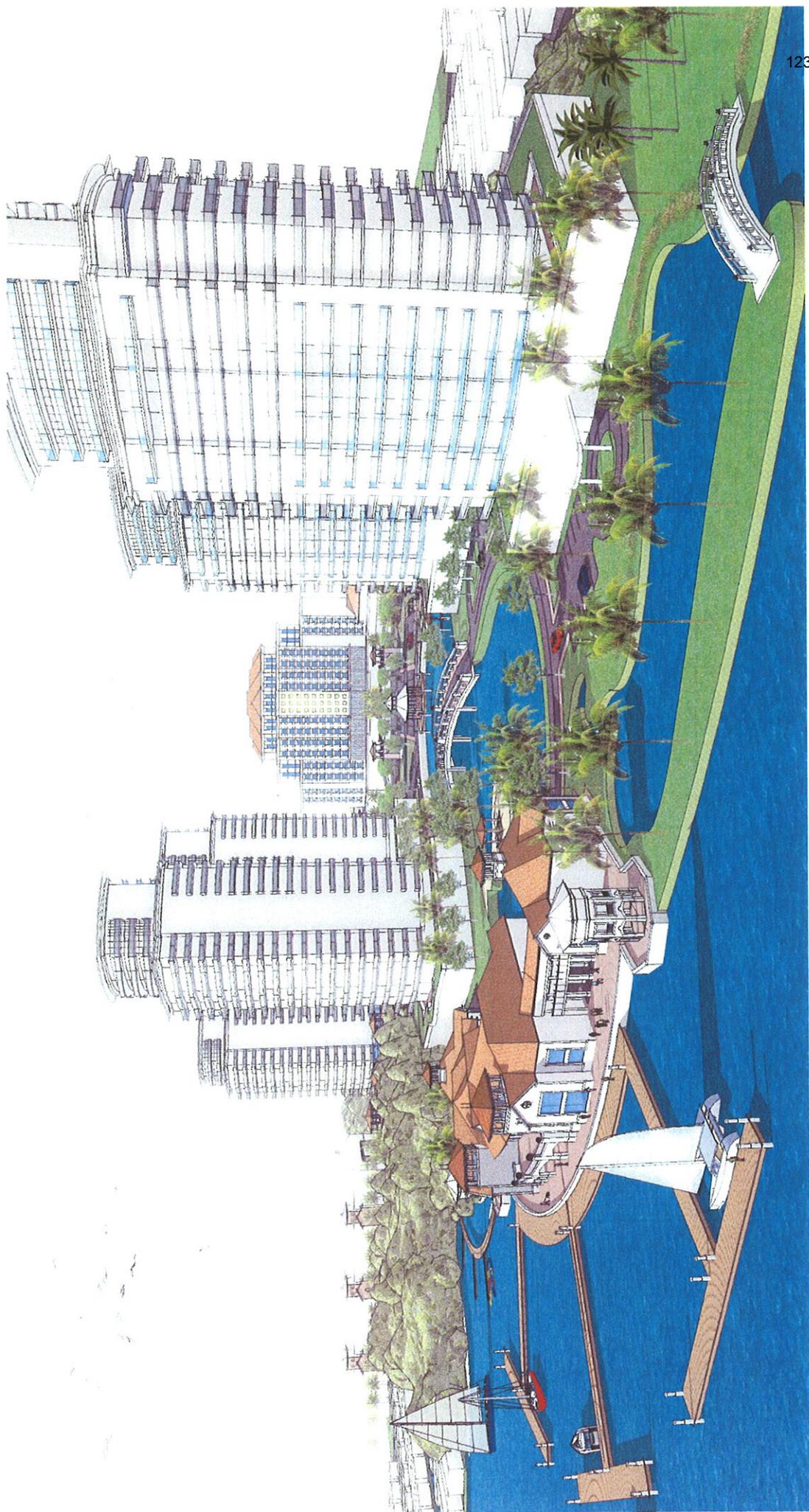
San Carlos Blvd

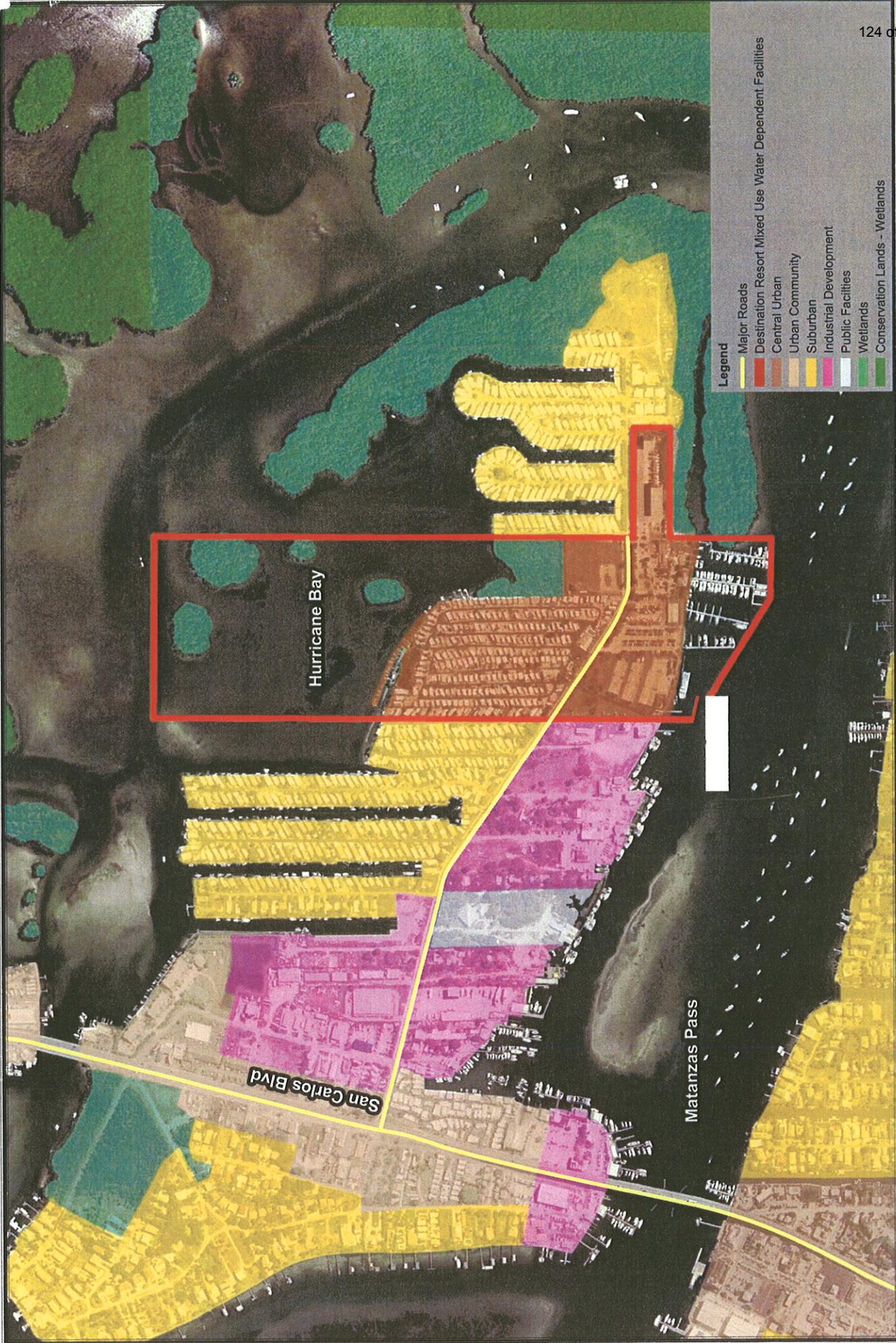
Matanzas Pass

Fort Myers Beach









Legend

- Major Roads
- Destination Resort Mixed Use Water Dependent Facilities
- Central Urban
- Urban Community
- Suburban
- Industrial Development
- Public Facilities
- Wetlands
- Conservation Lands - Wetlands



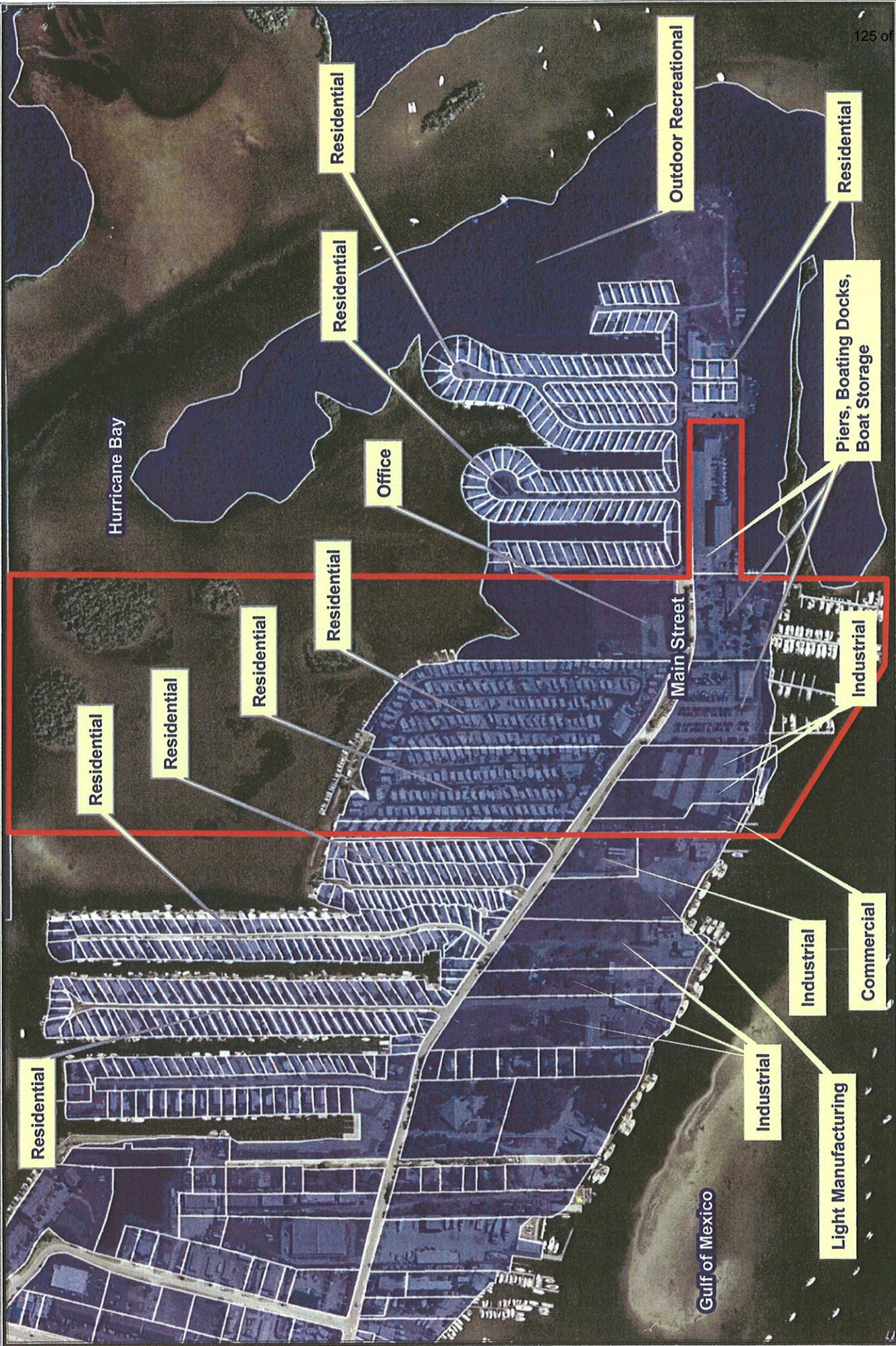
# PROPOSED FUTURE LAND USE MAP

EBBTIDE

**DELIUSI FITZGERALD INC.**  
 Planning Engineering Project Management

1000 Royal Palm Square Blvd., Suite 101  
 Fort Myers, FL 33901  
 239.442.6667 • 239.418.6692 Fax

GENERAL NOTE:  
 THIS MAPS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.



**DELISI FITZGERALD, INC.**  
 Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101  
 Fort Myers, FL 33919  
 239-418-0691 - 239-418-0692 fax



240 Meters

0 60 120

# EXISTING LAND USE

EBBTIDE

GENERAL NOTE:  
 THIS MAPS FOR EBBTIDE ONLY. DATA PROVIDED ARE FORWARD FROM AERIAL SOURCES WITH VARYING DEGREE OF ACCURACY.



**Legend**

- Major Roads
- Central Urban
- Urban Community
- Suburban
- Industrial Development
- Public Facilities
- Wetlands
- Conservation Lands - Wetlands

**DELISI FITZGERALD, INC.**  
 Planning - Engineering - Project Management  
 1500 Royal Palm Square Blvd., Suite 101  
 Fort Myers, FL 33919  
 239-418-0691 • 239-418-0692 fax



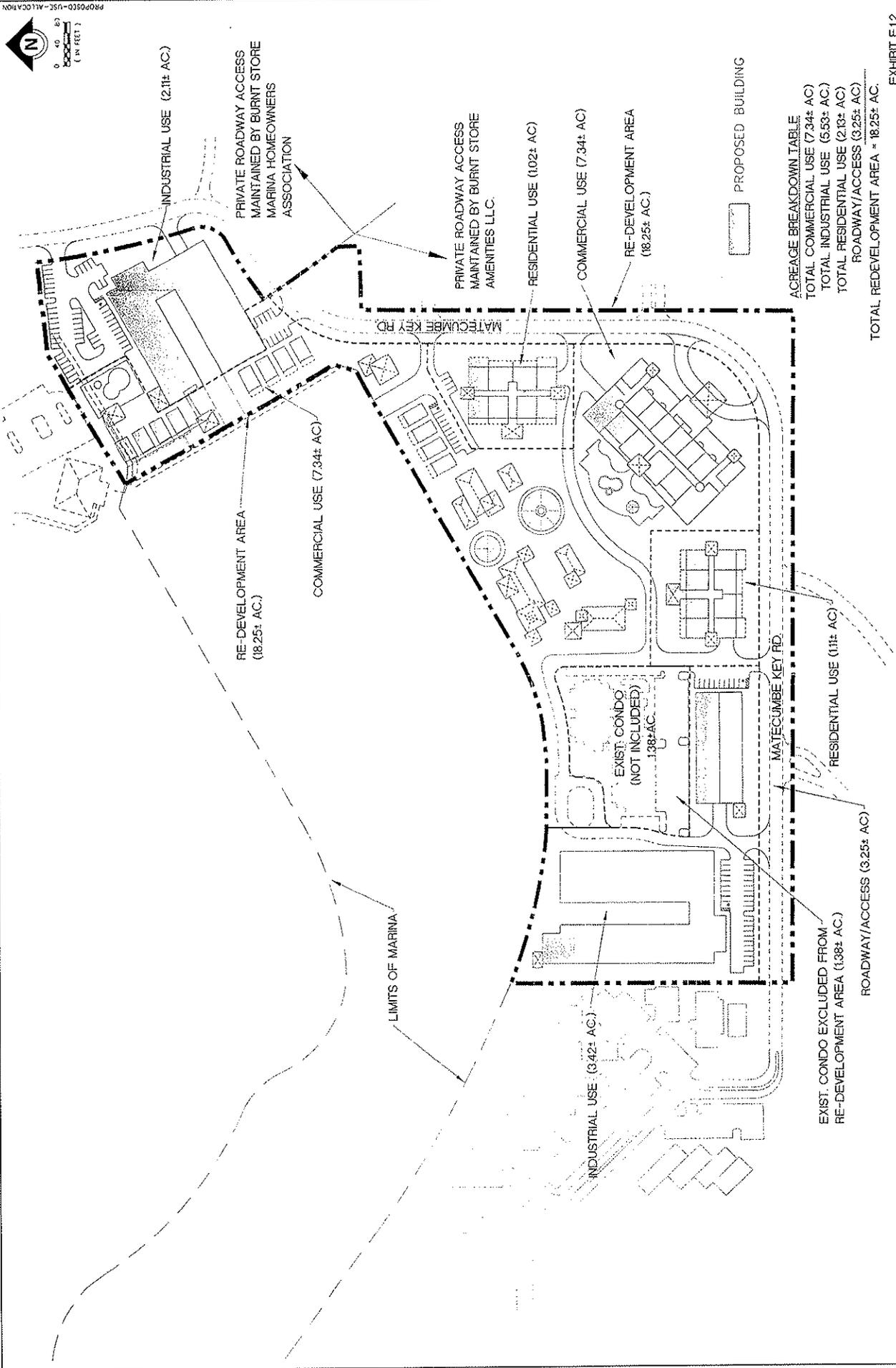
# FUTURE LAND USE

EBBTIDE

GENERAL NOTE:  
 THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM THE BEST AVAILABLE DATA AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.







PROPOSED 2030

BURNT STORE MARINA VILLAGE

ReaMark CORPORATION, LLC

AVDON ENGINEERING, INC.

Joseph W. Edwards, P.E.

PROPOSED-USE-ALLOCATION

2 of 2

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3e

City of North Port

Comprehensive Plan

Amendments (DCA 09-D1)

3e

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
CITY OF NORTH PORT**

The Council staff has reviewed proposed amendment to the City of North Port Comprehensive Plan (DCA 09-D1). The amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Maps are provided in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than 100% of the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DCA 09-D1	yes	yes	yes	(1) deny amendment (2) regionally significant (3) not consistent with SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and City of North Port.

**02/09**



**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda  
 Collier County, Everglades City, Marco Island, Naples  
 Glades County, Moore Haven  
 Hendry County, Clewiston, LaBelle  
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel  
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

## Attachment I

### Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b)]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

#### Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.**

**Attachment II****SWFRPC COMMENTS  
City of North Port  
Isles of Athena DRI Comprehensive Plan Amendments****Proposed Amendments**

This request is an applicant generated large-scale amendment for the proposed "Isles of Athena" Development of Regional Impact. The request proposes to amend the City of North Port Comprehensive Plan - Future Land Use Map, from "Agriculture Estates" and "Recreation/Open Space" to "Village" and "Recreation/Open Space."

The amendment applies to the Isles of Athena (IOA) project which consists of approximately 5,775.61 acres northeast of Interstate 75, between Toledo Blade Boulevard and Kings Highway interchanges, in the northeasterly most area of the City of North Port, Florida.

The proposed plan includes a series of villages with mixed-use neighborhood centers, and a mixed-use town center village adjacent to I-75 with a proposed new Interstate interchange. The IOA plan envisions approximately 7 villages and a town center with an emphasis on walk-ability, and self-sufficiency. A network of roads, sidewalks, and greenways (300 acres) will interconnect the town-center, villages, and associated neighborhoods

Preliminary plans for the mixed use project include: 13,000 total residential units in a mix of single-family (2,230 acres), town homes and multi-family units (420 acres); a mixed use Town Center and mixed-use neighborhood village centers with approximately 4,200,000 square feet of commercial/ office/institutional uses complemented by civic, cultural and recreational uses, in combination with residential units (320 acres); a K-8 school; one 18-hole golf course; a 200-bed hospital and storm water and borrow pit lakes (300 acres). The proposed 13,000 residential units yield an overall gross density of 2.6 dwelling units per acre.

The project schedule anticipates three (3) phases, with ultimate build out within 17 years (2022).

**Regional Significance and Consistency****Transportation**

The IOA development as proposed provides an extensive roadway network internally and this system connects to existing City, State and Federal roadway system to the west onto Toledo Blade Boulevard and to the south to Oleander Drive. In addition, and most importantly, the proposed development plan shows a connection to a future interchange on to I-75. The proposed interchange provides the major access point into the development and supplies access to the main village/commercial aspect of the project.

Council staff has reviewed the transportation information provided in the project's Application for Development Approval and the responses to additional questions during the sufficiency rounds and has found that the data and analysis that documents the proposed development's needs, costs and committed funding for transportation infrastructure that would be required to serve development as a result of the proposed amendment has not been adequately provided. According to the most recent correspondence from the City of North Port's transportation consultant, the applicant has not provided sufficient data and analysis needed to properly assess impacts, costs and mitigation which will be required for this project. Therefore, Council staff can not provide a final analysis of the merit of this proposal at this time.

In any event, Council staff is extremely concerned about the access to this development, given the magnitude and location of the proposed development. As a main feature of the project, an interchange onto the interstate is a major access feature and will be required to support the amount of residential, commercial and industrial development planned for this project. Council staff does not believe that the project can be constructed at the levels proposed if an interstate interchange is not available.

The Sarasota-Manatee Metropolitan Planning Organization (MPO) in their 2030 Long Range Transportation Plan (LRTP) has identified a potential new interchange for I-75. This facility will be located in the southern area of Sarasota County. The specific site for this potential interchange has not been selected, no environmental studies have been initiated, and the potential interchange is not currently financially feasible and is not expected to be financially feasible in the foreseeable future, according to the LRTP. Based on the LRTP and other documents reviewed in conjunction with this submittal, Council staff strongly believes that there is little likelihood that Federal, State or local funding will be available for an Isles of Athena interchange, and the applicant provided no documentation that private funding will be available.

The Sarasota-Manatee LRTP includes the Central Sarasota Parkway planned interchange to the north, which already has an approved Interchange Justification Report (IJR) and Federal Highway (FHWA) approval. While this project is also not financially feasible at this time, it would reasonably be expected to receive support for Federal, State or local funds prior to any allocation of such funds for an IOA interchange.

Without the interchange, the project as proposed would have to provide access to the west and to the south. Council staff does not believe that the existing City road network has adequate capacity to handle the levels of development proposed in the project. In addition there has been minimum data presented that would provide for an alternative roadway network whereby the only access to the project would be from local roadways.

As a final point, Council staff believes that access to the east from this project would eventually be necessary to provide adequate access to the development and provide interconnectivity between the City and DeSoto County. The problem with the overall design of the IOA, this easterly access would have to interrupt an existing preserve area and would have to cross the Peace River. There is no acceptable alternative identified for this need and no information submitted that adequately addressed this issue.

Given the above situation, Council staff cannot recommend that the proposed amendment be approved.

### **Environment**

The ADA for the IOA will be preserving 2,159.23 acres of the existing slough network and larger site wetlands, and proposes a substantial preserve area for habitat preservation and enhancement, made possible by the clustering of development in more sustainable, compact villages. A network of greenways with trails along their perimeters is envisioned to provide off-road linkages throughout the IOA site. This greenway network will also encircle the project with a greenbelt buffer to discourage sprawl and provide a permanent edge in accordance with the Future Land Use policy. This greenbelt will also serve as a buffer for existing and proposed development areas to the west and south. The parcels to the north and east boundaries already provide a permanent edge and restriction to sprawl as they are currently in some form of permanent conservation entitlement, be it SWFWMD ownership to the west in Desoto County, and Sarasota County Conservation Easement to the north on the Longino Ranch.

The project area is currently in agriculture use for cattle grazing. The First Sufficiency Response provides new FLUCCS acreages and reports the following upland habitats: unimproved pasture (107.98 acres), palmetto prairie (498.77 acres), shrub and brushland (26.51), pine flatwoods (1,486.08 acres), and disturbed pine flatwoods (154.89 acres), xeric oak scrub (120.58 acres), oak hammock (709.25 acres), cabbage palm hammock (98.85 acres) and 42.43 acres of dirt roads. This is a total of 3,812.13 acres of reported uplands.

The ADA reports the following wetland habitats: open water (8.46 acres), ditches (20.64 acres), hydric pine flatwoods (57.42 acres), mixed wetland hardwoods (108.55 acres), vegetated non-forested wetland AKA native herbaceous slough (80.94 acres), disturbed vegetated non-forested wetland AKA herbaceous wetland slough with some non-native herbaceous vegetation (355.63 acres), freshwater marsh (1317.8 acres) and disturbed freshwater marsh (14.08 acres). This is a total of 1,963.48 acres of reported wetlands.

Significant landscape features include Alderman Slough on the west site boundary, Orange Hammock Slough in the eastern portion of the site.

The east boundary of the site abuts the RV Griffin Reserve managed by the Southwest Florida Water management District. The Lewis Longino Preserve and the Myakka Mitigation Bank, both on Longino Ranch, are located to the north of the site.

Upon project completion, approximately 2,159.23 acres of habitat would remain in a natural state through preservation and conservation of wetland and upland habitats.

Listed species observed on site during the FWC site visit or as reported in the applicant surveys include the wood stork (*Mycteria americana*) (endangered-E), Florida sandhill crane (*Grus canadensis pratensis*) (threatened-T), tricolored heron (*Egretta tricolor*) (species of special concern-SSC), white ibis (*Eudocimus albus*) (SSC), snowy egret (*Egretta thula*) (SSC), little blue heron (*Egretta caerulea*) (SSC), roseate spoonbill (*Platalea ajaja*), gopher tortoise (*Gopherus polyphemus*) (SSC) and American alligator (*Alligator mississippiensis*).

Utilizing the FWC Environmental Resource Analysis Tool and FWC staff knowledge the potential listed species that may occur on site include the endangered Florida panther (*Puma concolor coryi*), Florida mastiff bat (*Eumops glaucinus floridanus*) (E), peregrine falcon (*Falco peregrinus*) (E), wood stork (*Mycteria americana*) (E), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*) (E), Florida black bear (*Ursus americanus floridanus*) (T), bald eagle (*Haliaeetus leucocephalus*) (T), southeastern American kestrel (*Falco sparverius paulus*) (T), Florida sandhill crane (*Grus canadensis pratensis*) (T), Florida scrub jay (*Aphelocoma coerulescens*) (T), crested caracara (*Caracara cheriway*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), Sherman's fox squirrel (*Sciurus niger shermani*) (SSC), Florida mouse (*Podomys floridanus*) (SSC), Sherman's short-tailed shrew (*Blarina carolonensis shermani*) (SSC), roseate spoonbill (*Platalea ajaja*) (SSC), little blue heron (*Egretta caerulea*) (SSC), snowy egret (*Egretta thula*) (SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), whooping crane (*Grus americana*) (SSC), limpkin (*Aramus guarauna*) (SSC), burrowing owl (*Athene cunicularia floridana*) (SSC), red-cockaded woodpecker (*Picoides borealis*) (SSC), gopher tortoise (*Gopherus polyphemus*) (SSC), Florida pine snake (*Pituophis melanoleucus mugitus*) (SSC), American alligator (*Alligator mississippiensis*) (SSC), and gopher frog (*Rana capito*) (SSC).

FWC geographic information system (GIS) databases indicate confirmed sightings of little blue heron, white ibis. Biodiversity hotspots (FWC ERA) are indicated for Florida panther, Florida black bear, Sherman's fox squirrel, Sherman's short-tailed shrew, little blue heron, eastern indigo snake, gopher tortoise, and American alligator.

Based on prior surveys on Longino Ranch and reports from staff of Longino Ranch, the following listed species are present on adjacent habitats similar to those on the IOA site: the endangered Florida panther (*Puma concolor coryi*), wood stork (*Mycteria americana*) (E), Florida black bear (*Ursus americanus floridanus*) (T), bald eagle (*Haliaeetus leucocephalus*) (T), Florida sandhill crane (*Grus canadensis pratensis*) (T), crested caracara (*Caracara cheriway*) (T), Sherman's fox squirrel (*Sciurus niger shermani*) (SSC), roseate spoonbill (*Platalea ajaja*) (SSC), little blue heron (*Egretta caerulea*) (SSC), snowy egret (*Egretta thula*) (SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), and gopher tortoise (*Gopherus polyphemus*) (SSC). Florida panthers have been photographed on the nearby Carlton Reserve and Myakka State Park. A panther was sighted on the Longino Ranch in September 2006 within one mile of IOA. The IOA property is known as a part of a corridor of native habitat the panthers utilize. A black bear cub was sighted on the Longino Ranch in the fall of 2006 within one mile of the IOA. Additionally, there are several documented road kills of bear in the area. Bald eagle nests are documented in the area and at least one nest is utilized annually on the Longino Ranch. The nesting tree on the Longino Ranch is of similar age to many of the pine trees on IOA, so IOA is certainly a suitable location for bald eagle nesting. Audubon's crested caracara has regularly observed on the adjacent Longino Ranch in areas that are near the IOA. It is highly likely that caracara also utilize IOA.

As designed, the project will change 3,616.38 acres of wildlife habitat to developed human uses and fragment a contiguous landscape into a series of development areas connected by roadways that cross designated slough preserve corridors and pods of proposed development that intrude into the preserve system. Major slough areas will be

preserved but large numbers of short-hydro-period shallow freshwater marsh wetlands inter-digitated in the pine flatwoods landscape will be eliminated. Permanent hydro-period development lakes will be inserted into the landscape and sheet flow hydrology interrupted and directed into constrained flow-ways. The Preserve Residential Village (IV), the School Village (III), and the proposed waste water treatment plant (WWTP) have significant intrusions into the existing Recreation/Open Space land use overlay that severely impair the landscape function of the Orange Hammock Slough as wildlife habitat and a preserve system.

A total of 559.92 acres of wetlands and 3,056.46 acres of native uplands will be developed. A variety of secondary and cumulative impacts from traffic with associated wildlife road-kill, interruption of sheet flow, introduction of domestic animals, fugitive lighting, fertilizers, oils and greases, stormwater management systems changing hydro-patterns, introduction of exotic landscaping plants, yard waste dumping, mosquito control and other pesticides, etc., will result from development of the site.

A number of sufficiency questions have not been answered in the submitted sufficiency responses by the developer based upon a mis-reading of the FWC e-mail memo dated June 11, 2007 by the applicant's agents or because the information had not yet been developed by the applicant in the course of project planning for water, wastewater, floodplains, and stormwater. These questions are therefore reiterated in this project review. We have reviewed the e-mail from the FWC dated June 11, 2007. It does not indicate FWC has provided acquiescence for the proposed project. The document indicates that FWC did not have additional comments at that time and that the applicant should continue to keep FWC informed and continue correspondence with FWC. It does not defer comments until permitting. Instead it recommends that the applicant proceed with obtaining the necessary permits from FWC. It offers FWC help with project questions upon your request. It also clearly indicates that FWS is interested in reviewing the mitigation and management Plan. Therefore the project does not have written confirmation from the FWC that the completed wildlife surveys reported in the ADA application and the first sufficiency response are considered sufficient.

With regard to the Florida panther, the project is located in suitable habitat for the Florida panther, and preserve lands in Sarasota County have been documented to be utilized by Florida panthers. The telemetry data map provided is not the sole source of information for Florida panther occurrence in Sarasota County. Florida panther have been observed and even photographed on conservation lands west north and east of the property in Sarasota and DeSoto Counties. The project is likely to adversely affect habitat used by the Florida panther and will contribute to secondary and cumulative impacts that increase probabilities of traffic impacts and expansion of habitat conversion east and north of Interstate 75 (i.e., habitat utilized by dispersing juvenile panthers and possibly habitat available to adults in the area).

The proposal will also impact habitats of the wood stork (*Mycteria americana*) (endangered-E), Florida sandhill crane (*Grus canadensis pratensis*) (threatened-T), tricolored heron (*Egretta tricolor*) (species of special concern-SSC), white ibis (*Eudocimus albus*) (SSC), snowy egret (*Egretta thula*) (SSC), little blue heron (*Egretta caerulea*) (SSC), roseate spoonbill (*Platalea ajaja*), gopher tortoise (*Gopherus polyphemus*) (SSC) and American alligator (*Alligator mississippiensis*).

The Preserve Residential Village (IV), the School Village (III), and the proposed waste water treatment plant (WWTP) have significant intrusions into the existing Recreation/Open Space land use overlay that severely impair the landscape function of the Orange Hammock Slough as wildlife habitat and a preserve system.

There are potential conflicts between the RV Griffen Reserve, the Longino Ranch Conservation Easement Areas and the proposed land uses anticipated by the applicant in the proposed DRI. Prescribed burning of conservation lands is imperative. Proposed developments must be a safe distance to allow burning. Any proposed development should be a sufficient distance from the conservation lands such as noise and light pollution will not reduce utilization of the border by wildlife.

### **Stormwater Management**

The SWFWD is funding a watershed modeling exercise that will lead to federally (FEMA) approved floodplain delineations shown on DFIRM maps. The presence of extensive wetlands, soils with high groundwater conditions and flat topography on the IOA site are likely to result in significant floodplain delineations associated with Alderman Slough and Orange Hammock Slough. The amount of fill necessary for the proposed development will likely result in floodplain impacts. The amount of necessary Floodplain compensation is currently unknown.

Currently during periods of high flows and water levels the City of North Port is reported to experience flooding along the Snover Waterway. The project has the potential to provide significant contributions to this existing flooding problem?

The ADA responses indicate that surface water discharges will be monitored for water quality degradation, once development is completed. If water quality degradation is documented and violations of water quality standards occur, it is unclear what recourse will the City of North Port have to rectify the situation and protect a drinking water resource, particularly when multiple property owners will be involved at that point and it may be decided that the source of the pollution is non-point source.

### **Potable Water Supply and Wastewater Disposal**

The Snover Waterway is classified as a Class I waterway because it serves as a drinking water source for the City of North Port. The City is currently seeking approval to increase surface water withdrawals from this source. The project has the potential for anticipated negative effects on the City's potable water supply.

The applicant is proposing a plan for supplying up to 5 MGD of potable water for the ultimate build-out of IOA by on-site pumping from the intermediate and/or Floridan aquifers. As this project is located within SWUCA and other water suppliers in the area are focusing on additional supply from surface waters, it is unclear how the applicant plans to receive the necessary SWFWMD approvals for these groundwater withdrawals.

It is unclear what the numerical standards for the effluent discharge of the proposed WWTP will be. Based upon the current proposal it is unclear where the WWTP will dispose of effluent.

## Council Staff Findings

Council staff recommends that the proposed large-scale amendment for the proposed "Isles of Athena" Development of Regional Impact to amend the City of North Port Comprehensive Plan - Future Land Use Map, from "Agriculture Estates" and "Recreation/Open Space" to "Village" and "Recreation/Open Space" be denied due to its significant negative effects on regionally significant resources including transportation facilities, vegetation and wildlife including listed species, wetlands, floodplains, water quality, public water supply, wastewater management, and stormwater management issues.

Council staff as reviewed the proposed changes to the City's Comprehensive Plan and supports the City's positions on these amendments. Council staff believes that the requested changes while assisting in addressing overall regional issues, they are not significant as related to their magnitude, character and location to totally address any individual regional issues. Based on the proposed changes and any positive impact they may have to the City, the requested changes will not bring the City's Comprehensive Plan into compliance with State Planning statutes and are therefore not consistent with the SRPP.

Council staff finds that the amendments are not consistent with the following Transportation, Natural Resources and Water Resource Management Elements Goals, Strategies and Actions as identified in the Strategic Regional Policy Plan, July 4, 2002:

### Livable Communities

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy:** Develop livable, integrated communities that offer residents a high quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Action 6:** Work in cooperation with agencies and local governments insure new public facilities, facility expansions and additions avoid designated natural resource protection areas.

## **The Supply of Affordable Housing**

**Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.**

**Strategy: Increase the supply of affordable housing through public and private efforts.**

**Action 1:** Assist local governments in identifying the housing needs of very low, low and moderate-income households in the Region.

**Action 2:** Review housing elements of local comprehensive plans to ensure those needs are identified and considered when funding choices are made.

**Action 4:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 5:** Encourage local governments to adopt strategies that promote the development of affordable housing by the private and nonprofit sectors including incentives such as one-step permitting/review process for developers and contractors and the donation of publicly owned lands for development by non-profit organizations.

## **Balanced Intermodal/Multimodal System**

**Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.**

**Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.**

**Actions 2:** Continue assisting appropriate agencies with applications for intermodal funding, including rail.

**Strategy: Ensure that a network of interconnected roads exist that provide the timely, cost effective movement of people and goods within, through and out of the Region.**

**Actions 2:** By 2003, identify unconnected and/or under connected components of the regional transportation network.

**Strategy: Promote Smart Growth where residential communities are linked with job centers through transit, carpooling, or other high occupancy vehicle transportation.**

**Actions 2:** In cooperation with transit providers and other governmental and private entities, seek long term, dedicated funding sources for use for improving and expanding the transit system.

**Actions 3:** Report on the overall effect of regional land use policies and pricing policies on urban sustainability.

## **Natural Resource Protection**

**Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.**

**Strategy: Identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.**

**Action 2:** Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASC, CREW, WRDA and other efforts in the Region.

**Action 4:** Support continued preservation of lands targeted for conservation and recreation by Private Environmental Land Trust Programs in the Region.

**Action 8:** Working with various entities utilizing the following Criteria and Guidelines, create a non-regulatory gaps planning map of land needed for recreation, hunting/fishing, flood control, forestry activities, etc.; to provide support for future populations and to protect existing ecosystems. Potential gaps may include lands which are not included in any current acquisition/conservation /preservation program, have not already been set aside as conservation areas within approved development or lands which may be within private ownership and may be potentially proposed for future agricultural or urban intensification, which would preclude their environmental value.

**Action 9:** Working with various acquisitions programs identified in this Plan and working with local governments and private landowners, develop a strategy to protect gaps lands identified in the above action, using the tools outlined in this Plan

## **Water Resource Management**

**Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable wells, wellfields and contributing areas from contamination.**

**Strategy:** To resolve this land planning and water management disjunct, all entities need a common, readily accessible, understandable water resource modeling tool.

**Action 2:** Work with the WMDs and local governments to insure that the resource condition evaluation addresses surface and groundwater, quality and quantity, flow, volume, direction and the hydro period cycle.

**Action 3:** Work with the WMDs and local governments to insure a better plan to provide land use/water linkage and provide for consideration that the land use scenarios recognize the land use patterns of urban, agricultural, and natural system coverage, and the social/economic factors that guide change to land use.

### **Conclusion**

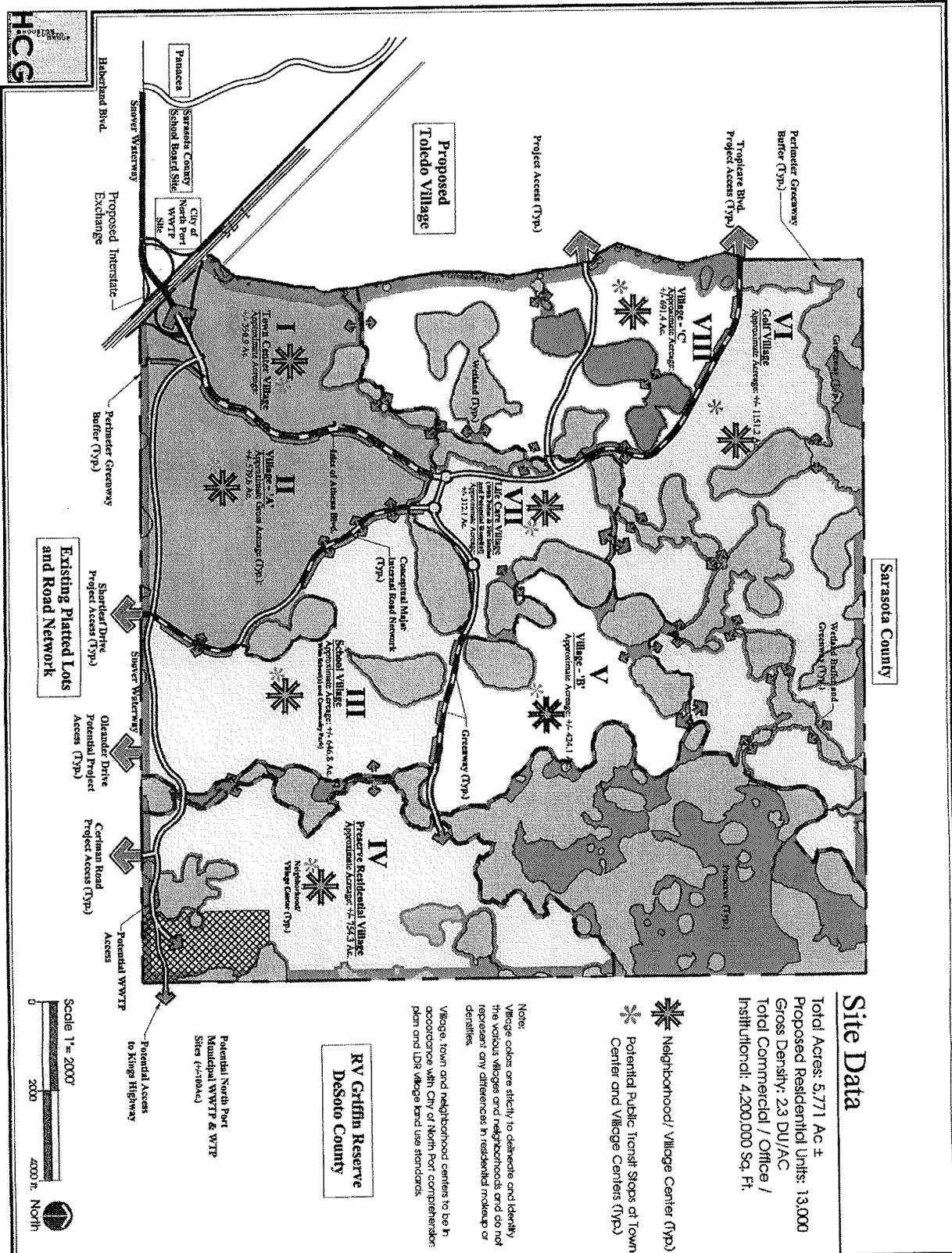
Based on the magnitude, location and character of the impacts as a result of the proposed project and the lack of adequate mitigation, the proposed Isles of Athena amendments are found by Council staff to be regionally significant and not consistent with the SRPP. The issues associated with the proposed amendments have not been adequately addressed by the applicant. Council staff is recommending that the amendments not be approved as proposed.

**Attachment III**

# **Maps**

**City of North Port  
Isles of Athena DRI  
DCA 09-D1**

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**Project Team**

**Architect:**  
 North Port Land Investment, LLLP  
 6908 Wendy Lane W  
 West Palm Beach, FL 33411

**Planner:**  
 Egan, Mott, O'Leary, Thom, Tunon &  
 Scarborough, P.A.  
 2000 Main Street, Suite 600  
 Sarasota, FL 34237

**Interior:**  
 Strategic Planning Group, Inc.  
 2453 South Third Street  
 Cochs Wreck Plaza  
 Jacksonville Beach, FL 32250

**Land Planner and Agent:**  
 Houston Cuoazzo Group, Inc.  
 2400 SE Federal Hwy, Suite 310  
 Miami, FL 33133

**City Engineer:**  
 Mack and Associates, Inc.  
 401 E. Kentucky Boulevard  
 Sarasota, FL 34236

**Surveys Engineer:**  
 Sargent & Lundy, P.C., Inc.  
 225 West Street  
 Grand, FL 33901

**Environmental Consultant:**  
 Earth Balance, Corp.  
 2230 North Toledo Middle Blvd.  
 North Port, FL 34296

# ISLES OF ATHENA

City of North Port, Florida

North Port Land Investment, LLLP

**MAP H**  
 Master Development Plan

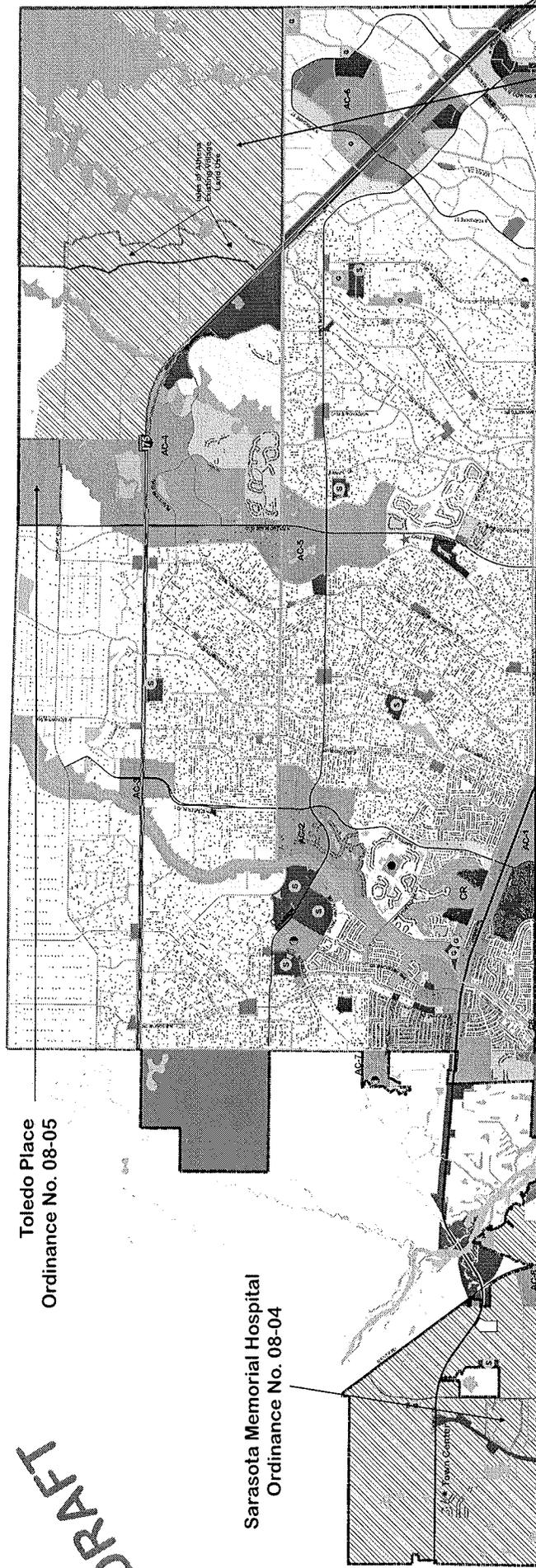
Prepared by  
 Houston Cuoazzo Group, Inc.

Date : July 2005  
 July 2006  
 Sept. 2006  
 Jan. 2007  
 Aug. 2007

**DRAFT**

Toledo Place  
Ordinance No. 08-05

Sarasota Memorial Hospital  
Ordinance No. 08-04



# EXISTING LAND USE MAP

## CITY OF NORTH PORT, FLORIDA

(Proposed Comprehensive Plan Amendments)

Isles of Athena  
Ordinance No. 08-06

**Legend**

Existing Land Use (Built)

**Future Land Use**

Proposed Amendment Boundaries

ACTIVITY CENTER (TDR RECEIVING ZONE - EXCEPT AC-3)

COMMERCIAL

CONSERVATION (TDR SENDING ZONE)

AGRICULTURAL ESTATES

FUTURE ANNEXATION AREA

HIGH DENSITY RESIDENTIAL

INDUSTRIAL

LOW DENSITY RESIDENTIAL

MEDIUM DENSITY RESIDENTIAL

NONE

PROFESSIONAL OFFICE/INSTITUTIONAL

PUBLIC

RECREATION OPEN SPACE (TDR SENDING ZONE)

UTILITY/INDUSTRIAL CORRIDOR

VILLAGE

Historic Sites

Deep Injection Well

(I) Inactive Privately-Owned Landfill

Belecat Village Non-Residential Area

Town Center

G = Government Uses

CR = Commercial Recreation

**Legend**

**North Port Roads**

ARTERIAL

COLLECTOR

PRIMARY ARTERIAL

**Water Features and Canals**

Future Roads

ARTERIAL

COLLECTOR

PRIMARY ARTERIAL



Prepared by:  
City of North Port, Florida  
Planning and Zoning Department  
and GIS Division  
February 2007  
47 of 227

Notwithstanding to whom these plans are submitted, the City of North Port shall retain the responsibility for the use of the information contained herein.

# ISLES OF ATHENA DRI - PROPOSED LAND USE AMENDMENT

## Existing Future Land Use

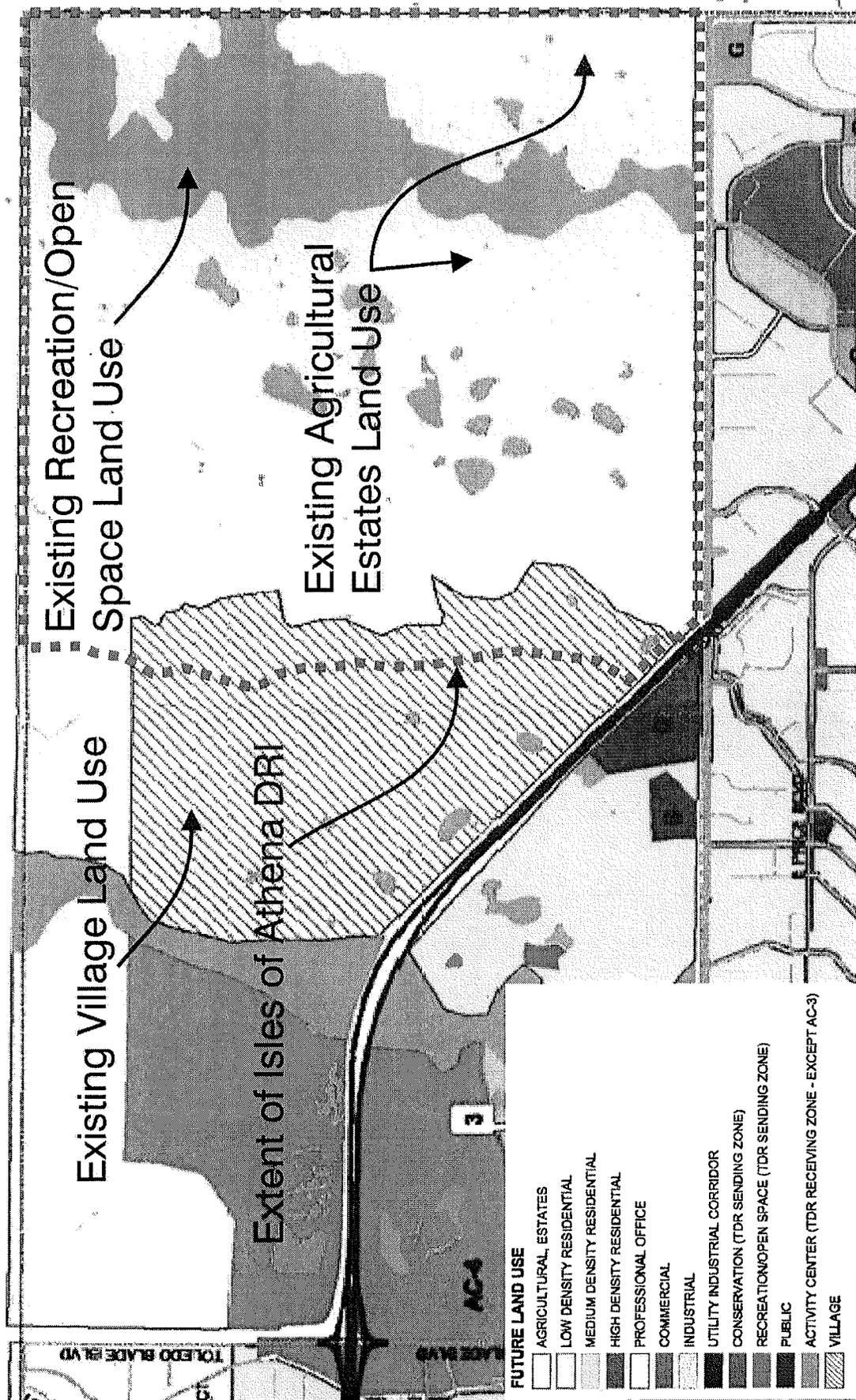
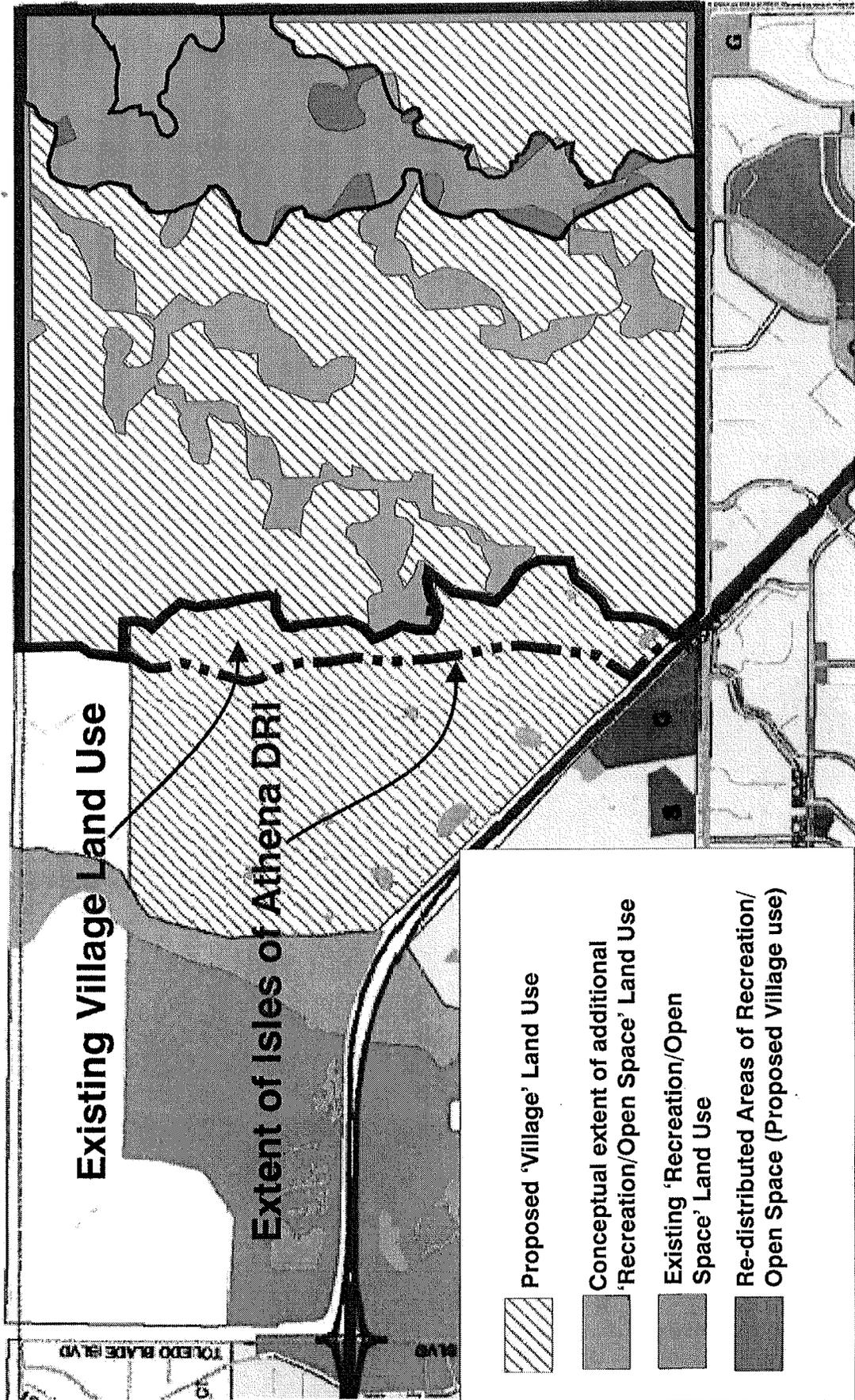


Exhibit E-3



# ISLES OF ATHENA DRI - PROPOSED LAND USE AMENDMENT Proposed Future Land Use





\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3f

Town of Fort Myers Beach  
Comprehensive Plan  
Amendments (DCA 09-1)

3f

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
TOWN OF FORT MYERS BEACH**

The Council staff has reviewed proposed amendments to the Town of Fort Myers Beach Comprehensive Plan (DCA 09-1ER). The proposed amendments are requesting changes to the Town of Fort Myers Beach Comprehensive Plan. This amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. (A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I, staff comments are provided in Attachment II)

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
Town of Fort Myers Beach DCA 09-1ER	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Town of Fort Myers Beach.

02/09



**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

## Attachment I

### Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to Developments of Regional Impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.

[(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

#### **Regional Planning Council Review**

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."

[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.**

**Attachment II****SWFRPC COMMENTS  
Town of Fort Myers Beach Comprehensive Plan Amendments****Proposed Amendments (DCA 09-1ER)**

The Town of Fort Myers Beach has requested thirteen changes to their Comprehensive Plan. Twelve of the proposed amendment provides for text changes and one provides for changes to the Future Land Use Map (FLUM).

**Regional Significance and Consistency**

The proposed amendments to text and FLUM in the Town's Comprehensive Plan are as follows:

- 1) **2008-01-TEXT:** Provides for an update of the Capital Improvement Element so that it complies with the new statutory requirements, including the annual update to the five-year schedule of capital improvements.
- 2) **2008-02-TEXT:** Adds a new Public Schools Element to the comprehensive plan.
- 3) **2008-03-TEXT:** Revises Policy 4-D-1 and revises Policy 5-C-7 regarding "repetitive loss" properties under the National Flood Insurance Program.
- 4) **2008-04-TEXT:** Clarifies Policy 4-E-1 to maintain the original intention of pre-disaster build back and to provide additional incentives.
- 5) **2008-05-TEXT:** Clarifies Policy 4-C-6 so that it unquestionably applies to all guest units, not just to motel rooms.
- 6) **2008-06-TEXT:** Amends the Future Land Use Element (FLUE) to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town's economy and walkability, and to specifically allow condominium ownership of lodging establishments provided that they will be operated as hotels or motels.
- 7) **2008-07-TEXT:** Amends Policy 7-B-3 to make its second clause permissive rather than mandatory and to reference the potential for other reasons that might cause the town to negotiate turnover of maintenance responsibility for Estero Boulevard and amends Objective 7-E in a corresponding manner.
- 8) **2008-08-TEXT:** Deletes Policy 7-H-3 regarding left-turns onto Estero Boulevard as northbound traffic passes Time Square.
- 9) **2008-09-TEXT:** Modifies Policy 7-J-2 to set a new date for modifying the land development code to require a useful traffic impact analysis for new developments.

- 10) **2008-10-TEXT:** Revises Objectives 9E and 9-F to set realistic timetables for the completion of a stormwater master plan.
- 11) **2008-11/12-TEXT:** Revises Policy 8-C-6 to delete references to the Public Service Commission and Florida Cities Water Company; updates the text of the Utilities Element to reflect the town's acquisition of the potable water distribution system from Florida cities; modifies the Utilities Element to reflect the latest ten-year water supply plan; and makes corresponding policy changes to the Conservation, Intergovernmental Coordination, and Capital Improvement Elements.
- 12) **2008-13-TEXT:** Modifies the Coastal Management Element and FLUE to reflect the State's new definition of "Coastal High Hazard Area."
- 13) **2008-14-MAP:** Modify the Future Land Use Map (FLUM) to depict the State's new definition of "Coastal High Hazard Area."

### **Council Staff Findings**

Council staff has reviewed the proposed amendments as they relate to the magnitude, character and location of the requested changes and finds that the requested amendments are procedural in nature and not regionally significant. In addition, Council staff finds that the proposed amendments are consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

#### **Livable Communities**

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy:** Develop livable, integrated communities that offer residents a high quality of life.

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.**

**Strategy:** Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

**Conclusion**

All thirteen (13) proposed amendments are procedural in nature, not regionally significant and consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan. Therefore, Council staff recommends that the amendments be approved.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3g

Big Cypress DRI -  
Request for Sufficiency  
Response Extension

3g

3g

## Agenda Item

**TOWN OF BIG CYPRESS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Town of Big Cypress Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The applicant's agent chose not to pursue a 45-day extension. The applicant's agent submitted a letter requesting a lengthier 120-day extension to the sufficiency response period. The 120-day extension set the deadline for sufficiency responses to November 05, 2008. The applicant submitted the Town of Big Cypress First Round Sufficiency Responses prior to the sufficiency response deadline. The Southwest Florida Regional Planning Council responded to the applicant's sufficiency response with additional sufficiency questions on October 30, 2008. The 120-day sufficiency response period expires on February 27, 2009. The applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on January 27, 2009 requesting a 90-day extension to the sufficiency response period (see Attachment I). The proposed new deadline for sufficiency responses would be May 30, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45-day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension." The applicant's agent states this extension request is "necessary in order to have adequate time to resolve the outstanding transportation issues and agency comments received to date. The additional time will allow the applicant to more thoroughly review the comments, conduct additional studies if appropriate, and to continue to meet with the review agencies to resolve the issues."

Staff recommends approval of this extension.



NEW DIRECTIONS IN PLANNING, DESIGN &amp; ENGINEERING. SINCE 1956.



January 27, 2009

Mr. Daniel Trescott, AICP  
 SWFRPC  
 1962 Victoria Avenue  
 Fort Myers, FL 33901

**RE: Town of Big Cypress ADA/DRI  
 Response to Sufficiency # 2  
 Request for Time Extension**

Dear Mr. Trescott:

On behalf of our client, Collier Enterprises Management, Inc., we hereby request an extension from the 120-day "Response to Agency Sufficiency Comments" deadline, pursuant to FS Section 380.06. The Applicant requests an additional 90 days, until May 30, 2009, to submit a response to the second round of sufficiency comments received on October 30, 2008. The extension is necessary in order to have adequate time to resolve the outstanding transportation issues and agency comments received to date. The additional time will allow the applicant to more thoroughly review the comments, conduct additional studies if appropriate, and to continue to meet with the review agencies to resolve the issues.

Please contact me if you need any further information.

Sincerely,  
 WilsonMiller, Inc.

Cherie Akers, AICP  
 Senior Project Manager/Associate

C: Jason Utley, SWFRPC  
 Michael Rosen, Collier Enterprises Management, Inc.  
 Rich Yovanovich, Esq., Goodlette, Coleman & Johnson, Yovanovich & Koester, P.A.  
 Neale Montgomery, Esq., Pavese Law Firm  
 Kay Deselem, AICP, Collier County

Corporate Office 3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336 239.649.4040 F 239.643.5716

WilsonMiller.com



\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3h

Harborview SD DRI –  
Request for Sufficiency  
Response Extension

3h

## **HARBORVIEW SUBSTANTIAL DEVIATION REQUEST FOR SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Harborview Development of Regional Impact Substantial Deviation has requested a 90-day extension to the deadline for responding to the Application for Development Approval's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on January 14, 2008. The 45-day extension set the new deadline for sufficiency responses to March 04, 2008. Subsequent to granting the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council (SWFRPC) on February 14, 2008 requesting an additional 45-day extension to the sufficiency response period. A 45-day extension was granted at the Council meeting held on February 21, 2008. The 45-day extension set the new deadline for sufficiency responses to April 18, 2008. Subsequent to granting the 45-day extension, the applicant's agent submitted a letter to the SWFRPC on April 08, 2008 requesting an additional 28-day extension to the sufficiency response period. The 28-day extension set the new deadline for sufficiency responses to May 16, 2008. Subsequent to granting the 28-day extension, the applicant's agent submitted a letter to the SWFRPC on May 13, 2008 requesting a 90-day extension to the sufficiency response period. The applicant's agent miscalculated the new deadline for sufficiency responses in the letter dated May 13, 2008. Staff clarified the intent of a 90-day extension in a telephone conversation with Mr. Troy Salisbury, agent for the applicant, on May 14, 2008. The 90-day extension set the new deadline for sufficiency responses to August 14, 2008. The applicant submitted the Harborview Substantial Deviation First Round Sufficiency Responses prior to the sufficiency response deadline. The SWFRPC responded to the applicant's sufficiency response with additional sufficiency questions on July 31, 2008. The 120-day sufficiency response period was set to expire on November 27, 2008. The applicant's agent submitted a letter to the SWFRPC on November 03, 2008 requesting a 120-day extension to the sufficiency response period. The 120-day extension set the new deadline for sufficiency responses to March 27, 2009. Subsequent to granting the 120-day extension, the applicant's agent submitted a letter to the SWFRPC on February 02, 2009 requesting an additional 90-day extension to the sufficiency response period (see Attachment I). The proposed new deadline for sufficiency responses would be June 25, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45-day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension."

Staff recommends approval of this extension.





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February 2, 2009

Mr. Jason Utley, Regional Planner/ Assistant DRI Coordinator  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

**Subject: Harborview DRI Sufficiency Response #1- Extension Request**

Dear Mr. Utley:

Our office continues to diligently compile our responses to the above listed project.

Regarding the project referenced above, we respectfully request an extension of 90 days to respond to the comments dated September 27, 2007. Our completed Harborview DRI Sufficiency Response #1 will be delivered to your offices no later than June 25, 2009.

I apologize for the delay. Thank you for your continued help and understanding. If you have any questions or comments please contact me at 941-365-4771.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Troy Salisbury', is written over a light blue horizontal line.

M. Troy Salisbury, Project Manager  
CPH Engineers, Inc.

cc: File

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3i

North Port Gardens DRI -  
Request for Sufficiency  
Response Extension

3i

**NORTH PORT GARDENS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION**

The Southwest Florida Regional Planning Council staff anticipates the receipt of a request for a sufficiency response extension to the North Port Gardens Development of Regional Impact Application for Development Approval (ADA). The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on March 28, 2008. The 45-day extension set the new deadline for sufficiency responses to May 19, 2008. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on May 07, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the Council meeting held on May 15, 2008. The 90-day extension set the new deadline for sufficiency responses to August 17, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on May 30, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the Council meeting held on June 19, 2008. The 90-day extension set the new deadline for sufficiency responses to November 15, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on October 07, 2008 requesting an additional 30-day extension to the sufficiency response period. A 30-day extension was granted at the Council meeting held on October 16, 2008. The 30-day extension set the new deadline for sufficiency responses to December 17, 2008. Subsequent to the granting of the 30-day extension, the applicant's agent submitted an e-mail to the Southwest Florida Regional Planning Council on November 12, 2008 requesting a 45-day extension for sufficiency responses. The 45-day extension set the new deadline for sufficiency responses to January 31, 2009. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on January 07, 2009 requesting a 30-day extension for sufficiency responses. The 30-day extension set the new deadline for sufficiency responses to March 02, 2009. As a result of recent conversations between SWFRPC staff and the agent for the applicant, staff continues to understand that the ownership of the subject property is changing. Staff anticipates a letter requesting an extension to the sufficiency response period prior to the Council meeting scheduled for February 19, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension."

Staff recommends approval of this anticipated request for extension.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Administrative Agenda

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\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

4a

Adoption of the Council's  
29I Rules

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## **SWFRPC 29I Rules**

On January 26, 2009, the SWFRPC received comments from the Joint Administrative Procedures Committee. The comments were generally one of two types: 1) request for changes to the statutory citation to justify the rule change and 2) opinion that the rule section being proposed for revision does not meet the definition of a rule and would be better suited for a “Statement of Agency Organization and Operation.”

There are two rule sections that JAPC believes may not meet the definition of a rule: 29I-1.001, Name and Scope and 29I-1.002, Purpose. The Council may withdraw these two rule sections and retain the previous language or the Council may go forward with an explanation that the rule section is intended for informational purposes to give the general public an idea of the powers and responsibilities of the Council. A third option is to delete the two rule sections and establish “Statement of Agency Organization and Operation.”

Staff recommends:

1) Council adopt the rule sections with recommended technical changes and request certification to the Department of State for:

29I-1.003: Staff Functions; General Description

29I-1.004: Council Membership and Appointments, Term of Service, Vacancies, Removal from Office

29I-1.005: Officers, Term, Duties, Committees

29I-1.006: Conduct of Meetings

29I-1.008: Responsibilities and Authority

29I-1.010: Information Requests

29I-4.001: DRI Review Process

29I-4.004: DRI-ADA Form

29I-4.006: Request for DRI Review

29I-4.011: Areawide Development of Regional Impact

29I-4.012: Florida’s Quality Developments Program

29I-4.013: Review of Amendments to Development Orders

29I-5.003: Review Criteria

29I-7.004: Costs

2) Council adopt the recommendation of JAPC and delete subsection (e) of 29I-1.004, specifically the following language: “The Governor of the State of Florida shall appoint a maximum of one third of the members. Each county in the region shall have a minimum of one appointment by the Governor.”

3) Council adopt rule sections 29I-1.001, Name and Purpose, and 29I-1.002, Purpose, submit to JAPC that these rule sections are intended for informational purposes to give the general public an idea of the powers and responsibilities of the Council, and request certification to the Department of State.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

4b

Lower West Coast Watersheds  
Subcommittee –  
Implementation Status  
Presentation

4b

4b

## **LOWER WEST COAST WATERSHEDS SUBCOMMITTEE REPORT**

### **IMPLEMENTATION**

At the January, 2009 Council meeting, the Lower West Coast Watersheds Subcommittee (LWCWS) Chairman Mick Denham presented the final Subcommittee draft resolution for Retrofit Development, which was heard and approved by the Council. The Subcommittee chairman then recommended to Council that the since the Goals of the Subcommittee had been reached, the LWCWS should sunset.

Council member Denham then requested establishment of a new Subcommittee to identify and provide for future activities that would lead to the implementation of all the approved LWCWS resolutions. Council approved the motion and a new Subcommittee was formed.

After the Council meeting, the new Subcommittee met and discussed what actions are necessary to organize the new Subcommittee and what efforts would be needed to meet the implementation Goals as set forth by Council.

**RECOMMENDED ACTION:** Staff is requesting approval of the continued organizational efforts of the new Subcommittee.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

4c

Funding for the Estero Bay  
Agency for Bay Management  
& 2009 Workplan

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4c

## Introduction

The Estero Bay Agency on Bay Management (ABM) was established in accordance with the settlement agreement for the completion of permitting for the Florida Gulf Coast University (FGCU), upon the completion of the Arnold Committee study process. In the settlement agreement signed in 1995 the SWFRPC agreed to provide support to the EBABM; the SWFRPC has acted as the host agency from that point. The ABM Membership consists of, but is not limited to, delegations from the following: local chambers of commerce, citizen and civic associations, Lee County, SFWMD, FDEP, FWC, FGCU, SWFRPC, commercial and recreational fishing interests, environmental and conservation organizations, the Responsible Growth Management Coalition, Fort Myers Beach, Sanibel, scientists, affected property owners and the land development community.

Each year the EBABM reviews the accomplishments of the prior year's adopted work plan and adopts a new work plan to guide activities for the upcoming year. The adopted Workplan is now submitted to the SWFRPC for review and approval (Attachment 1).

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory body whose directive, as stated in the settlement agreement mentioned above, is to make comments and recommendations for the management of Estero Bay and its watershed. The waters of Estero Bay provide a tremendous resource for local residents and tourists who enjoy fishing and appreciate the local vegetation and wildlife. It is also important to note that Estero Bay was established as Florida's first aquatic preserve. Due to the increase in population density on and near the shores of Estero Bay and its watershed and the attendant increase in boat traffic, the Estero Bay Agency on Bay Management has adopted guiding principles as stated in the "Principles of the Estero Bay Agency on Bay Management" dated May 13, 2002 (Attachment 2). These principles are an attempt by the ABM to make strong and clear recommendations for the preservation and restoration of this rare and unique ecosystem. The ABM realizes that some situations within the Estero Bay Watershed may not allow the strict adherence to these principles, however, the ABM recommends that they be utilized wherever and whenever possible. .

In the past, the cost of the activities of staff support for the EBABM was covered by funding associated with grants from the Florida Department of Community Affairs to the SWFRPC related to providing local planning assistance. These funds are no longer available and this year the EBABM will be seeking alternatives for staff support funding that could include the relocation of the EBABM to another host entity. An annual budget for regular operation and staff support for the EBABM is approximately \$80,000. It is estimated that from February of 2008 to February 2009 EBABM participate members provide \$84,000 of in-kind services and financial support.

**RECOMMENDED ACTION:** Approve of the EBABM Workplan for 2009.



**Attachment 1**  
**ESTERO BAY AGENCY ON BAY MANAGEMENT**  
**PROPOSED PROJECTS AND ACTIVITIES 2009**  
**Adopted by EBABM on February 9, 2009**

1. Develop strategies and recommend actions to reduce impairment to Estero Bay waters. This will include comment on important initiatives including SWIM, development of TMDLs, Pollution Load Reduction Goals (PRGs), Basin Management Action Plans (BMAPs), SFWMD Phase II Estero Bay Watershed Assessment, and refinement of the Harper Methodology or the Southwest Florida Special Basin Rule.
2. Seek funding support from EBABM partners and external grant sources for staff support of the EBABM.
3. Continue the update of the State of the Bay Report.
4. Plan an Estero Bay Symposium, in partnership with CHNEP, for 2009.
5. Following the Southwest Florida Land Use Study, seek funding to develop a system for monitoring landuse change in the watershed, both data collection and data management.
6. Review specific Agency review processes (and accompanying rules) to determine whether the principles of the ABM for effective bay management are included, and report back to the Council on deficiencies that are noted. This year we will focus on water quality regulations, implementation, and compliance.
7. Coordinate activities with the Charlotte Harbor National Estuary Program, the Estero Bay Nutrient Management Partnership, and the Southwest Florida Watershed Council.
8. Review and comment on factors affecting recreational use of the bay. This year we will focus on the new No Internal Combustion Motor Zones (NICMZs) with an emphasis on the development of a monitoring plan.
9. Provide Comments and Report to the SWFRPC on relevant Items of Review such as; Comprehensive Plan Amendments, Developments of Regional Impact, update of the Strategic Regional Policy Plan, Intergovernmental Coordination and Review projects, etc.
10. Collect and maintain a data library for Estero Bay at the offices of the Regional Planning Council.
11. Review and comment to regulatory agencies on issues affecting Estero Bay and its watershed.
12. Review and comment on other current issues affecting Estero Bay.



## Attachment 2

# Principles of the Estero Bay Agency on Bay Management

## I. General

- I. A. The ABM will be cognizant of the "big picture" and to the concept of "ecosystem management" and sustainable development.
- I. B. Water conservation practices and wastewater reuse will be encouraged throughout the watershed to protect potable water supplies.”
- I.C. All re-zoning requests within the Estero Bay watershed will be critically evaluated to ensure protection of water quality, rare and unique habitats, listed wildlife, and ecosystem functions.
- I.D. Variances from environmental regulations and deviations from development standards will be the exception, not the rule.
- I.E. Environmental protection and long-term quality of life will not suffer based on short-term economic impacts or political pressures.
- I.F. Zoning resolutions that are required as a part of the approval for re-zoning must be tracked for future compliance and enforcement.
- I.G. Compliance and enforcement of existing environmental regulations will be a top priority for regulatory agencies.
- I.H. Additional staff will be hired to assist in the compliance and enforcement of zoning resolutions related to environmental issues.
- I.I. Agency staffing will keep pace with increased demand on services, especially environmental protection issues. Trained and experienced wildlife biologists and environmental scientists will be hired to ensure adequate development review.
- I.J. Activities in the watershed by any regulatory agency shall provide the opportunity for public participation.

## II. Uplands, Headwaters and Isolated Wetlands

### II. A. Land Management and Acquisition

- II. A. (1) Lands identified as critical for listed species shall be targeted for public purchase and managed to maintain their environmental value.
- II. A. (2) The Lee County Conservation Land Acquisition and Stewardship Advisory Committee will consider priorities for land purchases adopted by the "Arnold Committee" and the ABM.
- II. A. (3) The Lee County Conservation Land Acquisition and Stewardship Advisory Committee will use proactive approaches to investigate the willingness of landowners to be voluntary sellers, as specified in the requirements of the ordinance that established the land acquisition program.
- II. A. (4) Regulations within the existing "Notice of Clearing" process by Lee County will be developed that require wildlife surveys, habitat assessments, and a development plan

for the agricultural operations so that critical habitats for state and federal listed species can be preserved.

- II. A. (5) Conservation easements will be used as an option to protect critical habitats.
- II. A. (6) Programs such as the "Keep It Clean" and "Florida Yards and Neighborhoods" programs should be promoted, to minimize inputs of storm water pollutants into the bay.
- II. A. (7) Before off-site mitigation for wetland and listed-species upland impacts is considered, opportunities for avoidance, minimization, and on-site mitigation must be exhausted.
- II. A. (8) Off-site mitigation projects should be within watershed and within habitat type wherever possible.

## **II. B. Vegetation**

- II. B. (1) Natural, native vegetation within natural systems will be retained to the greatest extent possible.
- II. B. (2) Physical removal of invasive vegetation will be utilized for control rather than widespread chemical treatment.
- II. B. (3) Limited application of herbicides that rapidly degrade may be used, according to the product label, on a case-by-case basis for the control of nuisance and invasive non-native vegetation and to maintain native plant communities.
- II. B. (4) Promote, whenever possible, the active and aggressive removal of invasive non-native plants from all common areas, conservation easements, preserves and natural areas within the Estero Bay watershed.
- II. B. (5) Isolated and seasonal wetlands are recognized for their importance for flood protection, unique fish and wildlife habitat, water quality, and water quantity. These wetlands should be preserved to the greatest extent possible.

## **II. C. Physiographic**

- II. C. (1) Consideration will be given to the ancient relief of the watershed by: preserving vegetation that provide the characteristic habitat and canopy; retaining the relic natural features; and reconnecting historic natural flow ways that have been diverted or severed.

## **II. D. New Construction**

- II. D. (1) Construction within flood plains shall be avoided wherever possible.
- II. D. (2) For construction that must occur within floodplains, utilize techniques that do not adversely impact the capacity of the floodplain (e.g. use of pilings to raise living floor elevations versus use of fill).
- II. D. (3) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood) within flood plains.

## **II. E. Hazardous Materials**

- II. E. (1) Specifically placed larvicides and biological controls are the preferred methods for mosquito control. Adulticides should only be used in compliance with Section 388.011(1) Florida Statutes.

## **II. F. Agriculture**

- II. F. (1) Tax incentives should be created so that landowners may continue land use practices that maintain ecologically important habitat.
- II. F. (2) Adequate staff at Property Appraisers Offices within the watershed will be provided to review the high number of applications and strictly enforce the rules for Bona fide agricultural tax exemptions.
- II. F. (3) The minimum time period for re-zoning of agricultural land should be increased from three years to ten years to reduce the speculative clearing of agricultural land for "higher use" which results in the loss of natural habitat and the loss of tax revenue.
- II. F. (4) Legislation should be implemented that provides inheritance tax, real estate tax and estate tax relief for agriculture landowners and their heirs, who will maintain their land in agriculture.
- II. F. (5) Legislation should be implemented that provides inheritance tax, real estate tax and estate tax relief for landowners and their heirs, who provide permanent conservation easements on their property.

## **II. G. Urban**

- II. G. (1) Old surface water management (SWM) systems built before current regulations will be retrofitted, using best available management practices, to meet current SWM standards.
- II. G. (2) Permitting must address cumulative impacts to the water storage capacity of the watershed.
- II. G. (3) Grants or incentives should be provided for retrofitting old surface water management systems that are not effectively managing water volume or flow, or removing nutrients and other pollutants.
- II. G. (4) Proposal s that reduce impacts to Estero Bay and its watershed, that might include: rural village concepts, urban infill, redevelopment sites, greenways; should be encouraged.

## **II. H. Roadways**

- II. H. (1) All future roadways to be located in the floodplain within the Estero Bay watershed will be designed and constructed to not impede flows from a 25-year, 3 day, storm event.
- II. H. (2) Transportation planning shall be undertaken with goals of increasing public transportation and enhancing new and existing roads with walkable, bikeable passageways that are connected and landscaped.

# **III. Water Courses**

## **III. A. Physiographic**

- III. A. (1) Non-structural approaches versus structural approaches will be used for water resource management solutions.
- III. A. (2) No further canalization or dredging of remaining natural watercourses will occur.

- III. A. (3) A better balance of ecological needs versus water flow will be used for water resource management decisions.
- III. A. (4) Establish and restore the historic basin flood plains to the maximum extent possible.
- III. A. (5) The ancient relief of the upper tributary reaches will be maintained by: preserving vegetation that provide the characteristic riparian habitat and canopy, retaining the relic natural features of the tributary bank contours, and reconnecting historic natural flow ways that have been diverted or severed.

### **III. B. Vegetation**

- III. B. (1) Natural, native vegetation versus non-native invasive vegetation within flow ways and natural systems will be retained to the greatest extent possible.
- III. B. (2) Physical removal of invasive vegetation versus widespread chemical treatment will be utilized for control.
- III. B. (3) Limited application of herbicides that rapidly degrade may be used on a case-by-case basis, under the supervision of certified personnel, for control of nuisance and invasive non-native vegetation and to maintain native plant communities.
- III. B. (4) Promote, whenever possible, the active and aggressive removal of invasive non-native plants from all common areas, conservation easements, preserves and natural areas within the Estero Bay watershed.

### **III. C. New Construction**

- III. C (1) New setback criteria will be developed and implemented along watercourses to provide construction setbacks to the maximum extent possible. These setback criteria will be based on the best available scientific data.
- III. C. (2) Construction within tributary flood plains shall be avoided wherever possible.
- III. C. (3) For construction that must occur within floodplains, utilize techniques that do not adversely impact the capacity of the floodplain (e.g. pilings to raise living floor elevations versus fill).
- III. C. (4) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood) within flood plains.

### **III. D. Hazardous Materials**

- III. D. (1) Specifically placed larvicides and biological controls are the preferred methods for mosquito control. Adulticides should only be used in compliance with Section 388.011(1) Florida Statutes.

### **III. E. Boating**

- III. E. (1) No special accommodations will be made for boats (e.g. no cutting of over story vegetation, no removal of oxbows, no dredging or filling except for permitted maintenance of navigation channels).

## **IV. Bay Waters**

### **IV. A. Water Quality**

- IV. A. (1) Regulatory agencies will adopt requirements for "Best Management Practices."
- IV. A. (2) Operation of overloaded and outdated package wastewater treatment plants will be discontinued.
- IV. A. (3) All urbanization will be served by centralized sewage systems.
- IV. A. (4) There should be uniform application of water quality protection measures by regulatory agencies. A holistic management scheme should be implemented that takes into consideration ecological impacts of regulated activities.
- IV. A. (5) Compliance and enforcement of existing regulations are needed to protect water quality and biological integrity.
- IV. A. (6) There shall be no discharge of hazardous materials into Estero Bay.
- IV. A. (7) Surface water management systems in new developments will be required to utilize state-of-the-art best management practices and increased BMP's.
- IV. A. (8) Grants and other incentives for retrofitting old or ineffective storm water systems should be encouraged.
- IV. A. (9) The State of Florida will actively investigate and prosecute water quality violators.
- IV. A. (10) Retrofitting existing shorelines hardened with vertical seawalls to sloping lime rock revetments or native, salt tolerant vegetation, should be encouraged wherever possible.
- IV. A. (11) Compliance and enforcement of existing environmental regulations will be a top priority for regulatory agencies.

### **IV. B. Habitat Alteration**

- IV. B. (1) No further alteration of Estero Bay bottom shall occur, except as proven necessary for the health, safety and welfare of the natural resources of Estero Bay and of the people in the watershed.

### **IV. C. New Construction**

- IV. C. (1) New construction projects should utilize best management practices to minimize negative impacts to the bay to the greatest extent possible; and in addition, the project as a whole, including mitigation, should be necessary to protect the public health, safety, or welfare, or the property of others, and should improve the current condition and relative value of functions being performed by the areas affected by the project.
- IV.C.(2) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood).

### **IV. D. Wildlife**

- IV. D. (1) A manatee protection plan will be adopted to reduce the number of boat-related manatee mortalities and that respects the rights of other users of the bay; to achieve a sustainable manatee population (the goal of the Marine Mammal Protection Act); to protect manatee habitat; to promote boating safety; and to increase public awareness of the need to protect manatees and their environment.

- IV. D. (2) Efforts by wildlife protection agencies will be accelerated to reduce other non-boat related manatee mortalities.
- IV. D. (3) Maintain and improve the overall ecology of the bay and its watershed.
- IV. D. (4) Wildlife resources such as rookeries, sea grass beds and fisheries are under increasing threat from human activity. Greater efforts are required by regulatory and other agencies and groups to insure the sustained productivity of these resources.
- IV. D. (5) Additional manatee research funding should be provided.

#### **IV. E. Recreation**

- IV. E. (1) Regulatory agencies and boaters will make special effort to maintain the bay as a major natural resource for fishing and appreciation of vegetation and wildlife.
- IV. E. (2) Safe operation of vessels is mandatory.
- IV. E. (3) Respect for wildlife, its habitat, and other bay users are particularly important in a crowded bay.
- IV. E. (4) Use of non-motorized boats, such as kayaks and canoes, is encouraged and supported.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Regional Issues

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\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Inland Ports Presentation

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Inland Ports Resolution

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**SWFRPC Resolution #2009-01****A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL EXPRESSING SUPPORT FOR AN INLAND  
PORT SITE SELECTION PROCESS FOCUSED CENTRALLY WITHIN  
THE BOUNDARIES OF THE SOUTH CENTRAL RURAL AREA OF  
CRITICAL CONCERN**

**WHEREAS**, the Counties of DeSoto, Glades, Hardee, Hendry, Highlands and Okeechobee, the Cities of Belle Glade, Pahokee and South Bay and the community of Immokalee have been designated by the State of Florida to be the South Central Rural Area of Critical Economic Concern; and

**WHEREAS**, there exists a public/private interest in developing Multi-Modal Logistics Complexes (more commonly referred to as an “inland port”) to serve the freight handling and distribution needs of Florida’s port system; and

**WHEREAS**, an inland port can assist Florida in maintaining global competitiveness and gaining the economic benefits of an expanded and more energy efficient transportation and logistics industry; and

**WHEREAS**, centrally located potential sites identified will provide the most noticeable economic benefit; and

**WHEREAS**, establishing a site within the South Central Rural Area of Critical Economic Concern will produce the highest yield of economic benefit to the South Central Rural Area of Critical Economic Concern;

**NOW, THEREFORE, BE IT RESOLVED**, by the Southwest Florida Regional Planning Council that:

1. The Council supports pursuing inland port sites centrally within the South Central Rural Area of Critical Economic Concern that will result in the least amount of adverse environmental impact and will create the greatest measurable positive economic impact, and
2. The Council requests that key legislative leadership within the State of Florida support the determination of which centrally located sites within the South Central Rural Area of Critical Economic Concern are the most economically and environmentally feasible for inland port development in the least amount of time, and to proactively support the implementation of this development plan through the comprehensive planning and development of regional impact review processes, and

3. The Council further request that the State of Florida provide appropriate financial incentives to attract private sector involvement and to support the permitting process associated with this development in order to expedite this opportunity.

Approved and duly adopted by the Southwest Florida Regional Planning Council this 19<sup>th</sup> day of **February 2009**.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

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James Humphrey, Chairman

ATTEST:

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Kenneth Heatherington, Executive Director

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# Agenda

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# Item

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Economic Stimulus  
Package

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## ECONOMIC STIMULUS PACKAGE

### The American Recovery and Reinvestment Plan

As people contend with the painful economic crisis, the U.S. Congress is responding with a plan to revive the economy, create jobs, and lay the foundation for America's competitiveness. Combined with the economic recovery tax cuts and investment programs, the Senate legislation totals approximately \$825 billion. It is estimated that this legislation will create or sustain over 4 million jobs.

The Senate will work closely with the House of Representatives and the Obama Administration in a bi-partisan effort to enact responsible legislation that will contribute to our nation's economic recovery.

To meet the challenge, the American Recovery and Reinvestment Plan focuses on Five areas critical to rebuilding our economy and creating conditions for economic growth in the long-term:

- ✓ Infrastructure and Science;
- ✓ Education and Training;
- ✓ Energy;
- ✓ Protecting the Vulnerable, and
- ✓ Health.

The following attachments for review:

- Governor's Press Release dated February 2, 2009 titled "Governor Crist Convenes Agency, Administration Leaders to Begin Review of Federal Stimulus Dollars."
- NARC Stimulus Action Alert
- SWFRPC Letter to President Barack Obama

**RECOMMENDED ACTION:** For information purpose, document review, and staff direction.

02/09



## GOVERNOR CRIST CONVENES AGENCY, ADMINISTRATION LEADERS TO BEGIN REVIEW OF FEDERAL STIMULUS DOLLARS

February 2, 2009

Contact:

GOVERNOR'S PRESS OFFICE  
(850) 488-5394

TALLAHASSEE – Governor Charlie Crist, continuing his commitment to strengthening Florida's economy, today directed administration and agency leaders to begin reviewing the best use of federal stimulus dollars anticipated to be sent to Florida as part of Congress' American Recovery Act.

“As the U.S. Congress considers the American Recovery Act, it is imperative that we stand ready to ultimately accept these federal dollars across state government,” said Governor Crist, who today held his first meeting with the Federal Stimulus Working Group. “My administration will be prepared to implement these funds once they are readily available.”

Governor Crist in recent weeks has outlined for President Barack Obama and Congressional leaders the education, transportation and health care funding needs of Florida and his desire to use federal stimulus dollars in those areas. The group the Governor announced today will identify Florida's critical program and infrastructure needs and develop a plan for distributing federal stimulus money.

Governor Crist will lead the Federal Stimulus Working Group, which includes Lt. Governor Jeff Kottkamp, along with Governor Crist's Chief of Staff, Budget Director and Policy Director. The group also includes leaders from the following agencies, departments and offices:

- o Agency for Health Care Administration
- o Department of Children and Families
- o Department of Community Affairs
- o Department of Environmental Protection
- o Department of Transportation
- o Department of Education
- o Department of Health
- o Agency for Workforce Innovation
- o Governor's Office of Policy and Budget
- o Governor's Energy Office
- o Governor's Office of Tourism, Trade and Economic Development
- o State of Florida's Washington, D.C. office

Agency leaders credited Governor Crist's Accelerate Florida initiative, launched in August, with helping Florida stand well-prepared to put the federal stimulus dollars to use quickly. Through Accelerate Florida, Governor Crist directed agencies to speed up billions of dollars in approved construction and capital outlay projects through expedited approval and contracting.

"I think we're seeing that Accelerate Florida proved to be a fortuitous move," said Governor Crist. "My challenge to all of our agency heads is to move forward with thoughtfulness and due speed."



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## STIMULUS ACTION ALERT

**Contact: Shannon Menard, Policy Manager, 202.986.1032 x217 or [shannon@NARC.org](mailto:shannon@NARC.org).**

The Senate passed its \$838 billion economic stimulus bill with a 61-37 vote. The bill now moves to a House-Senate conference to iron out the differences. House and Senate conferees are scheduled to meet this afternoon (Tuesday, 2/10/09) to begin negotiating a final version of the economic stimulus bill (HR 1). Senate Majority Leader Reid (D-NV) indicated that most of the work on the bill could be complete within 24 hours.

House Conferees (not yet confirmed)

Speaker Pelosi (D-A)  
 Minority Leader Boehner (R-OH)  
 Appropriations Chairman Obey (D-WI)  
 Appropriations Ranking Lewis (R-CA)  
 Ways and Means Chairman Rangel (D-NY)  
 Ways and Means Ranking Camp (R-MI)

Senate Conferees

Majority Leader Reid (D-NV)  
 Minority Leader McConnell (R-KY)  
 Appropriations Chairman Inouye (D-HI)  
 Appropriations Ranking Cochran (R-MS)  
 Finance Chairman Baucus (D-MT)  
 Finance Ranking Grassley (R-IA)

NARC urges members to advocate for the following for inclusion in the final bill:

- **Increase funding for "ready-to-go" infrastructure projects through an equitable distribution by established formula allocation for both urban and rural regions** such as those currently identified within the House and Senate economic stimulus bills, including:
  - Transportation – Surface Transportation Program (STP) and Metropolitan Planning
  - Clean Water and Drinking Water State Revolving Funds (CWSRF or DWSRF)
  - Community Development Block Grant (CDBG)
  - Energy Efficiency and Conservation Block Grant (EECBG)
  - USDA Rural Development programs
  - Economic Development Administration (EDA) programs

These types of programs maintain a strong focus on the priorities of local communities, acting in partnership with their regional planning organizations, and reflect broad buy-in for regional and local projects; provide transparency and accountability in the process; and tie investments closely to our region's needs.

- **Include Community Development Block Grants funding.** As it stands now, only the House bill allocates funding (\$1 billion) for this important and successful community development program. The CDBG program provides funding to nearly 1,200 state and local units of governments for housing, community and economic development related projects. This program has significant demonstrated value in providing local flexibility to revitalize communities. These grant funds create or retain private-sector employment (primarily for low- and moderate-income persons), spur private-sector investment, attract other government funds and can increase a local government's property tax base. It is imperative that this is included in final negotiations.
- **Include Neighborhood Stabilization Program funding.** As it stands now, only the House bill allocates funding (\$4.190 billion) for this program; Senate funding was zeroed out in debate. The Neighborhood Stabilization Program provides grant funds to states and communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes. Funding this program in the final bill is critically important for local governments in a time of increase foreclosures and decreased tax base.
- **Ensure funding is 100 percent federal grants without match requirements or loan restrictions.** This will to drive monies directly to the local level – both rural and urban – and would ensure that local governments are not required to take on more debt. The majority of America's infrastructure is built and maintained by cities and counties. Therefore, the quickest, most effective way to achieve the intended results of a federal stimulus package is to require grants to local governments. Additionally, because of the faltering bond market and fiscal conditions, local governments cannot easily borrow loans at an affordable rate. Moreover, because so many constraints are attached to loans, it is questionable whether local governments would be able to access this money at this time.

- **Require States to engage with local governments – urban and rural – in project selection beyond the distributed funds.** Moving local projects forward is key to stimulating the economy and job creation success. Regional agencies and our governing boards of appointed and local elected officials are knowledgeable about infrastructure issues that cut across city, county and, often, state boundaries, and have expertise in regional infrastructure financing, planning and development, and implementing new, emerging technologies and strategies to determine appropriate infrastructure investments.
- **Ensure timeframes to obligate and report on project funding, particularly in the case of infrastructure, are reasonable and attainable by local governments and regional planning organizations.** Several factors often delay infrastructure spending at the local and regional levels, including workforce availability, federal and state environmental regulations, permitting, weather restrictions, etc. These limitations should be considered in this legislation.
- **Include local governments and local elected officials as a partner in the recovery process.** Local governments across the country are committed to creating safer, healthier and more environmentally friendly communities. Local governments own and operate the majority of our nation's infrastructure and the local elected officials are the unit of government closest to the people, being directly accountable and responsive to the needs of their communities.

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## **Southwest Florida Regional Planning Council**

**Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties**

**1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org**

February 10, 2009

The Honorable Barack Obama  
United States President  
White House  
1600 Pennsylvania Avenue NW  
Washington DC 20500

RE: The American Recovery and Reinvestment Act

Dear President Obama:

On behalf of the six counties comprising the Southwest Florida Regional Planning Council (SWFRPC), I am requesting your assistance to energize our economic recovery through strategic investments in key economic building blocks.

As the nation's "ground zero" for the housing "crash" our region is seeking investments that will enable our citizens who are at risk to remain in their homes through new employment and to enable those that have been displaced to find new opportunities. The SWFRPC serves as the anchor for regionally-focused initiatives and as such has worked with our local jurisdictions to generate a list of potential "shovel ready" stimulus projects. We believe that in these challenging times and in complex regions, such as Southwest Florida, that regional planning councils, such as the SWFRPC, can play a critical role in ensuring effective management of economic recovery.

As the Federal Economic Development District for this region we provide a strategic, integrated, perspective on regional challenges that can ensure efficient delivery of federal programs. Our region is already serving as the catalyst for a regional climate prosperity initiative emphasizing the convergence of economic, energy and environmental solutions. Regional approaches can avoid the unproductive secondary consequences resulting from fragmented public programs.

TO: President Barack Obama  
PAGE: 2  
DATE: February 10, 2009  
RE: The American Recovery and Reinvestment Act

We hope that you will consider Southwest Florida as a “living laboratory” that can demonstrate how new thinking and right actions can accelerate our nation’s recovery. Please do not hesitate to contact me if I can be further assistance.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Mayor Jim Humphrey  
Chairman

cc: The Honorable Florida Governor Charlie Crist  
The Honorable U. S. Senator Bill Nelson  
The Honorable U.S. Senator Mel Martinez  
Mr. Kenneth Heatherington, SWFRPC Executive Director

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# Agenda

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# Item

5d

FRCA Legislative Report &  
Preliminary List of 2009  
Legislative Bills

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## FRCA LEGISLATIVE REPORT AND PRELIMINARY LIST OF 2009 LEGISLATIVE BILLS

Please find below the legislative report for the Committee Week of February 2. The report is provided by the Florida Regional Council Association (FRCA) on of Ronald L. Book, P.A., FRCA Executive Director and on behalf of The Wren Group.

The February 2<sup>nd</sup> Committee Week was dominated by agency presentations regarding legislative priorities for the upcoming regular session. Below is a summary of key issues identified.

### **Economic Stimulus**

The team met with DEP Secretary Sole to discuss the proposed Federal economic stimulus. He indicated that he anticipated \$300 Million would be made available to Florida for water and wastewater projects through the State Revolving Funds (SRF) Loan program. His staff is currently compiling a list of “ready to go” projects. The Secretary expressed concerns about the State’s capacity to spend the allocation given the decline in local government revenues. Notably, the Governor failed to include water supply development projects in his proposed fund allocation list. The team worked with House leadership to ensure that funding provided for infrastructure intended to stimulate the job market was flexible enough to include water and wastewater plant construction and not just transportation projects.

### **Alternative Water Supply Funding**

We met this week with Rep. Cannon and Sen. Baker to discuss their possible support of a financing mechanism that would restore the funding to SB 444 (Alternative water supply, TMDL’s and the small disadvantaged community wastewater grants program) which when originally established, provided \$100 million for these issues. Both appeared to be supportive of the proposal outlined by Secretary Sole. The DEP was tasked with providing the members with specific language and securing written support from the Governor.

### **SWFWMD Water Recovery Action Plan (WRAP)**

The team met with representatives of the SWFWMD to develop a strategy for promoting the second year funding of this program. We were informed that Sen. Alexander will once again be sponsoring this legislation in the Senate, while Rep. Galvano will be the lead in the House.

As you may recall, the President and Speaker have indicated that this year's budget will not include member requests (CBIRs), which have been the traditional mechanism used for funding water projects. Notwithstanding, the team held several meetings with the Senate Majority leader Sen. Diaz de la Portilla and the House Appropriation Committee Chairmen (Reps. Rivera and Llorente) to discuss a comprehensive funding proposal for the program. Our approach was well received and all three expressed a desire to work with Sen. Alexander in support of our efforts.

### **Reclaimed Water Legislation**

The team is continuing to work with the Senate and House, the Association of Counties, and the League of Cities on legislation relating to the use of reclaimed water. We facilitated a meeting between Rep. Williams and the Senate President's office, at which agreement was reached to collaborate on language that would preserve the authority of local governments to control the use of their reclaimed water resources. DEP Sec. Sole has met with a number of the interested parties and continues to promote a legislative detente in favor of additional negotiation. Further meetings have been set for next week on these issues. We will continue to monitor and advise you of progress.

### **Renewable Energy Portfolio Standard (RPS)**

The House Energy and Utilities Policy Committee met on Tuesday night to hear a presentation by the Public Service Commission (PSC), as well as a number of interested groups on the proposed RPS. As you know, on January 9, 2009 the PSC voted to transmit to the Legislature a "20% by 2020" standard with a 2% rate cap. The rate cap represents the additional cost paid by customers above what the utility would otherwise pay for capacity and energy. It is estimated that the 2% cap would result in a \$370 million initial increase for the State's five largest independently owned (non-municipal) utilities.

The RPS calls for a gradual increase in the percentage of renewable energy as follow:

- 7% by 2013
- 12% by 2015
- 18% by 2019
- 20% by 2021

In the coming weeks, the House and Senate will continue deliberation on these proposals and set the final requirements. The current opinion of both agency and energy representatives is that the Legislature is likely to approve a mid-range RPS of 10% to 15% by 2021. We will continue to monitor this issue.

## **The U.S. Sugar Corporation Land Purchase**

Once again, representatives from the South Florida Water Management District were asked to appear before the Joint Everglades Oversight Committee and Senate Environmental Preservation and Conservation Committee regarding the pending acquisition of 180,000 acres of land owned by the U.S. Sugar Corporation. Among the information revealed was an estimated \$3 to \$5 Billion cost to put the lands to use, in addition to the \$3 Billion land cost (which includes debt service). The committee grilled the District in matters relating to funding, taxation and the temporary leaseback of the lands. Several of the members expressed serious concerns over many aspects of the deal. Chairman Constantine advised those present that he would allocate time at every future meeting for a status update. Sen. Constantine also indicated that he was working with the House to hold a joint meeting the week of February 16th.

## **Growth Management**

Several bills have been filed by the House and Senate dealing with issues such as an expedited permitting process for economic development projects and exemptions from the DRI process for port-related projects. Several bills have also been filed as “placeholders” with little if any substantive language, which address issues as broad as revising laws pertaining to the DCA, growth management and economic development to a 3-year moratorium on impact fees. Information regarding the substance of these placeholder bills will not be available until committee assignments are made and amendments are considered.

On January 5<sup>th</sup>, the Senate Select Committee on Florida’s Economy held a workshop on growth management legislation to stimulate the economy. DCA Secretary Tom Pelham made a presentation and recommended revisions to the Growth Management Act that would stimulate the economy. To that end, the Committee presented a DRAFT bill which would amend Florida Statutes as briefly summarized below:

- Defines “dense urban land area” to include a local government with at least 1000 people per square mile. 163.3164 F.S. Provides exemptions from the DRI process for developments located within a dense urban land area. 380.06 F.S.
- Extends until December 1, 2011 the date for local governments to adopt amendments to the capital improvements element of their comprehensive plan. 163.3177 F.S.
- Deletes the penalty for local governments that fail to adopt a public school facilities element and interlocal agreement. 163.3177 F.S.
- Revises concurrency requirements and provides findings and applicability of transportation concurrency exception areas (TCEAs) and deletes certain requirements. TCEAs are created for

- local governments that qualify as a dense urban land area and exceptions may be granted for those that do not. 163.3180 F.S.
- Limits the adoption of comprehensive plan text amendments to once per year. 163.3187 F.S.
  - Revises provisions related to state review of comprehensive plan amendments, and provides additional types of amendments to which the alternative state review applies such as dense urban land areas and rural areas of critical economic concern (RACEC). 163.32465 F.S.
  - Requires agencies to submit comments within 30 days after DCA’s notification of completeness, and DCA to issue an ORC Report within 15 days after receiving all comments. Requires local governments to adopt a plan within 120 days after comments have been received. 163.32465 F.S.

The Committee heard comments on these and other issues, and expressed the intention to work with all interested parties to revise this draft bill by incorporating certain recommendations for growth management legislation that will both stimulate the economy and address ineffective policies of the past.

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Attached below you will find a preliminary list of bills and a brief summary that have been filed so far and have been tagged to watch on behalf of the Florida Regional Council Association (FRCA). As you recall, even numbered bills are Senate bills; odd-numbered bills are House bills. You can read the bills at the Legislature’s Online Sunshine website, at [www.leg.state.fl.us](http://www.leg.state.fl.us). Also remember that the Senate allows “placeholder” bills that don’t have any substance to them when filed other than expressing intent to revise the law regarding a particular area. The substance of those bills will first be seen by way of an amendment when the bill heads to a committee.

Bills are starting to be referenced to committees, and FRCA anticipates that things will start moving along pretty quickly on substantive bills now that they are being referred.

**Recommended Action:** For your information and review. Please provide your comments or concerns for staff direction.

## Attachment: 2009-02-06 FRCA Bills

## Sorted by Bill Number

**TEDA1 Relating to Public Transit** Transportation & Economic  
Development Appropriations Committee  
PCB TED 09-01 -- Public Transit  
2/5/2009 HOUSE Filed; On Committee agenda - Transportation & Economic Development  
Appropriations Committee, 02/12/09, 9:00 am, 17 H

**HB 0025 Relating to Distribution of Proceeds from Excise Taxes on Documents** Saunders  
Distribution of Proceeds from Excise Taxes on Documents: Removes a limitation on amount of  
proceeds which may be deposited into State Housing Trust Fund on or after specified date. Effective Date:  
July 1, 2009  
11/19/2008HOUSE Filed  
12/30/2008HOUSE Referred to Economic Development Policy Committee; Economic  
Development & Community Affairs Policy Council; Finance & Tax Council; Transportation & Economic  
Development Appropriations Committee; Full Appropriations Council on Education & Economic  
Development

**Compare**

[SB 0334](#) Relating to State Housing Trust Fund

**HB 0059 Relating to State Procurement** Gibbons  
State Procurement: Expands provisions relating to procurement of products & materials with  
recycled content by DMS & other state agencies to include procurement of remanufactured products,  
equipment, & instruments; provides procedures & requirements with respect to such procurement; requires  
DMS to adopt specified rules; defines "remanufactured"; provides additional requirement upon decision by  
DMS not to procure recycled or remanufactured products, materials, equipment, or instruments. Effective  
Date: July 1, 2009  
12/3/2008 HOUSE Filed  
12/30/2008HOUSE Referred to Governmental Affairs Policy Committee; Economic Development  
& Community Affairs Policy Council; Government Operations Appropriations Committee; Full Appropriations  
Council on General Government & Health Care

**HB 0073 Relating to Expedited Permitting Process for Economic Development Projects** Schenck  
Expedited Permitting Process for Economic Development Projects: Designates act "Mike  
McHugh Act"; requires DEP & water management districts to adopt programs to expedite processing of  
permits for certain economic development projects; requires municipalities & counties to identify certain  
businesses by commission resolution; provides timeframe for permit application approval or denial. Effective  
Date: July 1, 2009  
12/8/2008 HOUSE Filed  
12/30/2008HOUSE Referred to Governmental Affairs Policy Committee; Agriculture & Natural  
Resources Policy Committee; General Government Policy Council; Policy Council

**Identical**

[SB 0852](#) Relating to Economic Development Projects/Expedited Permitting

**HB 0093 Relating to Excise Tax on Documents** Pafford  
Excise Tax on Documents: Revises criteria determining liability for payment of tax; provides  
alternative methodology for payment of tax under certain circumstances. Effective Date: upon becoming a  
law and shall apply to transfers of property for which the first transfer to an artificial entity occurs after the  
effective date of this act  
12/11/2008HOUSE Filed  
12/30/2008HOUSE Referred to Economic Development Policy Committee; Economic  
Development & Community Affairs Policy Council; Finance & Tax Council; Transportation & Economic  
Development Appropriations Committee; Full Appropriations Council on Education & Economic  
Development

**Compare**

[HB 0293](#) Relating to Motor Vehicle Title Transfer

- SB 0110 Relating to Community Redevelopment/Blighted Areas** Bullard (L)  
 Community Redevelopment/Blighted Areas [EPSC]; Expands the definition of the term "blighted area" to include land previously used as a military facility. EFFECTIVE DATE: 07/01/2009.  
 12/2/2008 SENATE Filed  
 12/17/2008 SENATE Referred to Community Affairs; Military Affairs and Domestic Security; Finance and Tax; Transportation and Economic Development Appropriations
- SB 0114 Relating to Contaminated Property/Notification** Justice  
 Contaminated Property/Notification [EPSC]; Requires the Department of Environmental Protection to provide notice to certain property owners within a 1-mile radius of contaminated property. EFFECTIVE DATE: 07/01/2009.  
 12/2/2008 SENATE Filed  
 12/17/2008 SENATE Referred to Environmental Preservation and Conservation; Education Pre-K - 12; General Government Appropriations
- HB 0117 Relating to Emergency Management** Schwartz  
 Emergency Management: Creates pt. V, ch. 252, F.S., the Uniform Emergency Volunteer Health Practitioners Act; provides applicability; provides for regulation of specified health services by Division of Emergency Management of DCA, in cooperation with DOH, AHCA, & Board of Veterinary Medicine, while emergency declaration is in effect; provides requirements with respect to volunteer health practitioner registration systems & provides procedures therefor; authorizes specified volunteer health practitioners who are licensed outside the state to practice in this state; provides limitations with respect to protections afforded under the act; defines terms; provides that the act does not affect specified credentialing or privileging standards of a health facility; provides for regulation, modification, & restriction of volunteer health & veterinary services under the act; provides for imposition of administrative sanctions; provides for relation of the act to other laws; authorizes DOEM, DOH, AHCA, & Board of Veterinary Medicine to adopt rules; provides limitations on civil liability; provides for vicarious liability; provides for workers' compensation coverage under the act & provides duties & responsibilities of DOEM, DOH, AHCA, & Board of Veterinary Medicine with respect thereto. Effective Date: July 1, 2009  
 12/16/2008 HOUSE Filed  
 12/30/2008 HOUSE Referred to Military & Local Affairs Policy Committee; Civil Justice & Courts Policy Committee; Health Care Regulation Policy Committee; Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development  
**Identical**  
[SB 0476](#) Relating to Emergency Management
- SB 0118 Relating to Wekiva Onsite Sewage Treatment and Disposal** Constantine  
 Wekiva Onsite Sewage Treatment and Disposal [EPSC]; Creates the Wekiva Onsite Sewage Treatment and Disposal System Compliance Grant Program in the Department of Health. Authorizes low-income property owners in certain areas of the Wekiva basin to apply for grants to improve onsite sewage treatment and disposal systems. Requires the grant to be a rebate of costs incurred. Requires continued evaluation of nitrogen levels due to onsite sewage treatment and disposal systems, etc. EFFECTIVE DATE: Upon becoming law.  
 12/2/2008 SENATE Filed  
 12/17/2008 SENATE Referred to Environmental Preservation and Conservation; Health Regulation; Health and Human Services Appropriations
- HB 0119 Relating to Real Property Registration** Porth  
 Real Property Registration: Requires DFS to establish Internet registry of vacant, abandoned, or foreclosure-proposed real properties; authorizes DFS to charge registry filing fee; requires lenders to file specified information on such properties; requires lenders & DFS to notify local governments of properties on registry; requires local governments to establish e-mail address for receiving such notices; requires lenders initiating foreclosure proceedings on registry properties to include specified information in foreclosure filings; provides for dismissal of foreclosure proceedings for failing to include information; authorizes local governments to enter registry properties for specified examination purposes; requires local governments to notify lenders of intent to enter such properties for such examinations; prohibits local governments from entering such properties under specified circumstances; authorizes lenders to certify to local governments that registry properties have been inspected & meet specified criteria; provides penalties; requires local governments to notify lender's agents of specified conditions of registry properties; authorizes local governments to correct or repair such conditions & recover full costs of such repairs or corrections;

provides for superiority of liens for such costs; protects right of local governments to inspect properties for specified purposes. Effective Date: July 1, 2009

12/16/2008HOUSE Filed

12/30/2008HOUSE Referred to Insurance, Business & Financial Affairs Policy Committee; Civil Justice & Courts Policy Committee; General Government Policy Council; Government Operations Appropriations Committee; Full Appropriations Council on General Government & Health Care

**Compare**

[SB 1044](#) Relating to Pub. Rec./Vacant or Abandoned Real Property Reg.

**Identical**

[SB 0874](#) Relating to Real Property Registration

**Linked**

[HB 0221](#) Relating to Pub. Rec./Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed Real Properties

**SB 0148 Relating to Mangrove Protection**

Aronberg

Mangrove Protection [EPSC]; Expands the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act. Provides that the act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances, etc. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations

**Identical**

[HB 0625](#) Relating to Mangrove Protection

**HB 0149 Relating to Enterprise Zones**

Gibbons

Enterprise Zones: Authorizes cities of Hollywood, Hallandale Beach, Pembroke Park, & West Park to jointly apply to OTTED for designation of single enterprise zone; provides application deadline & requirements for enterprise zone area; requires OTTED to establish effective date for such enterprise zone. Effective Date: July 1, 2009

12/19/2008HOUSE Filed

1/22/2009 HOUSE Referred to Economic Development Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development

**Identical**

[SB 0418](#) Relating to Enterprise Zones

**SB 0150 Relating to Department of Transportation/Leases**

Aronberg

Department of Transportation/Leases [CPSC]; Prohibits the department for a specified period from entering into an agreement with a private entity to lease an existing transportation facility. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008SENATE Referred to Transportation; Governmental Oversight and Accountability; Finance and Tax; Transportation and Economic Development Appropriations

**HB 0161 Relating to Affordable Housing**

Aubuchon

Affordable Housing: Revises & provides provisions relating to affordable housing; provides for assessment of property receiving low-income housing tax credit; defines term "community land trust"; provides for assessment of structural improvements, condominium parcels, & cooperative parcels on land owned by community land trust & used to provide affordable housing; provides for conveyance of structural improvements, condominium parcels, & cooperative parcels subject to certain conditions; specifies criteria to be used in arriving at just valuation of structural improvement, condominium parcel, or cooperative parcel; provides additional criteria for determining whether certain affordable housing property owned by certain exempt organizations is entitled to exemption; provides ad valorem taxation exemption for certain purposes; subjects certain organizations to ad valorem taxation under certain circumstances; removes provision requiring Florida Housing Finance Corporation to transfer certain funds to General Revenue Fund; provides corporation with certain powers & limitations; provides for disbursement of certain Community Workforce Housing Innovation Pilot Program funds; provides certain governmental entities with powers & duties;

revises provisions relating to local housing assistance plans; revises appointments to local affordable housing advisory committee; ... Effective Date: July 1, 2009

12/23/2008HOUSE Filed

1/22/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development

**Compare**

HB 0267 Relating to Affordable Housing

SB 1042 Relating to Affordable Housing

**Identical**

SB 1040 Relating to Affordable Housing

**HB 0175 Relating to Local Government Officers and Employees** Soto

Local Government Officers and Employees: Expands eligibility for participation in state group health insurance program & prescription drug coverage program to include all counties, municipalities, special taxing districts, & district school boards rather than only small counties & municipalities & certain school boards; specifies prerequisites & conditions for participation; provides minimum period of enrollment; requires that participating county, municipality, special taxing district, or school board reimburse DMS for its costs, including administrative costs; prohibits county, municipality, special taxing district, or school board from participating in state's plan allowing for pretax treatment of premium contributions; authorizes DMS to adopt rules. Effective Date: October 1, 2009

12/29/2008HOUSE Filed

1/22/2009 HOUSE Referred to Governmental Affairs Policy Committee; Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Government Operations Appropriations Committee; Full Appropriations Council on General Government & Health Care

**Identical**

SB 0356 Relating to Local Government Officers and Employees

**HB 0199 Relating to Enterprise Zones** Boyd

Enterprise Zones: Authorizes City of Lake City & Columbia County to jointly apply to OTTED for designation of single enterprise zone; provides application deadline & requirements for enterprise zone area; requires OTTED to establish effective date for such enterprise zone. Effective Date: July 1, 2009

12/31/2008HOUSE Filed

1/22/2009 HOUSE Referred to Economic Development Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development

**Similar**

SB 0656 Relating to Enterprise Zones/Lake City/Columbia County

**HB 0221 Relating to Pub. Rec./Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed Real Properties** Porth

Pub. Rec./Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed Real Properties: Provides exemption from public records requirements for specified identifying information contained in statewide Internet registry maintained under Vacant or Abandoned Real Property Registration, Maintenance, and Foreclosure Reporting Act; provides exceptions; provides for future review & repeal of exemption; provides statement of public necessity; provides for contingent effect. Effective Date: July 1, 2009, if HB 119 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law

1/5/2009 HOUSE Filed

1/22/2009 HOUSE Referred to Insurance, Business & Financial Affairs Policy Committee; Governmental Affairs Policy Committee; General Government Policy Council; Government Operations Appropriations Committee; Full Appropriations Council on General Government & Health Care

**Compare**

SB 0874 Relating to Real Property Registration

**Identical**

SB 1044 Relating to Pub. Rec./Vacant or Abandoned Real Property Reg.

**Linked**

HB 0119 Relating to Real Property Registration

**HB 0227 Relating to Impact Fees**

Aubuchon

Impact Fees: Requires challengers of impact fees to prove specified elements by preponderance of evidence; prohibits courts from using deferential standards that favors either party to such actions.

Effective Date: July 1, 2009

1/5/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Civil Justice & Courts

Policy Committee; Economic Development & Community Affairs Policy Council

**Identical**

SB 0580 Relating to Impact Fees/Challenges

**HB 0229 Relating to Low-Income & Moderate-Income Homeowners**

Braynon

Low-Income & Moderate-Income Homeowners: Authorizes counties to establish fund for providing no-interest loans to assist low-income & moderate-income homeowners in paying homeowners' insurance premiums; authorizes governing authority of county to levy surtaxes on building-related permits to finance assistance fund; limits amount families may receive from fund in any year; requires loans to be repaid if homestead is sold or refinanced; requires proceeds from refinancing or selling homestead to be deposited back into fund; provides ordinance requirements; specifies amount of surtaxes; limits uses of fund; provides for program to be adopted initially by governing authority of specified constitutional charter counties & for later adoption in remaining counties of state. Effective Date: July 1, 2009

1/6/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Insurance, Business &

Financial Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council

**Identical**

SB 0328 Relating to Low-income & Moderate-income Homeowners/Insurance

**HB 0247 Relating to Purchase of Commodities and Contractual Services by Local Governments**

Pafford

Purchase of Commodities and Contractual Services by Local Governments: Authorizes special districts, municipalities, & counties to purchase specified commodities & contractual services from purchasing agreements of other special districts, municipalities, or counties. Effective Date: July 1, 2009

1/6/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic

Development & Community Affairs Policy Council; Policy Council

**Identical**

SB 0712 Relating to Commodities & Contractual Svcs./Local Governments

**SB 0252 Relating to Local Government/Code of Ethics**

Constantine

Local Government/Code of Ethics [GPSC]; Specifies standards of conduct for officers and employees of entities serving as the chief administrative officer of a political subdivision. Provides for penalties to be imposed against persons other than lobbyists or public officers and employers for violations of the Code of Ethics for Public Officers and Employees. Provides for the Commission of Ethics to report to the Governor violations involving persons other than lobbyists, etc. EFFECTIVE DATE: 07/01/2009.

1/26/2009 SENATE On Committee agenda - Ethics and Elections, 02/04/09, 1:30 pm, 412 K

2/4/2009 SENATE Favorable by Ethics and Elections; 7 Yeas, 0 Nays

2/5/2009 SENATE Now in Governmental Oversight and Accountability

**HB 0267 Relating to Affordable Housing**

Fitzgerald

Affordable Housing: Provides for assessing property receiving low-income housing tax credit; defines term "community land trust"; provides for assessment of structural improvements, condominium parcels, & cooperative parcels on land owned by community land trust & used to provide affordable housing; provides for conveyance of structural improvements, condominium parcels, & cooperative parcels subject to specified conditions; specifies criteria to be used in arriving at just valuation of structural improvement, condominium parcel, or cooperative parcel. Effective Date: July 1, 2009

1/8/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic

Development Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council

**Compare**

HB 0161 Relating to Affordable Housing

SB 1040 Relating to Affordable Housing

**Identical**

SB 1042 Relating to Affordable Housing

**HB 0269 Relating to Super Enterprise Zones**

Bush III

Super Enterprise Zones: Provides for designation, certification, operation, & future revocation of super enterprise zones; requires OTTED to designate four areas as pilot project; specifies two in Miami-Dade County; provides for sales & use tax exemptions for business located in super enterprise zones; provides for future expiration of such exemptions; provides additional responsibilities for enterprise zone development agencies; provides requirements for qualification as certified business for purposes of sales tax exemptions; authorizes local enterprise zone development agencies to certify businesses; requires agencies to provide lists of certified businesses; provides for disqualifying certified businesses; provides for future expiration & revocation of certifications; specifies incentives for revitalization of super enterprise zones; requires reviews of super enterprise zones by OPPAGA. Effective Date: July 1, 2009

1/8/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Economic Development Policy Committee; Military & Local

Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council

**Similar**

SB 0286 Relating to Super Enterprise Zones

**SB 0274 Relating to Florida Springs Protection Act**

Constantine

Florida Springs Protection Act [EPSC]; Requires the DEP to delineate the springsheds of specified springs. Requires the DEP to adopt spring protection zones by secretarial order and to adopt total maximum daily loads and basin management action plans for spring systems. Provides effluent requirements for domestic wastewater treatment facilities. Requires certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan, etc. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008 SENATE Referred to Environmental Preservation and Conservation; Community

Affairs; Health Regulation; General Government Appropriations

**HB 0279 Relating to License Plates**

Ray

License Plates: Creates St. Johns River license plate; establishes annual use fee for plate; provides for distribution of use fee revenue received from sale of such plates. Effective Date: July 1, 2009

1/9/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Roads, Bridges & Ports Policy Committee; Economic

Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development

**Identical**

SB 0342 Relating to St. Johns River License Plate

**HB 0283 Relating to Discretionary Surtax on Documents**

Lopez-Cantera

Discretionary Surtax on Documents: Extends future repeal date of provisions authorizing counties to levy discretionary surtax on documents; limits percentage of surtax revenues used for administrative costs; specifies minimum amount of surtax revenues used for housing for low-income & moderate-income families; requires affirmative vote of local government governing body to rehabilitate governmentally owned housing; authorizes specified counties to create by ordinance housing choice assistance voucher program for down payment assistance; provides voucher eligibility requirements; authorizes purchasing employers to file for allocations for such vouchers; limits allocations; requires distribution of allocations to employees in voucher form; prohibits use of voucher allocations if not awarded within specified period after documentary stamps taxes are collected; requires OPPAGA to review & report on operation of discretionary surtax program; revises criteria determining liability for payment of tax; provides requirements & methods for making election regarding payment of tax; expands requirements for counties levying surtax to include housing plan, affordable housing element, & annual reporting requirements. Effective Date: July 1, 2009, and the amendment to s. 201.02, Florida Statutes, made by this act shall apply to transfers of property for which the first transfer to an artificial entity occurs after such date

1/9/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic

Development & Community Affairs Policy Council; Finance & Tax Council

**Compare**

[HB 0093](#) Relating to Excise Tax on Documents

**SB 0284 Relating to Department of Transportation**

Bullard (L)

Department of Transportation [CPSC]; Directs the department to maintain specified training programs for employees and prospective employees. Eliminates the requirement for annual updating of the Florida Transportation Plan. Deletes the requirement to develop a short-range component of the plan. Amends provisions relating to proposed turnpike projects, the Transportation Regional Incentive Program, and the Enhanced Bridge Program for Sustainable Transportation, etc. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Compare**

[SB 0932](#) Relating to Transportation

**SB 0286 Relating to Super Enterprise Zones**

Bullard (L)

Super Enterprise Zones [CPSC]; Defines the term "certified business" for purposes of a tax exemption provided to certain businesses located within a super enterprise zone. Provides a tax exemption for certain property purchased for use or consumption by businesses in a super enterprise zone and for retail sales made by certified businesses in a super enterprise zone, etc. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008 SENATE Referred to Commerce; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations

**Similar**

[HB 0269](#) Relating to Super Enterprise Zones

**SB 0292 Relating to Statewide Legacy Communities Initiative**

Bullard (L)

Statewide Legacy Communities Initiative [EPSC]; Establishes the statewide legacy communities initiative. Provides criteria governing the services and activities to be supported under the initiative. Provides requirements and goals concerning the provision of such services or assistance. Creates the Urban Empowerment Corporation within the Department of Community Affairs. Provides that the corporation is an instrumentality of the state for purposes of sovereign immunity, etc. APPROPRIATION: Indeterminate. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008 SENATE Referred to Community Affairs; Commerce; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations

**SB 0294 Relating to Interstate 95/Alternative Routes Study**

Bullard (L)

Interstate 95/Alternative Routes Study [CPSC]; Requires the Department of Transportation to conduct a study of alternative highway routes parallel to Interstate 95. EFFECTIVE DATE: 07/01/2009.

12/3/2008 SENATE Filed

12/17/2008 SENATE Referred to Transportation; Transportation and Economic Development Appropriations

**Compare**

[SB 0932](#) Relating to Transportation

**HB 0307 Relating to Space and Aerospace Catalyst and Enhancement Program**

Crisafulli

Space and Aerospace Catalyst and Enhancement Program: Creates Space and Aerospace Catalyst and Enhancement Program in OTTED to provide moneys to Space Florida & its partners for upgrading space-related infrastructure or business facilities & competing for space & aerospace-associated businesses; provides application procedures; requires Space Florida to contract for development of economic impact assessment model; provides criteria for award of program funds; authorizes OTTED to waive criteria for extraordinary circumstances; requires OTTED director to recommend award of program funds; provides for evaluation of award recommendations by Governor & consultation with presiding officers of Legislature; provides for approval of awards by LBC; requires award recipients to enter into contract with OTTED. Effective Date: July 1, 2009

1/13/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Economic Development Policy Committee; Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development

**Identical**

[SB 1184](#) Relating to Space & Aerospace Catalyst and Enhancement Program

**HB 0321 Relating to Discretionary Sales Surtaxes**

Wood

Discretionary Sales Surtaxes: Provides maximum rate per county for total of specified discretionary sales surtaxes; renames Charter County Transit System Surtax as Charter County Transportation System Surtax; expands eligibility to levy transportation system surtax to all charter counties; revises authorized use of transportation system surtax. Effective Date: July 1, 2009

1/13/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council

**SB 0328 Relating to Low-income & Moderate-income Homeowners/Insurance**

Wilson

Low-income & Moderate-income Homeowners/Insurance [EPSC]; Provides for counties to establish a fund for providing no-interest loans to assist low-income and moderate-income homeowners in paying homeowners' insurance premiums. Authorizes the governing authority of a county to levy surtaxes on building-related permits to finance the assistance fund. Limits the amount a family may receive from the fund in any year. Requires that a loan be repaid if the homestead is sold or refinanced, etc. EFFECTIVE DATE: 07/01/2009 except as otherwise provided.

12/10/2008 SENATE Filed

12/17/2008 SENATE Referred to Community Affairs; Banking and Insurance; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Identical**

[HB 0229](#) Relating to Low-Income & Moderate-Income Homeowners

**SB 0334 Relating to State Housing Trust Fund**

Wilson

State Housing Trust Fund [EPSC]; Revises provisions governing the distribution of a portion of the proceeds of the excise tax on documents to the State Housing Trust Fund. Provides for the annual appropriation of a portion of the taxes distributed to the State Housing Trust Fund for specified uses conforming to the purposes for which the fund was created. APPROPRIATION: Indeterminate. EFFECTIVE DATE: 07/01/2009.

12/10/2008 SENATE Filed

12/17/2008 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Compare**

[HB 0025](#) Relating to Distribution of Proceeds from Excise Taxes on Documents

**SB 0342 Relating to St. Johns River License Plate**

King, Jr.

St. Johns River License Plate [CPSC]; Creates the St. Johns River license plate. Establishes an annual use fee for the plate. Provides for the distribution of use fees received from the sale of such plates. EFFECTIVE DATE: 07/01/2009.

12/10/2008 SENATE Filed

12/17/2008 SENATE Referred to Transportation; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations

**Identical**

[HB 0279](#) Relating to License Plates

**HB 0347 Relating to Administrative Procedures**

Adkins

Administrative Procedures: Renames Small Business Regulatory Advisory Council as Small Employer Regulatory Advisory Council; defines "nonrule policy" & "small employer" for purposes of council's periodic review of rules & nonrule policy; requires agencies to review rules & nonrule policy for impact on small employers & directs agencies to repeal at least 25 percent of such rules & nonrule policy by specified date; authorizes director of Florida Small Business Development Center Network to extend deadline for repeal of rules & nonrule policy; directs Florida Small Business Advocate & JAPC to assist with agency reviews; directs OPPAGA to submit report to Governor & Legislature relating to agency compliance with act; requires head of agency to submit explanation of noncompliance to JAPC & appear before committee under certain circumstances; directs JAPC to establish system for receiving proposals to repeal rules & nonrule policy that impact small employers. Effective Date: July 1, 2009

1/14/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Governmental Affairs Policy Committee; Economic Development Policy Committee; Economic Development & Community Affairs Policy Council; Full Appropriations Council on General Government & Health Care

**SB 0356 Relating to Local Government Officers and Employees** Justice

Local Government Officers and Employees [EPSC]; Expands eligibility for participation in the state group health insurance program and the prescription drug coverage program to include all counties, municipalities, special taxing districts, and district school boards rather than only small counties and municipalities and certain school boards. Specifies prerequisites and conditions for participation. Provides a minimum period of enrollment, etc. EFFECTIVE DATE: 10/01/2009.

12/15/2008 SENATE Filed

1/15/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; General Government Appropriations; Policy & Steering Committee on Ways and Means

**Identical**

**HB 0175** Relating to Local Government Officers and Employees

**SB 0360 Relating to Department of Community Affairs** Bennett

Department of Community Affairs [EPSC]; Expresses the legislative intent to revise laws relating to the Department of Community Affairs. EFFECTIVE DATE: Upon becoming law.

12/15/2008 SENATE Filed

1/15/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

2/6/2009 SENATE References to Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules removed; References to Transportation; Policy & Steering Committee on Ways and Means added; Remaining references: Community Affairs; Transportation; Policy & Steering Committee on Ways and Means

**SB 0362 Relating to Growth Management** Bennett

Growth Management [EPSC]; Expresses the legislative intent to revise laws relating to growth management. EFFECTIVE DATE: Upon becoming law.

12/15/2008 SENATE Filed

1/15/2009 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; Rules

**SB 0364 Relating to Department of Community Affairs** Bennett

Department of Community Affairs [EPSC]; Expresses the legislative intent to revise laws relating to the Department of Community Affairs. EFFECTIVE DATE: Upon becoming law.

12/15/2008 SENATE Filed

1/15/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

**HB 0365 Relating to Discretionary Sales Surtaxes** Hooper

Discretionary Sales Surtaxes: Authorizes specified counties to levy by ordinance discretionary sales surtax for emergency fire rescue services & facilities; provides requirements for designation of regional services provider; provides requirements for interlocal agreement & referendum; provides requirements for distribution of surtax proceeds; provides interlocal agreement requirements; requires reduction of ad valorem tax levies for fire rescue services; prohibits specified local governments from receiving portion of surtax proceed under specified circumstances; provides for initiation of surtax collections. Effective Date: July 1, 2009

1/14/2009 HOUSE Filed

2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Public Safety & Domestic Security Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council

**Identical**

**SB 1000** Relating to Discretionary Sales Surtaxes/Fire Rescue Services

**SB 0370 Relating to Growth Management** Bennett

Growth Management [EPSC]; Expresses the legislative intent to revise laws relating to growth management. EFFECTIVE DATE: Upon becoming law.

12/15/2008 SENATE Filed

1/15/2009 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; Rules

**HB 0371 Relating to Site Selection of Community Residential Homes** Stargel  
 Site Selection of Community Residential Homes: Provides applicability of requirements relating to planned residential communities. Effective Date: July 1, 2009  
 1/14/2009 HOUSE Filed  
 2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Health Care Services Policy Committee; Economic Development & Community Affairs Policy Council  
**Compare**  
 SB 1124 Relating to Community Residential Homes

**SB 0374 Relating to Affordable Housing** Bennett  
 Affordable Housing [EPSC]; Expresses the legislative intent to revise laws relating to affordable housing. EFFECTIVE DATE: Upon becoming law.  
 12/15/2008 SENATE Filed  
 1/15/2009 SENATE Referred to Community Affairs; Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0378 Relating to Affordable Housing** Bennett  
 Affordable Housing [EPSC]; Expresses the legislative intent to revise laws relating to affordable housing. EFFECTIVE DATE: Upon becoming law.  
 12/15/2008 SENATE Filed  
 1/15/2009 SENATE Referred to Community Affairs; Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0418 Relating to Enterprise Zones** Sobel  
 Enterprise Zones [CPSC]; Authorizes the cities of Hollywood, Hallandale Beach, Pembroke Park, and West Park to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of a single enterprise zone. Provides an application deadline. Provides requirements for the area of the enterprise zone. Requires the office to establish the effective date of the enterprise zone. EFFECTIVE DATE: 07/01/2009.  
 12/22/2008 SENATE Filed  
 1/15/2009 SENATE Referred to Commerce; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means  
**Identical**  
 HB 0149 Relating to Enterprise Zones

**SB 0422 Relating to Department of Transportation** Gardiner  
 Department of Transportation [CPSC]; Expresses the legislative intent to revise laws relating to the Department of Transportation. EFFECTIVE DATE: Upon becoming law.  
 12/22/2008 SENATE Filed  
 1/15/2009 SENATE Referred to Transportation; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

**SB 0424 Relating to Transportation** Gardiner  
 Transportation [CPSC]; Expresses the legislative intent to revise laws relating to transportation. EFFECTIVE DATE: 07/01/2009.  
 12/22/2008 SENATE Filed  
 1/15/2009 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations; Rules

**HB 0441 Relating to Coastal Management** Reagan  
 Coastal Management: Includes specified port-related industrial or commercial project facilities within list of facilities that are not developments of regional impact. Effective Date: July 1, 2009  
 1/19/2009 HOUSE Filed  
 2/6/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council  
**Compare**  
 SB 0932 Relating to Transportation

**Identical**

SB 0856 Relating to Coastal Management

**SB 0476 Relating to Emergency Management**

Sobel

Emergency Management [GPSC]; Creates the Uniform Emergency Volunteer Health Practitioners Act. Provides for the regulation of specified health services by the Division of Emergency Management of the DCA, cooperation with the DOH, the AHCA, and the Board of Veterinary Medicine, while an emergency declaration is in effect. Provides requirements with respect to volunteer health practitioner registration systems, etc. EFFECTIVE DATE: 07/01/2009.

12/23/2008 SENATE Filed

1/15/2009 SENATE Referred to Military Affairs and Domestic Security; Health Regulation;

Banking and Insurance; Judiciary

**Identical**

HB 0117 Relating to Emergency Management

**HB 0485 Relating to Fast Track Economic Stimulus for Small Businesses** Weatherford

Fast Track Economic Stimulus for Small Businesses: Establishes New Markets Development Program; provides for tax credits for making qualified equity investments; provides requirements & limitations for such credits; specifies application & certification requirements & procedures for OTTED to qualify equity investments as eligible for tax credits; provides for application fees; provides duties & responsibilities of DOR; limits amount of investments OTTED may certify; provides requirements & limitations on issuance of certified equity investments; provides for calculation of tax credits; limits amount of tax credit that may be redeemed in fiscal year; provides for carryover of unredeemed tax credits; provides for redemption of tax credits; specifies how tax credits may be claimed by insurance companies; requires calculations to be certified & accompanied by audited financial statements & notarized affidavits; provides for recapture of tax credits; requires notice of proposed recapture; provides requirements for compliance & audits of qualified equity investments; provides annual reporting requirements for community development entities & OTTED; authorizes OTTED to conduct examinations; authorizes OTTED to revoke or modify tax credit authorizations; provides for taxpayer liability for reimbursement of fraudulently claimed tax credits; provides penalties; provides for future repeal of tax credit program. Effective Date: July 1, 2009

1/20/2009 HOUSE Filed

**SB 0488 Relating to Beaches/Public Access**

Justice

Beaches/Public Access [EPSC]; Provides policy and effect. Declares that the public policy of this state is to provide free access to public beaches. Prohibits obstruction of beach access under certain conditions. Prohibits the use of signs declaring that a public beach is private property. Prohibits a governmental entity from placing an obstruction upon a public beach under certain conditions. Prohibits ordinances that limit public access, etc. EFFECTIVE DATE: 07/01/2009.

12/29/2008 SENATE Filed

1/15/2009 SENATE Referred to Environmental Preservation and Conservation; Community

Affairs; Judiciary; General Government Appropriations

**Compare**

HB 0527 Relating to Public Access to Beaches

**SB 0494 Relating to Water Conservation/Automatic Sprinkler Systems** Bennett

Water Conservation/Automatic Sprinkler Systems [EPSC]; Revises the requirements for automatic lawn sprinkler systems. Requires irrigation contractors to inspect such systems for compliance with requirements for rain or soil-moisture sensor devices or switches and ensure that such systems are in compliance before completing other work on the systems. Authorizes the DEP to adopt rules. Provides penalties. Provides for the disposition of funds raised through penalties imposed. EFFECTIVE DATE: 07/01/2009.

12/31/2008 SENATE Filed

1/15/2009 SENATE Referred to Environmental Preservation and Conservation; Community

Affairs; General Government Appropriations

**Identical**

HB 0755 Relating to Water Conservation

**HB 0527 Relating to Public Access to Beaches**

Sachs

Public Access to Beaches: Declares public policy of state is to provide free access to public beaches; prohibits obstruction of beach access under certain conditions; prohibits use of signs declaring public beach is private property; prohibits governmental entity from placing obstruction upon public beach under certain conditions; prohibits ordinances that limit public access; provides for use of prima facie

evidence in suits to exclude public from accessing & using sandy beach; requires notice to Board of Trustees of Internal Improvement Trust Fund of sale or closure of access to public beach; provides for purchase of such access by board. Effective Date: July 1, 2009

1/20/2009 HOUSE Filed

**Compare**

[SB 0488](#) Relating to Beaches/Public Access

**HB 0559 Relating to Mosquito Control Districts**

Schultz

Mosquito Control Districts: Requires board of commissioners in mosquito control districts containing Outstanding Florida Waters to develop, adopt, & implement mitigation plans for certain adverse effects; specifies dates for adoption & implementation of such plans; authorizes board to levy taxes for specified purposes. Effective Date: July 1, 2009

1/20/2009 HOUSE Filed

**Identical**

[SB 0924](#) Relating to Mosquito Control Districts

**SB 0580 Relating to Impact Fees/Challenges**

Haridopolos

Impact Fees/Challenges [EPSC]; Requires that the challenger of an impact fee prove certain elements by a preponderance of the evidence. Prohibits a court from using a deferential standard that favors either party to such an action. EFFECTIVE DATE: 07/01/2009.

1/7/2009 SENATE Filed

1/23/2009 SENATE Referred to Community Affairs; Judiciary; Finance and Tax; Transportation and Economic Development Appropriations

**Identical**

[HB 0227](#) Relating to Impact Fees

**SB 0582 Relating to Florida Transportation Revenue Study Commission** Baker

Florida Transportation Revenue Study Commission [EPSC]; Provides legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion. Creates the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations. Requires the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission, etc. EFFECTIVE DATE: Upon becoming law.

1/7/2009 SENATE Filed

1/23/2009 SENATE Referred to Transportation; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations

**HB 0593 Relating to Water Resources**

Boyd

Water Resources: Revises principles of Florida-friendly landscape; deletes references to "xeriscape"; revises eligibility criteria for certain WMD incentive programs; requires certain local government ordinances & amendments to incorporate specified landscape irrigation & design standards & identify specified invasive exotic plant species; requires WMDs to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifies U.F.'s Yards and Neighborhoods extension program or similar program as primary resource for delivery of educational programs relating to such practices; provides that certain regulations prohibiting implementation of Florida-friendly landscape or conflicting with provisions governing permitting of consumptive uses of water are prohibited; revises application requirements for water well contractor licensure; requires applicants to provide specified documentation. Effective Date: July 1, 2009

1/22/2009 HOUSE Filed

**HB 0597 Relating to Homelessness**

Reed

Homelessness: Establishes homelessness prevention grant program; requires grant applicants to be ranked competitively & provides preference for certain applicants; provides eligibility requirements & grant limitations & restrictions; requires lead agencies for local homeless assistance continuum of care to track, monitor, & report on assisted families for specified period of time; provides that voluntary contributions for homeless are not income of revenue nature for purpose of applying certain service charges; increases & revises membership on Council on Homelessness; removes member from obsolete organization; corrects name of member organization on council; revises date of annual report; creates Housing First program; provides legislative findings & intent; provides methodology; provides program components; provides school attendance exemption & school certification of school-entry health examination exemption for certain children in foster care; repeals provision relating to emergency assistance program for families with children that have lost shelter or face loss of shelter due to emergency. Effective Date: July 1, 2009

1/22/2009 HOUSE Filed  
**Compare**  
 SB 1054 Relating to Homelessness

**HB 0625 Relating to Mangrove Protection** Kriseman  
 Mangrove Protection: Expands the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act. Provides that the act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances. Effective Date: July 1, 2009  
 1/27/2009 HOUSE Filed  
**Identical**  
 SB 0148 Relating to Mangrove Protection

**SB 0630 Relating to Impact Fees/Moratorium on Imposition or Collection** Bennett  
 Impact Fees/Moratorium on Imposition or Collection [EPSC]; Provides for a 3-year moratorium on the imposition or collection of impact fees by a county or municipality. Provides for future expiration of the moratorium. EFFECTIVE DATE: 07/01/2009.  
 1/12/2009 SENATE Filed  
 1/23/2009 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**HB 0637 Relating to Affordable Housing for Seniors** Pafford  
 Affordable Housing for Seniors: Revises provisions relating to elements of local comprehensive plans to include element for affordable housing for seniors; provides for disposition of real property by local government for development of affordable housing. Effective Date: July 1, 2009  
 1/28/2009 HOUSE Filed  
**Identical**  
 SB 0912 Relating to Affordable Housing for Seniors

**HB 0639 Relating to Housing Assistance Grants** Pafford  
 Housing Assistance Grants: Authorizes agencies that provide local homeless assistance continuum of care to use homeless housing assistance grants, provided by State Office on Homelessness within DCFS, to acquire transitional or permanent housing units for homeless persons. Effective Date: July 1, 2009  
 1/28/2009 HOUSE Filed  
**Identical**  
 SB 0726 Relating to Homeless Housing Assistance Grants

**SB 0656 Relating to Enterprise Zones/Lake City/Columbia County** Dean  
 Enterprise Zones/Lake City/Columbia County [CPSC]; Authorizes the City of Lake City and Columbia County to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within a specified area. Provides an application deadline. Limits the size of the enterprise zone. Requires that the office establish the initial effective date of the enterprise zone. EFFECTIVE DATE: Upon becoming law.  
 1/13/2009 SENATE Filed  
 1/23/2009 SENATE Referred to Commerce; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations  
**Similar**  
 HB 0199 Relating to Enterprise Zones

**HB 0657 Relating to Discretionary Sales Surtaxes** Weinstein  
 Discretionary Sales Surtaxes: Deletes limitation upon imposition of indigent care & trauma center discretionary sales surtaxes by specified counties. Effective Date: July 1, 2009  
 1/29/2009 HOUSE Filed  
**Identical**  
 SB 0718 Relating to Discretionary Sales Surtaxes

**HB 0665 Relating to Beach Safety** Bush III  
 Beach Safety: Expands beach safety program administered by DEP to apply to certain private beaches. Effective Date: July 1, 2009  
 1/30/2009 HOUSE Filed

**Identical**

[SB 0144](#) Relating to Beach Safety

**HB 0669 Relating to Enterprise Zones**

Snyder

Enterprise Zones: Authorizes Martin County to apply to OTTED for designation of enterprise zone; provides application requirements; authorizes OTTED to designate enterprise zone in Martin County; provides responsibilities of OTTED. Effective Date: July 1, 2009

1/30/2009 HOUSE Filed

**Similar**

[SB 1026](#) Relating to Enterprise Zones/Martin County

**HB 0707 Relating to Management of Wastewater**

Aubuchon

Management of Wastewater: Requires DOH to notify local governments & local offices of DEP when certain health advisories are issued; requires local offices of DEP to conduct investigations of certain wastewater treatment facilities & provide results of such investigations to local governments. Effective Date: July 1, 2009

2/3/2009 HOUSE Filed

**Similar**

[SB 1296](#) Relating to Beach Water Contamination

**SB 0712 Relating to Commodities & Contractual Svcs./Local Governments**

Pruitt

Commodities & Contractual Svcs./Local Governments [EPSC]; Authorizes special districts, municipalities, and counties to purchase specified commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties. EFFECTIVE DATE: 07/01/2009.

1/13/2009 SENATE Filed

1/23/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Policy & Steering Committee on Ways and Means

**Identical**

[HB 0247](#) Relating to Purchase of Commodities and Contractual Services by Local Governments

**SB 0718 Relating to Discretionary Sales Surtaxes**

King, Jr.

Discretionary Sales Surtaxes [WPSC]; Deletes a limitation upon the imposition of indigent care and trauma center discretionary sales surtaxes by certain counties. EFFECTIVE DATE: 07/01/2009.

1/14/2009 SENATE Filed

1/23/2009 SENATE Referred to Health Regulation; Finance and Tax; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means

**Identical**

[HB 0657](#) Relating to Discretionary Sales Surtaxes

**SB 0726 Relating to Homeless Housing Assistance Grants**

Smith

Homeless Housing Assistance Grants [SPSC]; Authorizes the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office on Homelessness within the Department of Children and Family Services, to acquire transitional or permanent housing units for homeless persons. EFFECTIVE DATE: 07/01/2009.

1/14/2009 SENATE Filed

1/23/2009 SENATE Referred to Children, Families, and Elder Affairs; Community Affairs; Transportation and Economic Development Appropriations

**Identical**

[HB 0639](#) Relating to Housing Assistance Grants

**SB 0730 Relating to Department of Community Affairs**

Bennett

Department of Community Affairs [EPSC]; Expresses the legislative intent to abolish the Department of Community Affairs and provide for the reorganization of its services among other agencies. EFFECTIVE DATE: Upon becoming law.

1/14/2009 SENATE Filed

1/23/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

**HB 0755 Relating to Water Conservation**

Reed

Water Conservation: Revises requirements for automatic lawn sprinkler systems; requires irrigation contractors to inspect such systems for compliance with requirements for rain or soil-moisture

sensor devices or switches & ensure that such systems are in compliance; provides penalties; provides for disposition of funds raised through penalties imposed. EFFECTIVE DATE: July 1, 2009

2/5/2009 HOUSE Filed

**Identical**

**SB 0494** Relating to Water Conservation/Automatic Sprinkler Systems

**SB 0808 Relating to Workforce Development**

Garcia

Workforce Development [CPSC]; Expresses the legislative intent to revise laws relating to workforce development. EFFECTIVE DATE: Upon becoming law.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0812 Relating to Economic Development**

Garcia

Economic Development [CPSC]; Expresses the legislative intent to revise laws relating to economic development. EFFECTIVE DATE: 07/01/2009.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0816 Relating to Economic Development**

Garcia

Economic Development [CPSC]; Expresses the legislative intent to revise laws relating to economic development. EFFECTIVE DATE: Upon becoming law.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0818 Relating to Economic Development**

Garcia

Economic Development [CPSC]; Expresses the legislative intent to revise laws relating to economic development. EFFECTIVE DATE: Upon becoming law.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0820 Relating to Economic Development**

Garcia

Economic Development [CPSC]; Expresses the legislative intent to revise laws relating to economic development. EFFECTIVE DATE: Upon becoming law.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

**SB 0852 Relating to Economic Development Projects/Expedited Permitting**

Fasano

Economic Development Projects/Expedited Permitting [EPSC]; Cites this act as the "Mike McHugh Act." Requires the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects. Provides an exception. Requires municipalities and counties to identify certain businesses by commission resolution. Requires a preapplication review. Provides a timeframe for permit application approval or denial.

EFFECTIVE DATE: 07/01/2009.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Commerce; General Government Appropriations

**Identical**

**HB 0073** Relating to Expedited Permitting Process for Economic Development Projects

**SB 0856 Relating to Coastal Management**

Bennett

Coastal Management [EPSC]; Includes certain port-related industrial or commercial project facilities within the list of facilities that are not developments of regional impact under certain circumstances. EFFECTIVE DATE: 07/01/2009.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Community Affairs; Commerce; Transportation; Transportation and Economic Development Appropriations

**Compare**

[SB 0932](#) Relating to Transportation

**Identical**

[HB 0441](#) Relating to Coastal Management

**SB 0874 Relating to Real Property Registration**

Smith

Real Property Registration [CPSC]; Requires the Department of Financial Services to establish a statewide Internet registry of certain vacant, abandoned, or foreclosure-proposed properties for certain purposes. Requires lenders and the department to notify local governments of properties on the registry. Requires local governments to notify certain persons of certain conditions of properties, etc. EFFECTIVE DATE: 7/01/2009.

1/21/2009 SENATE Filed

1/30/2009 SENATE Referred to Banking and Insurance; Community Affairs; Judiciary; Finance and Tax; General Government Appropriations

**Compare**

[HB 0221](#) Relating to Pub. Rec./Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed Real Properties

**Identical**

[HB 0119](#) Relating to Real Property Registration

**Linked**

[SB 1044](#) Relating to Pub. Rec./Vacant or Abandoned Real Property Reg.

**SB 0912 Relating to Affordable Housing for Seniors**

Deutch

Affordable Housing for Seniors [EPSC]; Revises provisions relating to the elements of local comprehensive plans to include an element for affordable housing for seniors. Provides for the disposition of real property by a local government for the development of affordable housing. EFFECTIVE DATE: 07/01/2009.

1/22/2009 SENATE Filed

1/30/2009 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations

**Identical**

[HB 0637](#) Relating to Affordable Housing for Seniors

**SB 0924 Relating to Mosquito Control Districts**

Dean

Mosquito Control Dist./Outstanding Florida Waters [EPSC]; Requires the board of commissioners in mosquito control districts containing Outstanding Florida Waters to consult and coordinate with the Department of Agriculture and Consumer Services and water management districts to determine certain adverse effects and develop mitigation plans for such adverse effects. Specifies dates for the adoption and implementation of mitigation plans. Authorizes the board to levy taxes for specified purposes. EFFECTIVE DATE: 07/01/2009.

1/26/2009 SENATE Filed

2/5/2009 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Finance and Tax; General Government Appropriations

**Identical**

[HB 0559](#) Relating to Mosquito Control Districts

**SB 0932 Relating to Transportation**

Transportation Committee

Transportation [CPSC]; Requires the DOT to conduct a study of transportation alternatives for the Interstate 95 corridor. Provides for the salary and benefits of the executive director of the Florida Transportation Commission to be set in accordance with the Senior Management Service. Provides that certain port-related facilities may not be designated as developments of regional impact under certain circumstances, etc. EFFECTIVE DATE: Upon becoming law.

1/26/2009 SENATE Filed (Formerly PCB 7014)

2/5/2009 SENATE Referred to Transportation; Community Affairs; Education Pre-K - 12; Governmental Oversight and Accountability; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Compare**

[SB 0284](#) Relating to Department of Transportation

[SB 0294](#) Relating to Interstate 95/Alternative Routes Study

[HB 0441](#) Relating to Coastal Management  
[SB 0856](#) Relating to Coastal Management

**SB 0982 Relating to Urban/Residential Environments & Water/Protection** Constantine  
 Urban/Residential Environments & Water/Protection [EPSC]; Cites this act as the "Protection of Urban and Residential Environments and Water Act." Encourages county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and ground water quality, etc. EFFECTIVE DATE: 07/01/2009.

1/26/2009 SENATE Filed

2/5/2009 SENATE Referred to Agriculture; Community Affairs; Environmental Preservation and Conservation; General Government Appropriations

**SB 1000 Relating to Discretionary Sales Surtaxes/Fire Rescue Services** Fasano  
 Discretionary Sales Surtaxes/Fire Rescue Services [EPSC]; Authorizes certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances. Provides requirements for reducing ad valorem tax levies and non-ad valorem assessments for emergency fire rescue services. Prohibits certain local governments from receiving a portion of surtax proceeds under certain circumstances, etc. EFFECTIVE DATE: 07/01/2009.

1/27/2009 SENATE Filed

2/5/2009 SENATE Referred to Community Affairs; Military Affairs and Domestic Security; Judiciary; Finance and Tax; Policy & Steering Committee on Ways and Means

**Identical**

[HB 0365](#) Relating to Discretionary Sales Surtaxes

**SB 1004 Relating to Coastal Zone Protection/Continuing Education Prog** Constantine  
 Coastal Zone Protection/Continuing Education Prog. [EPSC]; Eliminates obsolete provisions with respect to a continuing education program provided by the state land planning agency. EFFECTIVE DATE: 07/01/2009.

1/27/2009 SENATE Filed

2/5/2009 SENATE Referred to Environmental Preservation and Conservation; General Government Appropriations; Rules

**SB 1012 Relating to Internal Improvement Trust Fund** Constantine  
 Internal Improvement Trust Fund [EPSC]; Deletes obsolete provisions governing the distribution of funds for the drinking water facility construction state revolving loan program. EFFECTIVE DATE: 07/01/2009.

1/27/2009 SENATE Filed

2/5/2009 SENATE Referred to Environmental Preservation and Conservation; General Government Appropriations; Rules

**SB 1014 Relating to State Parks and Preserves** Constantine  
 State Parks and Preserves [EPSC]; Deletes obsolete provisions regarding the establishment of rules by the Department of Environmental Protection. EFFECTIVE DATE: 07/01/2009.

1/27/2009 SENATE Filed

2/5/2009 SENATE Referred to Environmental Preservation and Conservation; General Government Appropriations; Rules

**SB 1026 Relating to Enterprise Zones/Martin County** Pruitt  
 Enterprise Zones/Martin County [CPSC]; Authorizes Martin County to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within a specified area. Exempts residential condominiums from benefiting from incentives derived from state enterprise zones. Provides an application deadline. Specifies the area encompassed by the enterprise zone, etc. EFFECTIVE DATE: Upon becoming law.

1/27/2009 SENATE Filed

2/5/2009 SENATE Referred to Commerce; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Similar**

[HB 0669](#) Relating to Enterprise Zones

**SB 1040 Relating to Affordable Housing**

Bennett

Affordable Housing [WPSC]; Allows certain counties to use certain tax revenues for workforce, affordable, and employee housing. Provides limitations on the Florida Housing Finance Corporation's access to the state allocation pool. Provides for the assessment of property receiving the low-income housing tax credit. Provides for the disbursement of certain Community Workforce Housing Innovation Pilot Program funds that were awarded but have been declined or returned, etc. EFFECTIVE DATE: 07/01/2009.

1/29/2009 SENATE Filed

2/5/2009 SENATE Referred to Community Affairs; Judiciary; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

**Compare**[HB 0267](#) Relating to Affordable Housing[SB 1042](#) Relating to Affordable Housing**Identical**[HB 0161](#) Relating to Affordable Housing**SB 1042 Relating to Affordable Housing**

Bennett

Affordable Housing [WPSC]; Provides for the assessment of property receiving the low-income housing tax credit. Provides for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing. Specifies the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel, etc. EFFECTIVE DATE: 07/01/2009.

1/29/2009 SENATE Filed

2/5/2009 SENATE Referred to Community Affairs; Finance and Tax; General Government Appropriations; Policy & Steering Committee on Ways and Means

**Compare**[HB 0161](#) Relating to Affordable Housing[SB 1040](#) Relating to Affordable Housing**Identical**[HB 0267](#) Relating to Affordable Housing**SB 1044 Relating to Pub. Rec./Vacant or Abandoned Real Property Reg.** Smith

Pub. Rec./Vacant or Abandoned Real Property Reg. [CPSC]; Provides an exemption from public-records requirements for specified identifying information contained in the statewide Internet registry maintained under the Vacant or Abandoned Real Property Registration, Maintenance, and Foreclosure Reporting Act. Provides exceptions. Provides for future review and repeal of the exemption. Provides a statement of public necessity. EFFECTIVE DATE: Contingent.

1/29/2009 SENATE Filed

2/5/2009 SENATE Referred to Banking and Insurance; Governmental Oversight and Accountability; Rules

**Compare**[HB 0119](#) Relating to Real Property Registration**Identical**

[HB 0221](#) Relating to Pub. Rec./Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed Real Properties

**Linked**[SB 0874](#) Relating to Real Property Registration**SB 1070 Relating to Water Management Districts/Governing Boards**

Baker

Water Management Districts/Governing Boards [EPSC]; Requires the members of the governing boards of the water management districts be elected rather than appointed. EFFECTIVE DATE: 07/01/2009.

1/29/2009 SENATE Filed

2/5/2009 SENATE Referred to Environmental Preservation and Conservation; Ethics and Elections; Governmental Oversight and Accountability; General Government Appropriations

**SB 1124 Relating to Community Residential Homes**

Altman

Community Residential Homes; Defines the term "planned residential community." Provides that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other. EFFECTIVE DATE: 07/01/2009

2/2/2009 SENATE Filed

**Compare**

**HB 0371** Relating to Site Selection of Community Residential Homes

**SB 1160 Relating to Land Management**

Constantine

Land Management; Deletes a provision requiring the Legislature to review certain funding formulas. EFFECTIVE DATE: 07/01/2009.

2/3/2009 SENATE Filed

**SB 1186 Relating to Permitting of Landfills**

Crist

Permitting of Landfills; Prohibits the Department of Environmental Protection from approving an application for the construction or expansion of a Class I landfill if the department finds that the applicant violated state laws or rules during a specified period. Requires the department to conduct a study concerning the location of landfills and report to the Governor and the Legislature by a certain date. EFFECTIVE DATE: 07/01/2009.

2/3/2009 SENATE Filed

**SB 1194 Relating to Renewable Energy/Grant Program**

King, Jr.

Renewable Energy/Grant Program; Requires that funds from the Florida Renewable Energy Trust Fund be used for the Renewable Energy and Energy-Efficient Technologies Grant Program. EFFECTIVE DATE: 07/01/2009.

2/3/2009 SENATE Filed

**SB 1252 Relating to Growth Management**

Gaetz

Growth Management; Expresses the legislative intent to revise laws relating to growth management. EFFECTIVE DATE: Upon becoming law.

2/4/2009 SENATE Filed

**SB 1266 Relating to Land Conservation**

Constantine

Land Conservation; Deletes obsolete provisions defining the term "districts" as it relates to the water management districts. EFFECTIVE DATE: 07/01/2009.

2/4/2009 SENATE Filed

**SB 1268 Relating to OGSR/Surplus State Lands and Documents**

Environmental Preservation and Conservation Committee

OGSR/Surplus State Lands and Documents; Amends a provision relating to a public records exemption for written valuations of surplus state lands and related documents. Saves the exemptions from repeal under the Open Government Sunset Review Act. Deletes provisions providing for repeal of the exemption. EFFECTIVE DATE: 10/01/2009.

2/4/2009 SENATE Filed (Formerly PCB 7030)

**SB 1296 Relating to Beach Water Contamination**

Bennett

Beach Water Contamination; Requires the Department of Health to notify the local government and the local office of the Department of Environmental Protection (DEP) when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria. Requires the DEP to promptly investigate wastewater treatment facilities within a certain distance of the beach and notify the local government of the results of such investigation, etc. EFFECTIVE DATE: 07/01/2009.

2/4/2009 SENATE Filed

**Similar**

**HB 0707** Relating to Management of Wastewater

**SB 1306 Relating to Growth Management**

Bennett

Growth Management; Redefines the term "financial feasibility" to provide for school facilities that do not meet concurrency requirements in a particular year. Revises provisions relating to the concurrency requirements for public facilities and transportation facilities. Revises provisions relating to the creation of transportation concurrency backlog authorities. Revises provisions relating to the preapplication procedures for developments of regional impact, etc. EFFECTIVE DATE: 07/01/2009.

2/4/2009 SENATE Filed

**SB 1336 Relating to Discretionary Surtax on Documents**

Fasano

Discretionary Surtax on Documents; Deletes provisions relating to funding housing assistance for low-income and moderate-income families. Authorizes counties to levy a discretionary surtax on documents for the purpose of financing school and transportation facilities. Increases the types of documents to which

the surtax applies to include documents relating to single-family residences. Requires counties that levy the discretionary surtax to reduce certain impact fees, etc. EFFECTIVE DATE: 07/01/2009.

2/5/2009 SENATE Filed

**SB 7014 Relating to Department of Transportation**

Transportation Committee

Department of Transportation; Requires the Department of Transportation to conduct a study of transportation alternatives for the Interstate 95 corridor. Provides that certain port-related facilities may not be designated as developments of regional impact under certain circumstances. Provides for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts, etc. EFFECTIVE DATE: Upon becoming law.

1/5/2009 SENATE Filed; On Committee agenda - Transportation, 01/14/09, 1:15 pm, 37 S

1/14/2009 SENATE Submitted as Committee Bill by Transportation

1/26/2009 SENATE Committee Bill Filed as S 0932

**SB 7018 Relating to Department of Transportation**

Transportation Committee

Department of Transportation; Requires the department to submit the tentative work program to the Freight Infrastructure Resource Steering Council, as created by the act. Abolishes the Statewide Intermodal Transportation Advisory Council and creates the Freight Infrastructure Resource Steering Council. Requires the council to continue to advise the Legislature and department on policies, planning, and funding of certain transportation projects, etc. EFFECTIVE DATE: 07/01/2009.

1/23/2009 SENATE Filed; On Committee agenda - Transportation, 02/03/09, 1:30 pm, 37 S

2/3/2009 SENATE Submitted as Committee Bill by Transportation

**SB 7030 Relating to OGSR/Written Valuations of Surplus State Lands**

Environmental Preservation and Conservation Committee

OGSR/Written Valuations of Surplus State Lands; Amends a provision relating to a public records exemption for written valuations of surplus state lands and related documents. Saves the exemption from repeal under the Open Government Sunset Review Act. Deletes provisions providing for repeal of the exemption. EFFECTIVE DATE: 10/01/2009.

1/23/2009 SENATE Filed; On Committee agenda - Environmental Preservation and Conservation, 02/03/09, 9:00 am, 401 S

2/3/2009 SENATE Submitted as Committee Bill by Environmental Preservation and Conservation

2/4/2009 SENATE Committee Bill filed as S 1268

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\_\_\_\_\_ Item

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Other Emerging Regional Issues

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