



SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Thursday, June 18, 2009 at 9:00 am
1st 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

- | | | |
|-----|--|----------|
| 1. | AGENDA | Page 1 |
| 2. | MINUTES OF MAY 21, 2009 | Page 7 |
| 3. | CONSENT AGENDA | Page 16 |
| | a) Intergovernmental Coordination and Review | Page 19 |
| | b) Financial Statement for May 31, 2009 | Page 27 |
| | c) Florida Gulf Coast Technology & Research Park DRI – Request for Extension | Page 42 |
| | d) Harborview DRI – Request for Extension | Page 46 |
| | e) Alico Interchange Park DRI – Request for Extension | Page 50 |
| | f) Toll-Rattlesnake DRI – Request for Extension | Page 54 |
| | g) North Port Gardens DRI – Request for Extension | Page 58 |
| | h) Sandhill DRI – NOPC | Page 62 |
| | i) Victoria Estates DRI – NOPC | Page 72 |
| | j) Hendry County Small Quantity Generator's (SQG's) Hazardous Waste Assessment, Notification, and Verification Program Agreement | Page 78 |
| 4. | ADMINISTRATIVE AGENDA | Page 82 |
| | a) Lower West Coast Watersheds Implementation Committee
- Vice Chairman Mick Denham | Page 84 |
| | b) Energy & Climate Committee – Mr. Ken Heatherington | Page 98 |
| 5. | REGIONAL ISSUES | Page 109 |
| | a) Legislative Wrap-up – Mr. Ken Heatherington | Page 110 |
| | b) Council Retreat 2009 – Mr. Ken Heatherington | Page 199 |
| | c) Other Emerging Regional Issues
- SR80 & US27 Letter | Page 201 |
| 6. | PUBLIC COMMENTS | |
| 7. | DIRECTOR'S COMMENTS | |
| 8. | STATE AGENCIES COMMENTS/REPORTS | |
| 9. | COUNCIL ATTORNEY'S COMMENTS | |
| 10. | COUNCIL MEMBERS' COMMENTS | |
| 11. | ADJOURN | |

NEXT MEETING DATE
September 17, 2009

NOTES:

- 1) The Lower West Coast Watersheds Implementation Committee –Will be meeting immediately following the Council meeting.**

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.

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

2

Minutes

2

2

**MINUTES OF THE
JOINT MEETING OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL AND
THE SEMINOLE TRIBE OF FLORIDA
MAY 21, 2009**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **May 21, 2009** at the Big Cypress Indian Reservation, Administration Building, and 3rd Floor in Clewiston, Florida. **Vice Chairman Mick Denham** called the meeting to order at **10:35 a.m.** **Tribal Chairman Mitchell Cypress** led the Prayer and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilman Don McCormick, Ms. Andrea Messina

Collier County: Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann

Glades County: Dr. Edward Elkowitz

Hendry County: Commissioner Tristan Chapman, Mayor Paul Puletti, Mr. Melvin Karau, Mayor Mali Channess, Commissioner Karson Turner

Lee County: Commissioner Ray Judah, Mayor Mick Denham, Councilman Tom Babcock, Councilman John Spear

Sarasota County: Commissioner Jon Thaxton, Councilman Ernie Zavodnyik, Mr. George Mazzarantani

Ex-Officio Members: Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy, Commissioner Robert Skidmore, Mr. Alan LeBeau

Collier County: Councilman Charles Kiester, Ms. Laura Holquist

Glades County: Councilman Michael Brantley, Commissioner Paul Beck, Commissioner Kenneth "Butch" Jones

Hendry County: None

Lee County: Commissioner Tammy Hall, Mayor Jim Humphrey, Mayor Jim Burch

Sarasota County: Commissioner Carolyn Mason, Mr. David Farley, Commissioner Tom Jones

Ex-Officio Membership: Mr. Johnny Limbaugh - FDOT, Ms. Dianne Davies - SWFWMD, Ms. Tammie Nemecek - EDC of Collier County

Due to the absence of Chairman Humphrey, Vice Chairman Denham was acting Chairman.

**AGENDA ITEM #1
AGENDA**

No changes were made to the agenda.

**AGENDA ITEM #2
MINUTES OF APRIL 16, 2009**

Commissioner Judah moved and Ms. Messina seconded to approve the minutes of April 16, 2009. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Ms. Messina moved and Commissioner Judah seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for April 30, 2009; Agenda Item #3(c) 2009-2010 Glades & Hendry Transportation Disadvantaged Planning Grant Application; and Agenda Item #3(d) FRCA Policy Board Appointment. The motion carried unanimously.

**AGENDA ITEM #4
Joint Meeting of the Southwest Florida Regional Planning Council & Seminole Tribe of Florida**

Chairman Mitchell Cypress of the Seminole Tribe of Florida gave an overview of the Seminole Tribe and its activities. He then introduced Ms. Marsha Green as the Tribal Counsel.

Ms. Marsha Green gave a brief background of herself that she was a Tribal Court Judge for five years and 20 years before that she served a number of Tribal Nations throughout the country as their attorney.

Chairman Cypress then introduced Ms. Jackie Booth as the Tribe's Community Relations Officer for Big Cypress.

Chairman Cypress asked Ms. Green to explain why there are two entities within the Seminole Tribe.

Ms. Green explained that under the Seminole Constitution the Tribal Council was created 51 years ago that has authority similar to the State Legislature and there is also the corporate board which is also comprised of elected members that has certain economic powers and responsibilities for economic development. The Board has more jurisdictions, which President Richard Bowers can explain, over the cattle operations, citrus operation and she believes that at one point in time declined to participate in the gaming business and that is why it is part of the Tribal Council.

President Richard Bowers thanked Commissioner Turner for inviting the SWFRPC to the Big Cypress Indian Reservation and stated that he felt that it was a great opportunity for everyone to get to know each other and he invites everyone back. Today is where we work together and get to know each other because we are in Florida and he feels that the more every one can work together the better it will be.

Commissioner Coletta explained that the Council had given direction to staff to approach the Seminole Tribe in regards to having a representative on the SWFRPC. He explained that the SWFRPC is an advisory board which covers the Southwest Florida Region. He would like to extend the invitation once again.

Vice Chairman Denham thanked President Bowers for inviting the SWFRPC to Big Cypress and it is an honor for the SWFRPC to be here and he agrees that it is an opportunity for improvement and become good neighbors and he looks forward to working with the Tribal Council and Board of Directors.

Chairman Cypress introduced Brighton/Tampa Representative Roger Smith.

Representative Smith thanked the SWFRPC for coming out to Big Cypress and getting together to work with the Seminole Tribe. He looks forward to starting a good relationship with the SWFRPC.

Mr. Heatherington noted that on the SWFRPC's website www.swfrpc.org there is a link to the Seminole Tribe's website www.seminoletribe.com.

Mr. Paul Bowers stated that he has been a representative for 10 years and was just recently re-elected back onto the Tribal Council and he welcomed the SWFRPC to Big Cypress. He also noted the he went to school with Commissioner Turner's father.

Vice Chairman Denham stated that in regards to Commissioner Coletta's suggestion about having a representative from the Seminole Tribe on the Council is that a proposition that the Council should consider. Mr. Heatherington stated that it is a proposition that the Council should consider and staff has been working with on arranging to have a celebration of Southwestern Native Cultures including the Seminole and Miccosukee.

AGENDA ITEM #5 PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #6 DIRECTOR'S COMMENTS

Mr. Heatherington thanked Mayor Chamness for her participation at the meeting. He also thanked the members for making such a commitment for today's meeting.

AGENDA ITEM #7 STATE AGENCIES COMMENTS/REPORTS

SFWMD - Mr. Flood announced that at their last meeting the Governing Board approved a 73,000 acre purchase from US Sugar in order to continue Everglades Restoration efforts.

Commissioner Judah asked Mr. Flood to expand on the meeting which took place in Clewiston in regards to the Inland Port facility; because he feels that with the purchase of the 73,000 acres from US Sugar there was no intent to ignore the potential economic growth for both Hendry and Glades Counties.

Mayor Chamness explained that there were approximately 200 residents which filled the John Boy Auditorium because many of them heard about the intermodal logistics center out in the Glades region and the Port of Palm Beach, Hillard Brothers, along with Hendry were invited and made presentations about why the Hendry County is so good. Both Glades and Palm Beach Counties have good sites also, but because where the Hendry County site is located it is a regional approach. It was explained what the logistics center would look like and the future impact of jobs (20,000 jobs over the next 20-30 years). We looked at a 50 year window and our concern when the SFWMD and US Sugar signed a contract back in December, is we felt that we were headed for economic devastation in the Glades region because of the ripple effect of having those 1,700 jobs lost over the next 10-15 years and then also the ripple effect over 10,000 jobs. So not that we didn't want to see Everglades Restoration, but we believed that economic restoration was a very critical component of the purchase of the SFWMD and the Board of Directors of the SFWMD heard our requests for an economic transition plan. We have been working with SFWMD and FDEP Secretary Sole to ensure that some infrastructure comes into play over the next 3-7 years, but nevertheless, once the economic engine of US Sugar is no longer operating in our area it would mean economic devastation without starting right now as we speak today to ensure the future. So the meeting in Clewiston was set and there was an agenda and we wanted to make sure that the Clewiston, Hendry and Glades public and elected officials all the way from Pahokee to Moore Haven and City of LaBelle Mayor Paul Puletti was present to hear the possibilities for the region. Taking into account that we are looking at our area as a critical area and a component for Everglades Restoration, but we believe that there is common ground and that we can work together not only for the future for the Everglades but also for the Glades.

Mr. Flood stated that the Council had passed a resolution in support of the Inland Port facility to be located within the region and felt that it should be located outside the Everglades Agricultural Area (EAA). He noted that the environmental community showed up in mass numbers to the meeting in Clewiston to force their message which the Port of Palm Beach and communities heard that the environmental groups did not want to see the Inland Port located within the EAA or

anywhere that would obstruct the Everglades Restoration. He noted that they stopped short of endorsing the Hendry County site, everyone stated that they liked what they saw but they needed to wait until the formal proposal came through. It was a very good presentation and they acknowledged that there were very little environmental constraints on the site (8,500 acres with only 400 acres of wetlands), outside of panther habitat and it is outside of the EAA. It is within striking distance of both coasts, main corridors (SR80 and US27), rail spur already exist onsite and there is also an airport.

Commissioner Chapman stated that the top priority for the Hendry County BOCC, in addition to getting the Inland Port, is to four lane SR80 to US27 (approximately 22 miles). He explained that he is on the FHREDI Board and found out that SR80 is listed as being their third priority. He noted that during a discussion with FDOT's Secretary it was discussed that at the intersection of SR80 and US27 from 2004 to 2008 there has been eight deaths and 65 accidents. He feels that they are mainly due to it going from two to four lanes. He then asked for the Council's support in making that project a high priority. He also noted that the FDOT's Secretary stated that the SR80 project is only third on the list.

Mayor Chamness noted that SR80 is a hurricane evacuation route for Lee County and when Alligator Alley was recently closed due to the recent fires the two lane portion of SR80 was bumper-to-bumper.

Commissioner Chapman stated that there was just another head-on collision last week with a fatality.

Dr. Elkowitz asked Commissioner Chapman if he was looking for a motion to be made from the Council. Commissioner Chapman replied yes, to make it the highest priority possible.

Dr. Elkowitz stated that as a representative of Glades County and since it affects Glades County he would make a recommendation that the Council support the widening of SR80.

Dr. Elkowitz moved and Commissioner Halas seconded to have the Council support the four-laneing of SR80 for the remaining 22 miles between LaBelle and US27 as a top priority for the region.

Ms. Messina asked if this action is something that the Council needs to do today or if a resolution might have a stronger input.

Vice Chairman Denham stated that he was going to ask if there were any other actions relative to the Inland Port and/or SR80.

Commissioner Judah stated that he would hope that the recommendation would go to the Lee County MPO in order to receive feedback from the Technical Advisory Committee and the Citizens Advisory Committee because we are talking about a statewide road transportation network that has a lot of priorities and he isn't sure what the other two are that has the potential of being bumped with the action taken by the Council today. He fully supports the reasons and merits for moving forward with the widening of SR80, he would just like to see how it interplays with the rest of the transportation priorities.

Commissioner Coletta stated that he agrees with Commissioner Judah and he would like to have FDOT's input to see what kind of rebounding affect it would have.

Mr. Mazzarantani stated that the Florida House Transportation and Infrastructure Committees are working on the five year Highway Route Observation Bills and within the next two weeks the respective Congressmen are placing language within those bills supporting what they call high priority requests. He feels that this project fits those parameters, so he would suggest that if the Council deems it important and it would be very helpful to both Glades and Hendry Counties for the Council to move ahead with its support of the project and forward it to Congressman Connie Mack.

Mayor Puletti stated that SR80 is a high priority for safety and evacuation reasons, but if we are also going to address the Inland Port issue, there is also an airport that might need to be studied along with additional rail concerns that might need to be addressed. He suggested having a comprehensive endorsement instead of addressing the issues on an individual basis.

Vice Chairman Denham suggested having a discussion on the various activities associated with the Inland Port and the infrastructure around it at the June Council meeting.

Dr. Elkowitz stated that he feels that it may be more appropriate but it is only going to delay this recommendation and the project will stay as the third priority and Mr. Mazzarantani had pointed out that time is critical at this point.

Commissioner Judah explained that he is concerned with what the ramifications will be.

Commissioner Halas stated that his concern is if we pass up the opportunity to get funded at this point in time then what is the next sequence of events that we would be able to obtain funding for this project.

Councilman McCormick suggested to authorize the Chairman to sign a letter to the effect that SR80 is a concern that has been brought before this Council. These particular concerns have been outlined and would like priority treatment within the current round of funding and the second round of funding within 13 months will be the Stimulus Transportation Funds that are going to go back in the "hopper" because there is going to be over \$250 million of Florida fund that won't make the filing deadline for our location.

Commissioner Chapman stated that he feels that the Council should do both, but also give some thought to overall what are the priorities because he doesn't know of any other organization that will give more clout and more weight when the Secretary of Transportation says this is our top priority because of the eight deaths and 65 accidents at one intersection, but it is not the top priority of some of the regional planning councils and that doesn't help your case.

The motion passed with a vote of 9-8.

Mayor Chamness asked that copies be sent to the SFWMD Governing Board, FDEP Secretary Michael Sole, and FDOT Secretary Stephanie Kopelousos. She explained that by placing it as a priority it will help the communities in the economic transition even though the Inland Port is a possibility over the next several years, for the next three years the widening of SR80 is critical.

**AGENDA ITEM #8
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced that on May 14th the Council's new amended rules were officially adopted.

**AGENDA ITEM #9
COUNCILMEMBERS' COMMENTS**

Mr. Mazzarantani announced that he was recently reappointed for a second term to the Council by the Governor and looks forward to working with the Council.

Dr. Elkowitz thanked the Council for its support on the SR80 issue and he then announced that he was recently reappointed for a second term to the Council by the Governor and looks forward to working with the Council.

Councilman McCormick announced that he had attended a Stimulus Summit in Orlando and FDOT has \$635 million and the over 200,000 municipalities and counties have obligated about 87% of their \$200 million and people in counties less than 200,000 or communities less than 20,000, 4.5% of their \$316 million has been obligated at this time. There is going to be a lot of money that is going to go back into the "hopper" in March of 2010 and nobody is predicting how bad it is going to be. Small communities and counties are not going to proceed to get it in time. He emphasized to alert staff to get the money where it belongs.

Commissioner Chapman thanked the Council for its support on the SR80 project. He explained that there is currently two miles that is east of LaBelle of SR80 that is currently being worked on which was originally a \$20 million project and then it came in at \$7 million so the Hendry County BOCC requested that the extra \$14 million be used to widen SR80 and FDOT turned the request down. Hendry County received federal funding in amount of \$6 million and spent \$7 million, so they spent \$1 million more and the rest of it got swept into an account.

**AGENDA ITEM #10
ADJOURN**

The meeting adjourned at 11:25 a.m.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the May 1, 2009 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 35, Number 17.

_____ Agenda
_____ Item

3

Consent Agenda

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3

CONSENT AGENDA

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

Approve the administrative action on the Clearinghouse Review items.

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

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

Agenda Item #3(c) – Florida Gulf Coast Technology & Research Park DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(d) – Harborview DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(e) – Alico Interchange Park DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(f) – Toll-Rattlesnake DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(g) – North Port Gardens DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(h) – Sandhill DRI – NOPC

Notify Charlotte County, the Florida Department of Community Affairs and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.

Render a codified Development Order.

Request and updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date.

Request and updated GIS shape file of the new legal description of the Sandhill DRI project prior to the Development Order (DO) approval at the local government level.

Request an updated Annual Monitoring Report and Annual Traffic Monitoring Report prior to DO approval at the local government level.

Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.

Agenda Item #3(i) – Victoria Estates DRI – NOPC

Notify Charlotte County, the Florida Department of Community Affairs and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.

Render a codified Development Order.

Request an updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date.

Request an updated GIS shape file of the new legal description of the Victoria Estates DRI project prior to the Development Order (DO) approval at the local government level.

Request an updated Annual Monitoring Report and Annual Traffic Monitoring Report prior to DO approval at the local government level.

Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.

Agenda Item #3(j) – Hendry County Small Quantity Generator’s (SQG’s) Hazardous Waste Assessment, Notification, and Verification Program Agreement

Authorize Chairman to execute the SWFRPC/Hendry County Hazardous Waste Program Assessment Memorandum of Agreement

RECOMMENDED ACTION: Approve consent agenda as presented.

6/2009

_____ 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 May 1, 2009 and ending May 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.

06/2009

ICR Council - 2000/09

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2009-021	Mr. Mark Schulz	FDOT, District One	Sarasota County	FDOT - Cattlemen Road Extention - New 4-lane road extending approximately 2.8 miles from Richardson Road (the existing Cattlemen Road terminus) north to the intersection of DeSoto Road; Sarasota County, Florida.			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
2009-014			Hendry County	Collier Resourcees Company - FDEP Oil & Gas Geophysical Permit G-163-09 in Hendry County, Florida.			Review in Progress
2009-019			Collier County	FDEP - Oil Well Drilling Permit Application No. 1199BH - Newport Energy Corporation to drill Alico 32-1BH Well located in the Corkscrew Oil and Gas Field in Collier County, Florida.			Review in Progress
2009-022			Charlotte County	Charlotte County Transit - FTA 49 USC Section 5307 ARRA Grant Application.	FTA	\$2,082,226.00	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>
2009-023			Sarasota County	USDA B&I Loan for Aladdin Equipment Company in Sarasota, Florida.	USDA	\$5,000,000.00	Review in Progress

_____ Agenda
_____ Item

3b

Financial Statement
For May 31, 2009

3b

3b

MONTHLY FINANCIAL CONTENTS
For the month ending May31, 2009

	Pages
Financial Reports:	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
<p>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.</p>	
Explanation of Council's Financial at current month end including:	4
<ul style="list-style-type: none"> - 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
<p>As requested, amendments will be made as needed throughout the year rather than at year end as previously accepted.</p>	
Breakdown of actual expenses for the RPC, MPO, NEP including	
<ul style="list-style-type: none"> - 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
<p>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.</p>	

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
May-09**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
ASSETS AND OTHER DEBIT					
Cash and cash equivalents	\$ 287,468	\$ -	\$ -	\$ -	\$ 287,468
Investments	518,296	-	-	-	518,296
Receivables - grants and contracts	-	388,887	-	-	388,887
Receivables - other	-	-	-	-	-
Due from other funds	-	80,751	-	-	80,751
Other assets	1,112	-	-	-	1,112
Property and equipment, net	-	-	1,673,593	-	1,673,593
Amount to be provided for retirement of general long-term debt	-	-	-	1,360,285	1,360,285
TOTAL ASSETS AND OTHER DEBIT	\$ 806,876	\$ 469,638	\$ 1,673,593	\$ 1,360,285	\$ 4,310,393
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	\$ 363	\$ -	\$ -	\$ -	\$ 363
Retainage payable	28,062	-	-	-	28,062
Due to other governments	-	-	-	-	-
Due to other funds	80,751	-	-	-	80,751
Deferred revenue - grants and contracts	-	469,638	-	-	469,638
Accrued compensated absences	-	-	-	67,943	67,943
Notes payable	-	-	-	1,292,342	1,292,342
TOTAL LIABILITIES	109,175	469,638	-	1,360,285	1,939,098
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,673,593	-	1,673,593
Fund balance					
Reserved, designated	550,200	-	-	-	550,200
Unreserved, undesignated	147,502	-	-	-	147,502
TOTAL FUND EQUITY AND OTHER CREDIT	697,702	-	1,673,593	-	2,371,295
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	\$ 806,876	\$ 469,638	\$ 1,673,593	\$ 1,360,285	\$ 4,310,393

SWFRPC
Balance Sheet
May 31, 2009

29 of 201

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	41,704.60
Cash - Bank of America Max.		245,563.73
Cash - FL Local Gov't Pool		498,115.96
Cash - FL Gov't Pool-Fund B		20,180.20
Petty Cash		200.00
Accounts Receivable		239,227.16
Accounts Receivable-MPO		149,659.70
Bulk Mail Prepaid Postage		1,111.87
Amount t.b.p. for L.T.L.-Leave		67,943.06
Amount t.b.p. for L.T.Debt		1,292,342.38
		<hr/>
Total Current Assets		2,556,048.66
Property and Equipment		
Property, Furniture & Equip		2,015,083.33
Accumulated Depreciation		(341,489.94)
		<hr/>
Total Property and Equipment		1,673,593.39
		<hr/>
Total Assets	\$	<u>4,229,642.05</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	28,061.64
Deferred Income		469,637.56
United way Payable		152.00
Accrued Annual Leave		67,943.06
Long Term Debt - Bank of Am.		1,292,342.38
LEPC Contintency Fund		210.44
		<hr/>
Total Current Liabilities		1,858,347.08
		<hr/>
Total Liabilities		1,858,347.08
Capital		
Fund Balance-Unrestricted		87,790.72
Fund Balance-Restricted		550,200.00
Fund Balance-Fixed Assests		1,673,593.39
Net Income		59,710.86
		<hr/>
Total Capital		2,371,294.97
		<hr/>
Total Liabilities & Capital	\$	<u>4,229,642.05</u>

SWFRPC
Income Statement
Compared with Budget
For the Eight Months Ending May 31, 2009

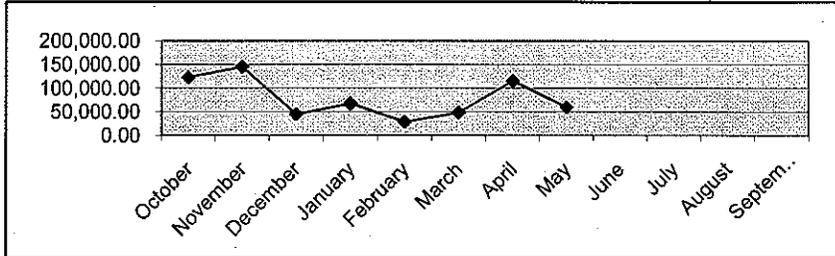
	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	191,300.01	356,462	2,208,880.48	4,277,538	51.64
Expenses					
Salaries Expense	133,119.87	146,417	1,097,897.74	1,757,000	62.49
FICA Expense	10,045.63	10,167	86,338.52	122,000	70.77
Retirement Expense	17,384.76	14,167	107,116.08	170,000	63.01
Health Insurance Expense	15,381.80	17,500	138,757.82	210,000	66.08
Unemployment Comp. Expense	0.00	0	826.54	0	0.00
Workers Comp. Expense	994.00	833	4,867.00	10,000	48.67
Grant/Consulting Expense	5,691.50	7,083	73,511.50	85,000	86.48
NEP-Contractual	7,053.50	20,000	176,199.89	240,000	73.42
MPO-Contractual	950.00	24,167	8,500.00	290,000	2.93
Audit Services Expense	0.00	4,167	45,686.00	50,000	91.37
Travel Expense	2,622.05	4,958	30,418.50	59,500	51.12
Telephone Expense	608.09	1,208	5,586.40	14,500	38.53
Postage / Shipping Expense	2,412.77	2,917	24,963.06	35,000	71.32
Storage Unit Rental	0.00	250	1,792.00	3,000	59.73
Equipment Rental Expense	3,170.35	2,933	19,559.86	35,200	55.57
Insurance Expense	428.24	2,917	26,195.05	35,000	74.84
Repair/Maint. Expense	1,040.00	2,083	13,637.21	25,000	54.55
Printing/Reproduction Expense	23,060.66	6,792	54,448.30	81,500	66.81
Utilities (Elec, Water, Gar)	2,037.49	2,500	14,092.03	30,000	46.97
Advertising/Legal Notices Exp	1,174.31	1,238	9,256.95	14,850	62.34
Other Misc. Expense	1,936.82	417	3,202.60	5,000	64.05
Office Supplies Expense	1,306.37	2,333	12,374.04	28,000	44.19
Computer Related Expense	228.71	4,667	41,922.36	56,000	74.86
Publication Expense	192.00	308	1,095.35	3,700	29.60
Prof. Develop./Dues Expense	1,533.50	3,292	25,728.43	39,500	65.14
Meetings/Events Expense	3,801.38	4,650	33,477.67	55,800	60.00
Capitol Outlay Expense	0.00	4,000	6,551.36	48,000	13.65
Capitol Outlay - Building	0.00	667	0.00	8,000	0.00
Long Term Debt	10,645.92	10,667	85,167.36	128,000	66.54
Reserve for Operations Expense	0.00	53,166	0.00	637,988	0.00
Total Expenses	246,819.72	356,462	2,149,169.62	4,277,538	50.24
Net Income	\$ (55,519.71)	0	\$ 59,710.86	\$ 0	0.00

As stated when submitting Annual Budget:
Both CHNEP and MPO are multi-year budgets - Therefore total budget may appear high
For annual RPC Budget vs. Actual only - see page 9

The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as 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 50.24%
 The percentage of the RPC Budget spent is 50.30%
 The percentage of the MPO Budget spent is 38.97%
 The percentage of the NEP Budget spent is 62.03%

For the month ending May31, 2009 **\$59,711** is our net income.

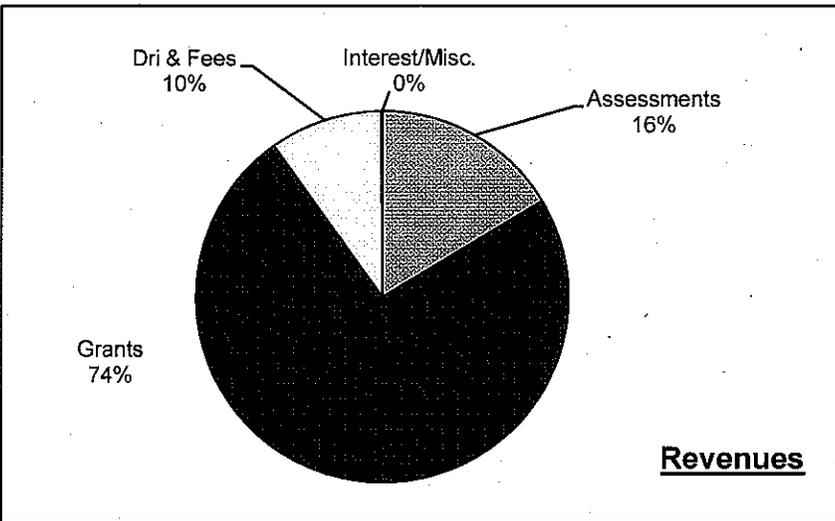


Net Income (unaudited)

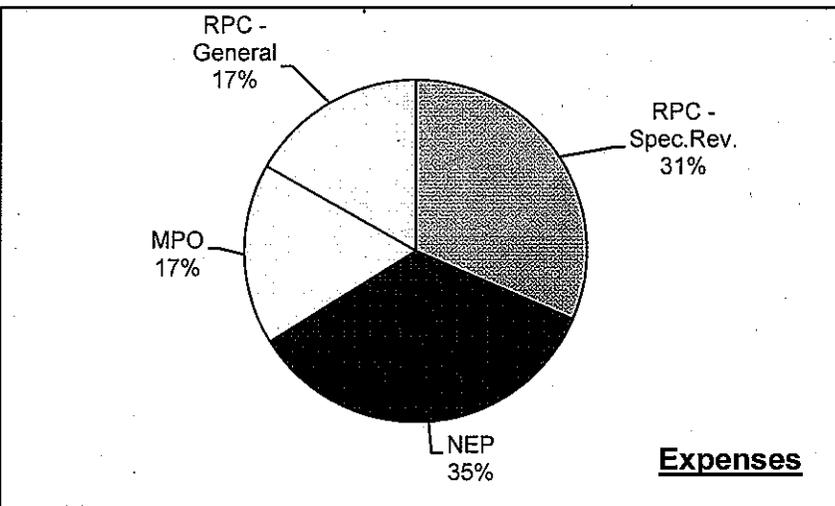
As can be seen in this graph, the net income moves in quarterly cycles.

For the month ending May31, 2009

Total Revenues	2,208,880
Total Expenses	2,149,170
Net Income	59,711



Revenues	
Assessments	361,058
Grants	1,629,180
Dri & Fees	215,056
Interest/Misc.	3,586
Total	2,208,880



Expenses	
RPC - Spec.Rev.	677,059
NEP	744,114
MPO	367,270
RPC - General	360,727
Total	2,149,170

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

There are no amendments this month

RPC-MPO-NEP Combined
Budget vs. Actual
For the month ending May31, 2009

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	66.67%	Combined Comments
Revenues								
Membership Dues	361,058	464,696	464,696	0	464,696	103,638	77.70%	
Federa/State/Local Grants	1,629,180	2,944,854	2,944,854	0	2,944,854	1,315,674	55.32%	
Dir/Monitoring Fees	215,056	200,000	200,000	0	200,000	-15,056	107.53%	
Interest And Miscellaneous	3,586	30,000	30,000	0	30,000	26,414	11.95%	
Carry Over Fund Balance		565,843	637,988	0	637,988			
Total Income	2,208,880	4,205,393	4,277,538	0	4,277,538	1,430,670		
Expenditures								
Direct:								
Salaries	1,097,898	1,757,000	1,757,000	0	1,757,000	659,102	62.49%	
FICA	86,339	122,000	122,000	0	122,000	35,661	70.77%	
Retirement	107,116	170,000	170,000	0	170,000	62,884	63.01%	
Health Insurance	138,758	210,000	210,000	0	210,000	71,242	66.08%	
Workers Compensation	5,694	10,000	10,000	0	10,000	4,306	56.94%	
Legal Fees	0	3,000	0	0	0	0		
Consultant Fees	73,512	40,000	85,000	0	85,000	11,489	86.48%	
NEP Contractual	176,200	255,200	240,000	0	240,000	63,800	73.42%	
MPO Contractual	8,500	290,000	290,000	0	290,000	281,500	2.93%	
Audit Fees	45,686	47,000	50,000	0	50,000	4,314	91.37%	
Travel	30,419	59,500	59,500	0	59,500	29,082	51.12%	
Telephone	5,586	14,500	14,500	0	14,500	8,914	38.53%	
Postage	24,963	30,000	35,000	0	35,000	10,037	71.32%	
Storage Space Rental	1,792	3,000	3,000	0	3,000	1,208	59.73%	
Equipment Rental	19,560	40,000	35,200	0	35,200	15,640	55.57%	
Insurance	26,195	35,000	35,000	0	35,000	8,805	74.84%	
Repair/Maintenance	13,637	30,000	25,000	0	25,000	11,363	54.55%	
Printing/Reproduction	54,448	81,500	81,500	0	81,500	27,052	66.81%	
Utilities (Elec, Gas, Water)	14,092	30,000	30,000	0	30,000	15,908	46.97%	
Advertising	9,257	11,050	14,850	0	14,850	5,593	62.34%	
Other Miscellaneous	3,203	5,000	5,000	0	5,000	1,797	64.05%	
Office Supplies	12,374	28,000	28,000	0	28,000	15,626	44.19%	
Computer Related Expenses	41,922	56,000	56,000	0	56,000	14,078	74.86%	
Publications	1,095	10,500	3,700	0	3,700	2,605	29.60%	
Professional Development	25,728	39,500	39,500	0	39,500	13,772	65.14%	
Meetings/Events	33,478	55,800	55,800	0	55,800	22,322	60.00%	
Capital Outlay-Operations	6,551	48,000	48,000	0	48,000	41,449	13.65%	
Capital Outlay-Building	0	30,000	8,000	0	8,000	8,000	0.00%	
Long Term Debt	85,167	128,000	128,000	0	128,000	42,833	66.54%	
Allocation of Fringe/Indirect		0	0	0	0	0		
Reserve for Operation Expense		565,843	637,988	0	637,988	637,988		
Total Cash Outlays	2,149,170	4,205,393	4,277,538	0	4,277,538	2,128,368	50.24%	
Net Income/(Loss)	59,711	0	0	0	0	0		

NEP
Budget vs. Actual
For the month ending May 31, 2009

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	66.67%	CHNEP Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	744,114	1,199,550	1,199,550		1,199,550	455,436	62.03%	
Dir/Monitoring Fees	0	0	0		0	0		
Interest And Miscellaneous	0	0	0		0	0		
Carry Over Fund Balance	0	0	0		0	0		
Total Income	744,114	1,199,550	1,199,550	0	1,199,550	455,436		
Expenditures								
Direct:								
Salaries	192,332	395,000	395,000		395,000	202,668	48.69%	
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	176,200	255,200	240,000		240,000	63,800	73.42%	
MPO Contractual	0	0	0		0	0		
Audit Fees	0	0	0		0	0		
Travel	12,595	21,500	21,500		21,500	8,905	58.58%	
Telephone	246	1,500	1,500		1,500	1,254	16.43%	
Postage	22,240	10,000	25,000		25,000	2,760	88.96%	
Storage Space Rental	824	1,000	1,000		1,000	176	82.40%	
Equipment Rental	130	0	200		200	70	65.04%	
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	54,775	60,000	60,000		60,000	5,225	91.29%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	66	550	550		550	484	11.92%	
Other Miscellaneous	25	500	500		500	475	5.00%	
Office Supplies	2,500	3,000	3,000		3,000	500	83.34%	
Computer Related Expenses	2,644	4,000	4,000		4,000	1,356	66.09%	
Publications	0	500	500		500	500	0.00%	
Professional Development	850	8,000	8,000		8,000	7,150	10.63%	
Meetings/Events	24,923	33,800	33,800		33,800	8,877	73.74%	
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	252,487	390,000	390,000		390,000	137,513		
Reserve for Operation Expense								
Total Cash Outlays	744,114	1,199,550	1,199,550	0	1,199,550	455,436	62.03%	
Net Income/(Loss)								

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

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO VARIABLE	66.67%	MPO Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	367,270	942,495	942,495		942,495	575,225	38.97%	
Dfr/Monitoring Fees	0	0	0		0	0		
Interest And Miscellaneous	0	0	0		0	0		
Carry Over Fund Balance	0	0	0		0	0		
Total Income	367,270	942,495	942,495	0	942,495	575,225		
Expenditures								
Direct:								
Salaries	149,649	280,000	280,000		280,000	130,351	53.45%	
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	8,500	290,000	290,000		290,000	281,500	2.93%	
Audit Fees	0	0	0		0	0		
Travel	2,458	8,000	8,000		8,000	5,542	30.72%	
Telephone	502	3,000	3,000		3,000	2,498	16.74%	
Postage	1,383	5,000	5,000		5,000	3,617	27.66%	
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	1,318	6,500	6,500		6,500	5,182	20.28%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	5,187	7,500	7,500		7,500	2,313	69.17%	
Other Miscellaneous	28	500	500		500	472	5.60%	
Office Supplies	344	5,000	5,000		5,000	4,656	6.87%	
Computer Related Expenses	788	2,000	2,000		2,000	1,212	39.42%	
Publications	0	1,500	1,500		1,500	1,500	0.00%	
Professional Development	324	1,500	1,500		1,500	1,176	21.60%	
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	196,538	326,995	326,995		326,995	130,457		
Reserve for Operation Expense								
Total Cash Outlays	367,270	942,495	942,495	0	942,495	575,225	38.97%	
Net Income/(Loss)								

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

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC VARIABLE	66.67%	RPC Comments
Revenues								
Membership Dues	361,058	464,696	464,696		464,696	103,638	77.70%	
Federal/State/Local Grants	517,796	802,809	802,809		802,809	285,013	64.50%	
Dir/Monitoring Fees	215,056	200,000	200,000		200,000	-15,056	107.53%	
Interest And Miscellaneous	3,586	30,000	30,000		30,000	26,414	11.95%	
Carry Over Fund Balance		565,843	637,988		637,988	637,988	0.00%	
Total Income	1,097,496	2,063,348	2,135,493	0	2,135,493	1,037,997		
Expenditures								
Direct:								
Salaries	755,917	1,082,000	1,082,000		1,082,000	326,083	69.86%	
FICA	86,339	122,000	122,000		122,000	35,661	70.77%	
Retirement	107,116	170,000	170,000		170,000	62,884	63.01%	
Health Insurance	138,758	210,000	210,000		210,000	71,242	66.08%	
Workers Compensation	5,694	10,000	10,000		10,000	4,306	56.94%	
Legal Fees	0	3,000	0		0	0		
Consultant Fees	73,512	40,000	85,000		85,000	11,489	86.48%	
NEP Contractual	0	0	0		0	0		
MPO Contractual	0	0	0		0	0		
Audit Fees	45,686	47,000	50,000		50,000	4,314	91.37%	
Travel	15,366	30,000	30,000		30,000	14,634	51.22%	
Telephone	4,838	10,000	10,000		10,000	5,162	48.38%	
Postage	1,339	15,000	5,000		5,000	3,661	26.79%	
Storage Space Rental	968	2,000	2,000		2,000	1,032	48.40%	
Equipment Rental	19,430	40,000	35,000		35,000	15,570	55.51%	
Insurance	26,195	35,000	35,000		35,000	8,805	74.84%	
Repair/Maintenance	13,637	30,000	25,000		25,000	11,363	54.55%	
Printing/Reproduction	-1,645	15,000	15,000		15,000	16,645	-10.96%	
Utilities (Elec, Gas, Water)	14,092	30,000	30,000		30,000	15,908	46.97%	
Advertising	4,004	3,000	6,800		6,800	2,796	58.88%	
Other Miscellaneous	3,150	4,000	4,000		4,000	850	78.74%	
Office Supplies	9,530	20,000	20,000		20,000	10,470	47.65%	
Computer Related Expenses	38,490	50,000	50,000		50,000	11,510	76.98%	
Publications	1,095	8,500	1,700		1,700	605	64.43%	
Professional Development	24,554	30,000	30,000		30,000	5,446	81.85%	
Meetings/Events	8,305	20,000	20,000		20,000	11,695	41.52%	
Capital Outlay-Operations	5,273	30,000	30,000		30,000	24,727	17.58%	
Capital Outlay-Building	0	30,000	8,000		8,000	8,000	0.00%	
Long Term Debt	85,167	128,000	128,000		128,000	42,833	66.54%	
Allocation of Fringe/Indirect	-449,025	-716,995	-716,995		-716,995	-267,970	62.63%	
Reserve for Operation Expense		565,843	637,988		637,988	637,988		
Total Cash Outlays	1,037,786	2,063,348	2,135,493	0	2,135,493	1,097,708	50.30%	
Net Income/(Loss)	59,711	0	0	0	0	0		

reflects reimbursement from NEP

Regional Planning Council
Budget vs. Actual
For the month ending May31, 2009

	DCA	HMEP/SQG/ EMERG	Economic Developmt.	Hurricane Evac/Sea Level Rise	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.	General	Empl.Bene.	Total RPC General	Total RPC Actual
Revenues												
Membership Dues								0	361,058		361,058	361,058
Federal/State/Local Grants	153,044	56,046	66,146	57,054	52,383		133,122	517,796	0		0	517,796
Drf/Monitoring Fees						215,056		215,056			0	215,056
Interest And Miscellaneous								0	3,586		3,586	3,586
Carry Over Fund Balance								0			0	0
Total Income	153,044	56,046	66,146	57,054	52,383	215,056	133,122	732,852	364,644	0	364,644	1,097,496
Expenditures												
Direct:												
Salaries	64,593	8,630	15,238	24,349	16,429	90,652	53,270	273,160	314,446	168,312	482,757	755,917
FICA	0	0	0	0	0	0	0	0	0	86,339	86,339	86,339
Retirement	0	0	0	0	0	0	0	0	0	107,116	107,116	107,116
Health Insurance	0	0	0	0	0	0	0	0	0	138,758	138,758	138,758
Workers Compensation	0	0	0	0	0	0	0	0	0	5,694	5,694	5,694
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	0	0	28,500	0	0	0	3,312	31,812	41,700	0	41,700	73,512
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	45,686	0	45,686	45,686
Travel	1,414	2,773	19	506	0	117	779	5,609	9,757	0	9,757	15,366
Telephone	0	0	0	0	0	0	0	0	4,838	0	4,838	4,838
Postage	32	80	210	0	312	22	0	656	683	0	683	1,339
Storage Space Rental	0	0	0	0	0	0	0	0	968	0	968	968
Equipment Rental	0	0	0	0	0	0	0	0	19,430	0	19,430	19,430
Insurance	0	0	0	0	0	0	0	0	26,195	0	26,195	26,195
Repair/Maintenance	0	0	0	0	0	0	0	0	13,637	0	13,637	13,637
Printing/Reproduction	1	515	3	0	8	81	0	608	-2,252	0	-2,252	-1,645
Utilities (Elec. Gas, Water)	0	0	0	0	0	0	0	0	14,092	0	14,092	14,092
Advertising	171	0	161	0	639	0	0	972	3,032	0	3,032	4,004
Other Miscellaneous	0	0	0	0	0	0	0	0	3,150	0	3,150	3,150
Office Supplies	0	26	0	0	0	0	0	26	9,504	0	9,504	9,530
Computer Related Expenses	0	0	0	205	0	0	0	205	38,285	0	38,285	38,490
Publications	0	0	0	0	0	0	0	0	1,095	0	1,095	1,095
Professional Development	475	0	2,000	0	0	0	879	3,354	-21,200	0	21,200	24,554
Meetings/Events	0	0	0	16	0	3,060	0	3,076	5,229	0	5,229	8,305
Capital Outlay-Operations	0	0	0	0	0	0	0	0	5,273	0	5,273	5,273
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	85,167	0	85,167	85,167
Allocation of Fringe/Indirect	84,823	11,079	20,015	31,979	21,574	119,033	69,079	357,582	-806,607	0	-806,607	-449,025
Reserve for Operation Expense												
Total Cash Outlays	151,510	23,103	66,146	57,054	38,962	212,965	127,318	677,059	-145,491	506,218	360,727	1,037,786
Net Income/(Loss)												59,711

SWFRPC
Income Statement - Two Years
For the Eight Months Ending May 31, 2009

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	191,300.01	223,508.61	2,208,880.48	2,250,629.30
Expenses				
Salaries Expense	133,119.87	130,266.31	1,097,897.74	1,010,164.06
FICA Expense	10,045.63	9,864.20	86,338.52	80,120.63
Retirement Expense	17,384.76	15,926.84	107,116.08	95,947.76
Health Insurance Expense	15,381.80	17,592.50	138,757.82	134,023.82
Unemployment Comp. Expe	0.00	0.00	826.54	0.00
Workers Comp. Expense	994.00	1,083.00	4,867.00	5,213.00
Grant/Consulting Expense	5,691.50	6,300.00	73,511.50	26,902.04
NEP-Contractual	7,053.50	10,912.68	176,199.89	267,111.74
MPO-Contractual	950.00	15,526.80	8,500.00	40,700.07
Audit Services Expense	0.00	422.00	45,686.00	49,039.00
Travel Expense	2,622.05	4,474.01	30,418.50	27,965.29
Telephone Expense	608.09	741.49	5,586.40	6,891.35
Postage / Shipping Expense	2,412.77	1,512.00	24,963.06	12,064.64
Storage Unit Rental	0.00	224.00	1,792.00	1,594.22
Equipment Rental Expense	3,170.35	2,976.16	19,559.86	26,170.39
Insurance Expense	428.24	428.24	26,195.05	27,884.17
Repair/Maint. Expense	1,040.00	1,262.00	13,637.21	16,991.00
Printing/Reproduction Expen	23,060.66	1,409.63	54,448.30	65,324.24
Utilities (Elec, Water, Gar)	2,037.49	1,958.59	14,092.03	14,259.46
Advertising/Legal Notices Ex	1,174.31	1,699.74	9,256.95	9,404.29
Other Misc. Expense	1,936.82	169.80	3,202.60	1,554.19
Office Supplies Expense	1,306.37	3,286.23	12,374.04	20,659.95
Computer Related Expense	228.71	356.25	41,922.36	26,289.39
Publication Expense	192.00	248.00	1,095.35	1,402.40
Prof. Develop./Dues Expens	1,533.50	1,275.00	25,728.43	34,467.26
Meetings/Events Expense	3,801.38	473.33	33,477.67	28,189.68
Capitol Outlay Expense	0.00	0.00	6,551.36	2,596.80
Capitol Outlay - Building	0.00	0.00	0.00	7,450.00
Long Term Debt	10,645.92	10,645.92	85,167.36	85,167.36
Total Expenses	246,819.72	241,034.72	2,149,169.62	2,125,548.20
Net Income	\$ (55,519.71)	\$ (17,526.11)	\$ 59,710.86	\$ 125,081.10

SWFRPC
Account Reconciliation
 As of May 31, 2009
 101000 - Cash - Bank of America Oper.
 Bank Statement Date: May 31, 2009

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance			115,115.36
Add: Cash Receipts			189,637.05
Less: Cash Disbursements			(191,916.32)
Add (Less) Other			(57,656.54)
Ending GL Balance			<u>55,179.55</u>
Ending Bank Balance			84,424.68
Add back deposits in transit			
Total deposits in transit			
(Less) outstanding checks			
	Mar 30, 2009	40698	(73.87)
	Apr 27, 2009	40780	(1,900.00)
	Apr 27, 2009	40789	(28.48)
	Apr 27, 2009	40795	(71.00)
	May 11, 2009	40801	(246.97)
	May 11, 2009	40818	(391.16)
	May 11, 2009	40819	(250.00)
	May 11, 2009	40830	(73.59)
	May 21, 2009	40840	(800.00)
	May 21, 2009	40841	(51.62)
	May 21, 2009	40842	(538.00)
	May 21, 2009	40843	(303.66)
	May 21, 2009	40845	(2,889.11)
	May 21, 2009	40847	(2,125.13)
	May 21, 2009	40851	(582.48)
	May 21, 2009	40852	(52.00)
	May 29, 2009	40855	(13,458.00)
	May 29, 2009	40856	(121.04)
	May 29, 2009	40857	(74.71)
	May 29, 2009	40858	(19.58)
	May 29, 2009	40859	(29.37)
	May 29, 2009	40860	(53.40)
	May 29, 2009	40861	(4,147.69)
	May 29, 2009	40862	(77.26)
	May 29, 2009	40863	(63.19)
	May 29, 2009	40864	(55.27)
	May 29, 2009	40865	(61.41)
	May 29, 2009	40866	(93.45)
	May 29, 2009	40867	(104.16)
	May 29, 2009	40868	(49.84)
	May 29, 2009	40869	(441.00)
	May 29, 2009	40870	(18.69)
Total outstanding checks			<u>(29,245.13)</u>
Add (Less) Other			
Total other			
Unreconciled difference			0.00
Ending GL Balance			<u><u>55,179.55</u></u>

SWFRPC
General Ledger

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

Filter Criteria includes: 1) IDs from 101001 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
101001	5/1/09	Beginning Balance			245,472.94
Cash - Bank of America M		Current Period Change	90.79		90.79
	5/31/09	Ending Balance			245,563.73
101006	5/1/09	Beginning Balance			497,178.35
Cash - FL Local Gov't Pool		Current Period Change	937.61		937.61
	5/31/09	Ending Balance			498,115.96
101006B	5/1/09	Beginning Balance			20,417.85
Cash - FL Gov't Pool-Fund		Current Period Change		237.65	-237.65
	5/31/09	Ending Balance			20,180.20

Agenda Item

3c

Florida Gulf Coast Technology
& Research Park DRI - Request
For Extension

3c

Agenda Item

FLORIDA GULF COAST TECHNOLOGY AND RESEARCH PARK REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the Florida Gulf Coast Technology and Research Park 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 Executive Director granted a 45-day extension to the sufficiency response period on June 09, 2008. The 45-day extension set the new deadline for sufficiency responses to July 25, 2008. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a sufficiency response to the Southwest Florida Regional Planning Council. The sufficiency response was reviewed and additional questions were sent to the applicant's agent on July 18, 2008. The 120-day sufficiency response period was set to expire on November 16, 2008. The applicant submitted a letter requesting a 46-day extension to the sufficiency response period on October 10, 2008. The Council granted the 46-day extension which established December 31, 2008 as the deadline for sufficiency responses. Subsequent to the granting of the 46-day extension, the applicant's agent submitted a letter dated November 10, 2008 which requested a 90-day extension for sufficiency responses. The Council granted the 90-day extension which established March 31, 2009 as the deadline for sufficiency responses. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter dated February 24, 2009 which requested a 90-day extension to the sufficiency response period. The Council granted the 90-day extension which established June 29, 2009 as the deadline for sufficiency responses. The applicant's agent has submitted a letter dated May 13, 2009 requesting another 90-day extension to the sufficiency response period (Attachment I). The proposed new deadline for sufficiency responses would be September 27, 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.

**SJO LAND CONSULTANTS, LLC**

May 13, 2009

Mr. Jason Utley, LEED AP
Regional Planner/Assistant DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901

**Re: Florida Gulf Coast Technology & Research Park DRI
Case No. 04-0607-178**

Dear Mr. Utley:

Thank you for your e-mails regarding the deadline for the Florida Gulf Coast Technology & Research Park DRI sufficiency response. The Applicant's consultants are working diligently to complete the sufficiency response and respectfully request a ninety-day deadline extension. We are working closely with Lee County and the agencies to adequately address their questions. The DRI sufficiency response will be filed prior to September 29, 2009.

As always, your time and assistance are greatly appreciated.

Sincerely,
SJO Land Consultants, LLC

Sharon Jenkins-Owen, AICP
President

Cc: Alvin "Chip" Block
Bill Murray
Neale Montgomery

_____ Agenda
_____ Item

3d

Harborview DRI - Request
For Extension

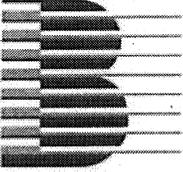
3d

Agenda Item

**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 the granting of 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. The Council granted the 90-day extension which established June 25, 2009 as the deadline for sufficiency responses. Subsequent to granting the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on May 13, 2009 requesting an additional 90-day extension to the sufficiency response period (see Attachment I). The proposed new deadline for sufficiency responses would be September 23, 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.



BENDERSON DEVELOPMENT COMPANY, LLC 8441 Cooper Creek Blvd., University Park, FL 34201 (941) 359-8303 Fax (941) 359-1836

Among Our Tenants

www.benderson.com

A&P
Adidas
AJ Wright
AMC Theatres
Ann Taylor Loft
Applebee's
BJ's Wholesale Club
Bally Total Fitness
Bank of America
Barnes & Noble
Beall's Department Store
Bed Bath & Beyond
Best Buy
Big Lots
Blockbuster Video
Borders Books
Bonefish Grill
Brooks Drugs
Burlington Coat
Carrabba's Italian Grill
Chico's
Cingular Wireless
Circuit City
Citibank
City Mattress
Coldwater Creek
CVS
Designer Shoe Warehouse
Dick's Sporting Goods
Dollar Tree
Dress Barn
Eckerd Drug
Fashion Bug
Family Dollar Stores
Federal Express
Food Lion
Gunar Center
Hancock Fabrics
HSBC Bank
Hollywood Video
Home Depot
JCPenney
Jo-Ann Fabrics
K B Homes
Kohl's
Kroger
Lenox
Linen 'n Things
Lowe's
M&T Bank
Marshalls
Mattress Firm
Media Play
Michael's Crafts
Office Depot
OfficeMax
Old Time Pottery
Outback Steakhouse
Panera Bread
Payless ShoeSource
Perkins
Petco
PetsMart
Pier 1 Imports
Pizza Hut
Price Chopper
Regal Cinemas
Rite Aid
Sam's Club
Sears Roebuck & Company
Sherwin-Williams
Sprint PCS
Staples
Starbucks
Stein Mart
Stonewood Grill
Supercuts
Sweet Bay
Taco Bell
Talbots
Tandy/Radio Shack
Target/Super Target
T.J. Maxx
Tops Friendly Markets
Value Home Center
Value City Furniture
Wal-Mart/Wal-Mart Supercenter
Walgreens
Wegmans Food Markets
Westpoint Stevens

May 13, 2009

Mr. Jason Utley, LEED AP
Regional Planner/Assistant DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901

Re: Harborview DRI

Dear Mr. Utley:

Thank you for your email regarding the deadline for the sufficiency responses for the Harborview Substantial Deviation. The consultants are working diligently to complete the sufficiency response and respectfully request a ninety-day deadline extension. The sufficiency response will be filed prior to September 29, 2009.

Thanks for your assistance in this matter.

Sincerely,
Benderson Development Company, LLC

William L. Murray, P.E.
Director of Engineering – Florida

Cc: Geri Waksler

_____ Agenda
_____ Item

3e

Alico Interchange Park DRI -
Request for Extension

3e

3e

Agenda Item

**ALICO INTERCHANGE PARK SUBSTANTIAL DEVIATION
REQUEST FOR SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Alico Interchange Park Substantial Deviation Development of Regional Impact has requested a 60-day extension to the deadline for responding to the Substantial Deviation'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 has chosen not to pursue a 45-day extension. The current deadline for sufficiency responses is July 28, 2009. The applicant's agent submitted an e-mail (see Attachment I) on May 20, 2009 requesting a lengthier 60-day extension to the sufficiency response period.

The new proposed deadline for sufficiency responses would be September 26, 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 request for extension.

Jason Utley

From: Jodi Joseph [joseph@M-DA.com]
Sent: Thursday, May 21, 2009 2:26 PM
To: Jason Utley
Subject: RE: Alico Interchange Park (DCI2008-00006 and DRI2008-00002)

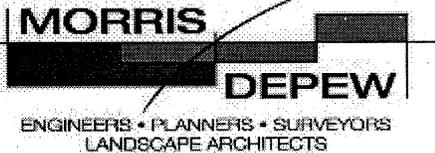
Jason,

As a follow-up to our phone conversation earlier today, please accept this request for a 60-day extension for the Alico Interchange Park DRI project.

If you have any additional questions, please do not hesitate to call.

Kind regards,

Jodi Joseph
jjoseph@m-da.com



2914 Cleveland Avenue | Fort Myers, FL 33901
(239) 337-3993 | FAX: (239) 337-3994
Toll Free: (866) 337-7341
www.morris-depew.com
LC25003320

_____ Agenda
_____ Item

3f

Toll-Rattlesnake DRI -
Request for Extension

3f

3f

TOLL-RATTLESNAKE REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the Toll-Rattlesnake 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 Executive Director granted a 45-day extension to the sufficiency response period on September 19, 2007. The 45-day extension set the new deadline for sufficiency responses to November 05, 2007. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council (SWFRPC) on October 01, 2007 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on October 18, 2007. The 90-day extension set the new deadline for sufficiency responses to February 2, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on December 13, 2007 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on January 17, 2008. The 90-day extension set the new deadline for sufficiency responses to May 02, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on April 08, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on April 17, 2008. The 90-day extension set the new deadline for sufficiency responses to July 31, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on June 04, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on June 19, 2008. The 90-day extension set the new deadline for sufficiency responses to October 29, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on October 07, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on October 16, 2008. The 90-day extension set the new deadline for sufficiency responses to January 23, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on January 05, 2009 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on January 15, 2009. The 90-day extension set the new deadline for sufficiency responses to April 25, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on April 01, 2009 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on April 16, 2009. The 90-day extension set the new deadline for sufficiency responses to July 24, 2009. The current deadline for sufficiency responses is July 24, 2009. The applicant has submitted another letter requesting a 90-day extension to the sufficiency response period (please see Attachment I). The new proposed deadline for sufficiency responses would be October 22, 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 made to anticipate a change in ownership of the lands currently under DRI review."

Staff recommends approval of this extension.



• Planning • Visualization
• Civil Engineering • Surveying & Mapping

June 1, 2009

Mr. Dan Trescott
DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901

Re: Toll Rattlesnake Application for Development Approval – 90 Day Extension
DRI #: 07-506-175

Dear Mr. Trescott:

Due to the July 16 meeting cancellation, please accept this letter as our formal request for placement on the Southwest Florida Regional Planning Council's meeting agenda of June 18, 2009.

As agent for the applicant, we wish to seek a 90-day extension for responding to the Application for Development Approval sufficiency comments, from the previously granted 90-day extension that will expire on July 24, 2009. Therefore, if granted, the new response deadline would be October 22, 2009. Additionally, please find the attached check in the amount of \$3,500.00 to supplement the Rattlesnake – 4075 account with your agency.

This extension request is made to anticipate a change in ownership of the lands currently under DRI review. This change in ownership is immanent, and would facilitate a potential modification of the development intent that may include residential density and commercial intensity changes, as well as changes to the series of Map H.

We would like written confirmation via email, that the requested placement on the Council's agenda has been approved. Please feel free to contact me at (239) 597-0575 if you questions and/or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Nadeau', written over a horizontal line.

Dwight Nadeau,
Planning Manager

cc: Richard D. Yovanovich, Goodlette, Coleman & Johnson P.A. - via email
Tom Hareas, The Sembler Company, via email- via email

_____ Agenda
_____ Item

3g

North Port Gardens DRI -
Request for Extension

3g

3g

NORTH PORT GARDENS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the North Port Gardens Development of Regional Impact Application for Development Approval (ADA) has requested a 30-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 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 (SWFRPC) on May 07, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC 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 SWFRPC on May 30, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC 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 SWFRPC on October 07, 2008 requesting an additional 30-day extension to the sufficiency response period. A 30-day extension was granted at the SWFRPC 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 SWFRPC on November 12, 2008 requesting a 45-day extension for sufficiency responses. The 45-day extension was granted at the SWFRPC meeting held on November 20, 2008. 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 SWFRPC on January 07, 2009 requesting a 30-day extension for sufficiency responses. A 30-day extension was granted at the SWFRPC meeting held on January 15, 2009. The 30-day extension set the new deadline for sufficiency responses to March 02, 2009. Subsequent to the granting of the 30-day extension, the applicant's agent submitted an e-mail to the SWFRPC on February 11, 2009 requesting a 90-day extension for sufficiency responses. A 90-day extension was granted at the SWFRPC meeting held on February 19, 2009. The 90-day extension set the new deadline for sufficiency responses to May 31, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted an e-mail to the SWFRPC on April 09, 2009 requesting a 90-day extension for sufficiency responses. A 90-day extension was granted at the SWFRPC meeting held on April 16, 2009. The 90-day extension set the new deadline for sufficiency responses to August 29, 2009. The current deadline for sufficiency responses is August 29, 2009. The applicant has submitted an e-mail requesting a 30-day extension to the sufficiency response period (please see Attachment I). The new proposed deadline for sufficiency responses would be August 29, 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 made "due to reorganization of the project team."

Staff recommends approval of this request for extension.

Jason Utley

From: kelly.klepper@kimley-horn.com
Sent: Monday, June 01, 2009 8:36 AM
To: Jason Utley
Cc: Peter.Vanbuskirk@kimley-horn.com; Janice Yell
Subject: RE: North Port Gardens Extension and Review Fees

Jason –

Thank you for your email and updated information regarding the North Port Gardens Development of Regional Impact Sufficiency Response. As noted in your email, the current deadline for the sufficiency response submittal is August 29, 2009. Based on the Council's public hearing schedule this summer and on behalf of the property owner, we are requesting a 30-day continuance to extend this date to September.

We appreciate your assistance and working with us during this process.

Sincerely,

Kelley Klepper, AICP



Kimley-Horn and Associates, Inc.



A DIVISION OF KIMLEY-HORN AND ASSOCIATES, INC.

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_____ Agenda
_____ Item

3h

Sandhill DRI – NOPC

3h

3h

**SANDHILL
DRI # 10-9192-116
NOTICE OF PROPOSED CHANGE**

Background:

The Charlotte County Board of County Commissioners (the Board) originally approved the Sandhill Development Order on February 17, 1981 (DRI # 09-7980-16). The original development order included residential units, office and retail development. Over the years, the project has undergone ownership changes and two Substantial Deviation reviews. The first Substantial Deviation resulted in the approval of Resolution 86-230 on September 9, 1986 (DRI # 09-8485-58). The second Substantial Deviation resulted in the approval of Resolution 92-285 on December 15, 1992 (DRI # 10-9192-116). The Florida Department of Community Affairs (FDCA) subsequently filed an appeal of Development Order Resolution 92-285 on February 5, 1993. On May 4, 1993 the Board adopted Resolution 93-59 which incorporated settlement language into the DRI approval conditions.

The Sandhill Development of Regional Impact (DRI) is located on all four quadrants of the I-75/Kings Highway interchange, in northern Charlotte County (see Attachment I: Location Map). As currently approved, the development can construct 2,600 residential units (multi-family), 1,965,800 square feet of commercial retail space, 42,000 square feet available within the research and development land area and 65,000 square feet of Park/Public/Semi-Public space created to accommodate Charlotte County Health Department offices. As of the annual monitoring report submitted in October 2006, the Sandhill DRI contained 933 residential units and 808,515 square feet of commercial space (including four hotels). No information was provided on the amount of office square footage or other uses.

Previous Changes

There have been 29 previous changes to the Sandhill Development Order that have been adopted by the Charlotte County Board of County Commissioners (CCBCC). These changes were as follows:

Previously Adopted by the Charlotte County Board of County Commissioners (CCBCC)

<u>Resolution Number</u>	<u>Date of Adoption</u>	<u>Change to Development Order</u>
(1) Resolution 86-230	September 09, 1986	First Substantial Deviation;
(2) Resolution 86-325	November 18, 1986	Allowed for the inclusion of a public golf course of approximately 96 acres, reduced the maximum number of dwelling units from 4,804 to 4,022 and found no additional DRI review required;

(3) Resolution 87-07	January 20, 1987	Allowed for an increase of private recreation area from 62 to 73 acres, reduced the 160.5 acres of parks and open space to 35.4 acres of public parks and 95.7 acres of a public golf course;
(4) Resolution 87-156	July 21, 1987	Altered the phasing plan by transferring a 1.7-acre retail parcel from Phase IV to Phase II;
(5) Resolution 87-289	December 15, 1987	Altered the phasing plan by transferring a 3.8-acre retail parcel from Phase III to Phase II.
(6) Resolution 88-56	April 19, 1988	Altered the phasing plan for two retail parcels and a research and development parcel;
(7) Resolution 88-57	April 19, 1988	Change the land use on a 2.0-acre parcel and altered the phasing plan;
(8) Resolution 88-235	October 4, 1988	Extended the deadline for the developer to submit the Detail Plans for portions of Phase II;
(9) Resolution 88-282	December 20, 1988	Amended road construction requirements;
(10) Resolution 89-42	February 21, 1989	Altered the Phasing Plan by transferring 180,000 square feet of retail commercial use or approximately 20 acres from Phase III to Phase II;
(11) Resolution 89-90	April 25, 1989	Altered the Phasing Plan to allow for a 7.2 acre parcel to be developed as part of Phase II rather than in Phase III and the addition of 22,000 square feet to Phase II;
(12) Resolution 89-324	October 24, 1989	Permitted development of a 320,000 square foot shopping center, 160,000 square feet was allowed to be constructed at the time of adoption of the resolution and 160,000 square feet could be constructed subject to certain criteria;
(13) Resolution 89-330A	October 31, 1989	Permitted development of a telephone switching facility of approximately 1,100 square feet;
(14) Resolution 90-258	October 16, 1990	Altered the Phasing Plan, transferred commercial square footage within the DRI and realigned Sandhill Boulevard;

- | | | |
|---------------------------|-------------------|---|
| (15) Resolution 91-99 | May 21, 1991 | Changed 2.99 acres of Research and Development to Commercial; |
| (16) Resolution 91-123 | June 18, 1991 | Restated Resolution 91-99; |
| (17) Resolution 92-285 | December 15, 1992 | Second Substantial Deviation removed phasing and revised the project land use allocations. This amendment reduced the residential units from 4,022 on 273.3 acres to 3,682 on 184.92 acres and dramatically increased commercial square footage from 946,000 on 180.3 acres to 1,606,000 on 190.4 acres; |
| (18) Resolution 93-59 | May 4, 1993 | Modified the Development Order to reflect terms of settlement agreement between DCA and Charlotte County; |
| (19) Resolution 97-0610A0 | July 15, 1997 | Increased commercial retail acreage from 190.4 to 193.4 acres, increased the overall DRI acreage from 727 to 730 acres and expanded the uses allowed in the commercial areas to include automotive convenience maintenance service; and |
| (20) Resolution 2002-064 | May 28, 2002 | Extension of buildout date of DRI Development Order from October 2001 to September 30, 2006. |
| (21) Resolution 2002-178 | November 12, 2002 | Reduced residential units from 3,682 units on 184.92 acres to 3,608 units on 181.12 acres, reduced the commercial retail square footage on Parcel C-17 in Tract 3, and added commercial square footage with the newly created Parcel C-24 in Tract 2. The changes to commercial land increased the commercial land area from 193.4 acres to 197.2 acres. |
| (22) Resolution 2003-028 | February 11, 2003 | Consolidation of parcels, reduced residential units from 3,608 on 181.12 acres to 2,496 on 125.8 acres, increased commercial square footage from 1,606,000 on 197.2 acres to 1,965,800 on 240 acres, increased the lake area from 60.7 to 61.4 acres, increased the mitigation area from 78.4 acres to 84.7 acres, and added 6.55 acres of preservation area. |

- (23) Resolution 2006-026 February 21, 2006 Increased the overall DRI acreage from 730 to 730.3 acres, increased the commercial retail acreage from 240 acres to 240.3 acres, reallocated existing commercial square footage from Tract 5 to a newly created Parcel 5-19A and limited those uses on Parcel 5-19A to Commercial Neighborhood uses as defined by the Charlotte County Zoning Regulations.
- (24) Resolution 2006-027 February 21, 2006 Increased residential acreage from 125.8 acres to 151.9 acres, reallocated residential units from Parcel R-1 in Tract 1 to a newly created Parcel R-2 in Tract 4, decreased the commercial retail acreage from 240.3 acres to 214.2 acres and reallocated 75,000 square feet of commercial square footage from Parcels C-19 and C-20 in Tract 4 to Parcels C-21 and C-25 in Tract 1. The residential acreage should have only increased by 9 acres and the commercial acreage should have only decreased by 9 acres. The total residential acreage should be corrected to 134.8 acres and the commercial acreage should be corrected to 231.3 acres.
- (25) Resolution 2006-173 September 19, 2006 1) Reallocated 40,000 square feet of commercial area from Parcel C-19B in Tract 4 to a newly created Parcel 5-19H; 2) Reallocated 25,000 square feet of commercial area from Parcel 5-18 to the newly created Parcel 5-19H; 3) Reallocated 25,000 square feet of commercial area not part of the last Substantial Deviation; 4) Reduced the Golf Course acreage from 95.7 acres to 84.1 acres (11.6 acre reduction); 5) Increased the Commercial acreage from 213.1 acres to 224.7 acres (11.6 acre increase)
- (26) Resolution 2006-212 November 21, 2006 Extended the build out date to March 2, 2009.
- (27) Resolution 2007-161 October 16, 2007 Codified the Development Order, extended the build out date to March 1, 2012, and increased the office square footage to 65,000 on the parcel labeled public/semi-public in Tract 2 which is owned by Charlotte County.
- (28) Resolution 2008-029 March 18, 2008 Modified the entitlements for Parcel C-24 in

Tract 2 from 30,000 square feet of Commercial to 17,000 square feet of Commercial and 120 hotel units

- (29) Resolution 2008-158 December 16, 2008 1) Added terms of the development agreement between Charlotte Commons, LLC and Charlotte County dated March 25, 2008; 2) Amended section I.g. to eliminate the prohibition on direct access from Loveland Boulevard; 3) Deleted Section L. which requires an affordable housing study after total developed retail commercial square footage exceeds 946,000 square feet.

Proposed Changes:

The applicant for the proposed change is Post Falls Management Associates, LLC. The applicant's agent is Geri L. Waksler with the firm of McKinley, Ittersagen, Gunderson, Berntsson, Waksler & Wideikis, LLP. The Notice of Proposed Change (NOPC) was submitted to Regional staff on April 16, 2009. The applicant is requesting the following changes:

Amend the revised Map H as follows:

Remove 17.18 acres of residential land from the Sandhill DRI and add it (by concurrently submitted NOPC) to the Victoria Estates DRI. Reduce acreage in the text box describing uses not part of the Substantial Deviation from 71.3 acres with 1264 units to 57.71 acres with 1264 units. Reduce acreage in the Tract 2 text box from 24 acres with 300 units to 20.41 with 300 units.

Amend Paragraph 7 of the Findings of Fact and Conclusions of Law section within the Development Order as follows:

Reduce the residential acreage from 155.77 acres to 138.59 acres.

Regional Staff Analysis:

The proposed changes listed above do not appear to create the possibility of additional regional impacts within the Sandhill DRI. No additional square footage entitlements are proposed with this change. No changes to an approved land use are proposed. The 296 units on the site proposed for removal will remain as approved, but unallocated, units within the Sandhill DRI for use by the applicant. Allocation of these units to property within the DRI may require a subsequent Notice of Proposed Change.

The applicant has not provided a current Annual Monitoring Report and Annual Traffic Monitoring Report for the project. Biennial monitoring reports are required for this project.

The applicant has not provided a legal description that accurately matches the legal extent of the project. This proposed change modifies the legal description of the DRI.

The applicant has not provided an updated project shapefile that accurately matches the legal extent of the project. This proposed change modifies the legal boundaries of the DRI.

Character, Magnitude, Location:

The proposed change does not significantly change the character, magnitude or location of the DRI.

Regional Goals, Resources, and Facilities:

Regional staff has examined the NOPC in order to determine the potential for adverse regional impacts and determined that the changes to the project do not create adverse regional impacts and therefore is deemed to be consistent with the regional goals, resources and facilities as determined through the previous Substantial Deviation and reviews. The applicant has provided sufficient evidence to rebut any presumption of a substantial deviation. No additional regional impacts to regional resources or facilities will occur from the proposed changes.

Multi-Jurisdictional Issues:

Regional staff has not identified any adverse multi-jurisdictional impacts due to the proposed changes.

Need For Reassessment Of The DRI:

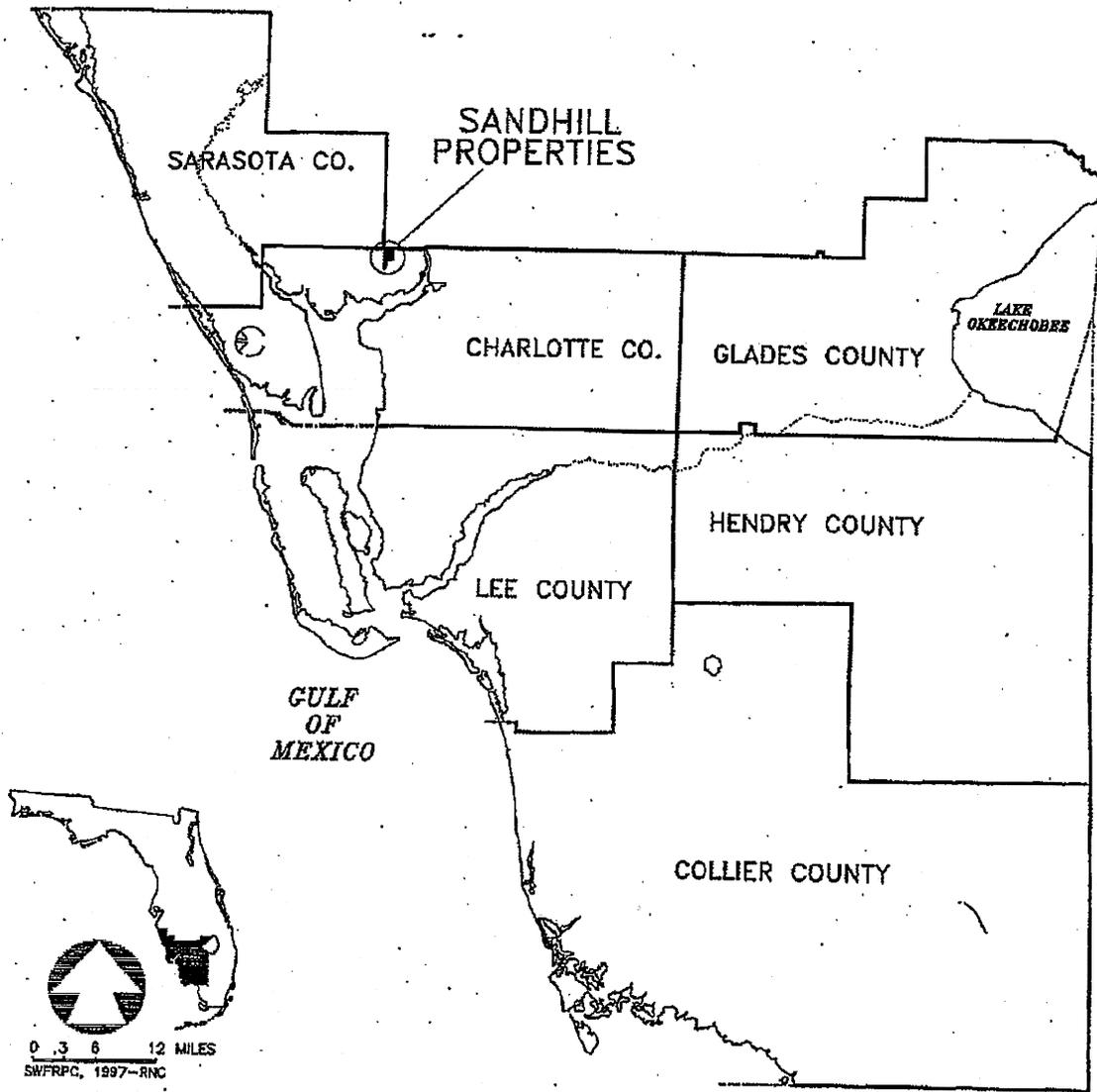
The proposed changes listed above do not create the possibility of additional regional impacts within the Sandhill DRI. The requested changes are not presumed to create a substantial deviation and thus will not require a reassessment of the DRI.

Acceptance of Proposed D.O. Language:

The proposed Development Order (DO) amendment is not sufficient. Regional Staff recommends attaching an accurate legal description to the revised DO. Regional Staff requests the applicant submit a current Annual Monitoring Report and Annual Traffic Monitoring Report. Regional Staff requests the applicant provide a shapefile matching the current accurate legal description. Regional Staff recommends changing the language in the development order and the Revised Map H to reflect all of the proposed 2,600 dwelling units are multi-family dwelling units. Regional staff recommends that the Charlotte County Board of County Commissioners accept the proposed development order language after changing the language related to the residential units to reflect these units are all multifamily; after finalizing a codified Development Order for the Sandhill DRI; after receiving a current annual monitoring report and a current annual traffic monitoring report; and after receiving a revised legal description and shapefile.

RECOMMENDED ACTIONS:

1. Notify Charlotte County, the Florida Department of Community Affairs and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
2. Render a codified Development Order.
3. Request an updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date.
4. Request an updated GIS shape file of the new legal description of the Sandhill DRI project prior to the Development Order (DO) approval at the local government level.
5. Request an updated Annual Monitoring Report and Annual Traffic Monitoring Report prior to DO approval at the local government level.
6. Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.



**ATTACHMENT I
GENERAL LOCATION MAP
SANDHILL PROPERTIES DRI.**

Agenda

Item

3i

Victoria Estates DRI -
NOPC

3i

3i

VICTORIA ESTATES
DRI # 06-8788-084
NOTICE OF PROPOSED CHANGE

Background:

The Charlotte County Board of County Commissioners (the Board) originally approved the Victoria Estates Development of Regional Impact (DRI) Development Order (DO) on July 11, 1989 (Resolution #89-141). The project was originally approved for 1,700 mobile homes, 250,000 square feet of commercial use, 120,000 square feet of office use, and an 18-hole golf course. Currently, the project is approved for 1,305 residential units, 250,000 square feet of commercial space, and 120,000 square feet of office space.

The Victoria Estates DRI is located on two tracts in central Charlotte County (See Attachment I, Location Map). Tract A, consisting of 293 acres, is located south of Village Drive, west of I -75, north of Rampart Boulevard and east of Kings Highway. Tract B, consisting of 72 acres (originally 122.5 acres, 50 removed for school site), is located south of Suncoast Boulevard, west of Minneola Avenue, east of Loveland Boulevard and north of Old Landfill road (a.k.a. Suncoast Lakes). Both sites are adjacent to Maple Leaf Estates DRI.

As of the monitoring report submitted for the 2005-2007 reporting period, the Victoria Estates DRI had remaining vertical construction entitlements for 177 detached residential units, 396 attached residential units, 117,290 square feet of commercial uses and 99,000 square feet of office uses.

Previous Changes:

There have been five previous amendments to the Victoria Estates DO:

1. On June 21, 1994, the Board approved the first amendment to the Victoria Estates DO (Resolution 94-111). This amendment extended the effective period of the DO, amended the land use and phasing schedule and deleted a fire station requirement.
2. On August 13, 2002, the Board approved the second amendment to the Victoria Estates DO (Resolution 2002-109). This amendment extended the effective period of the DO until December 30, 2004, amended the land use and phasing schedule, deleted 50 acres from the Parcel B property because of its acquisition by the Charlotte County School District and provided for the traffic monitoring of Suncoast Boulevard.
3. On May 27, 2003, the Board approved the third amendment to the Victoria Estates DO (Resolution 2003-083). This amendment changed the existing 366 mobile home units to 205 conventional site built units, established access for Parcel B on Suncoast Blvd, provided for improvements to Suncoast Blvd, increased the recreation area on Parcel B and redistributed a portion of the previously designated recreation area.

4. On November 23, 2004, the Board approved the fourth amendment to the Victoria Estates DO (Resolution 2004-243). This amendment extended the completion or build out date of the DO to May 31, 2007.
5. On February 14, 2006, the Board approved the fifth amendment to the Victoria Estates DO (Resolution 2006-025). This amendment changed the reporting period for monitoring reports from annual to biennial; updated Map H A-1 and Map H B-1-1; updated the land use and phasing schedule; updated monitoring report deadlines; provided a Rampart Boulevard improvement plan; and extended the effective period of the development order.

Proposed Changes:

The applicant for the proposed change is Kingsgate Associates II, Ltd., WR-I Associates, Ltd., Victoria Estates, Ltd., and NB/85 Associates. The applicant's agent is Geri L. Waksler with the firm of McKinley, Ittersagen, Gunderson, Berntsson, Waksler & Wideikis, LLP. The Notice of Proposed Change (NOPC) was submitted to regional staff on April 16, 2009. The applicant is requesting the following changes:

Amend the Revised Map H "A-1" as follows:

Add 17.18 acres of commercial land to the Victoria Estates DRI and remove the land (by a concurrently submitted NOPC) from the Sandhill DRI.

No change is proposed to the commercial or office square footage entitlements. Commercial square footage shall remain the same at 250,000 square feet and office square footage shall remain the same at 120,000 square feet.

The developer agrees to extend Rampart Boulevard from Kings Highway to Loveland Boulevard.

Extend the build out date to May 31, 2010. This three-year extension is a result of HB 7203 that granted an automatic three-year extension to all DRIs under active development on July 01, 2007.

Regional Staff Analysis:

The proposed changes listed above do not appear to create the possibility of additional regional impacts within the Victoria Estates DRI. No additional square footage entitlements are proposed with this change. No changes to any approved land uses are proposed. The 17.18 acre tract is being removed from the Sandhill DRI and added to the Victoria Estates DRI. The 296 residential units that were approved for the tract will remain as existing entitlements within the Sandhill DRI. These residential entitlements will not be transferred to the Victoria Estates DRI.

The applicant should provide a current monitoring report and traffic monitoring report for the project.

The applicant should also provide a revised legal description and a revised project shapefile.

The build out extension does not create the likelihood of a substantial deviation as the extension is automatic and was granted by HB 7203.

Character, Magnitude, Location:

The requested change will not result in a change in the magnitude of the project. The character and location will change slightly. The project will add 17.18 acres of land that will be designated as commercial and the area of the project will increase by 17.18 acres.

Potential Multi-Jurisdictional Issues:

The proposed change will not have any multi-jurisdictional impacts.

Regional Goals, Resources, and Facilities:

Regional staff has examined the NOPC in order to determine the potential for adverse regional impacts and determined that the changes to the project do not create adverse regional impacts and therefore is deemed to be consistent with the regional goals, resources and facilities as determined through previous reviews. The applicant has provided sufficient evidence to rebut any presumption of a substantial deviation. No additional regional impacts to regional resources or facilities will occur from the proposed changes.

Need for Reassessment of the DRI:

The proposed changes listed above do not create the possibility of additional regional impacts within the Victoria Estates DRI. The requested changes are not presumed to create a substantial deviation and thus will not require a reassessment of the DRI.

Acceptance of Proposed Development Order Language:

The proposed Development Order (DO) amendment is not sufficient. Regional Staff recommends attaching an accurate legal description to the revised DO. Regional Staff requests the applicant submit a current Annual Monitoring Report and Annual Traffic Monitoring Report. Regional Staff requests the applicant provide a shapefile matching the current accurate legal description. Regional staff recommends that the Charlotte County Board of County Commissioners accept the proposed development order language after finalizing a codified Development Order for the Victoria Estates DRI; after receiving a current annual monitoring report and a current annual traffic monitoring report; and after receiving a revised legal description and shapefile.

RECOMMENDED ACTIONS:

1. Notify Charlotte County, the Florida Department of Community Affairs and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
2. Render a codified Development Order.
3. Request an updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date.
4. Request an updated GIS shape file of the new legal description of the Victoria Estates DRI project prior to the Development Order (DO) approval at the local government level.
5. Request an updated Annual Monitoring Report and Annual Traffic Monitoring Report prior to DO approval at the local government level.
6. Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.

ATTACHMENT I

SARASOTA COUNTY

CHARLOTTE COUNTY

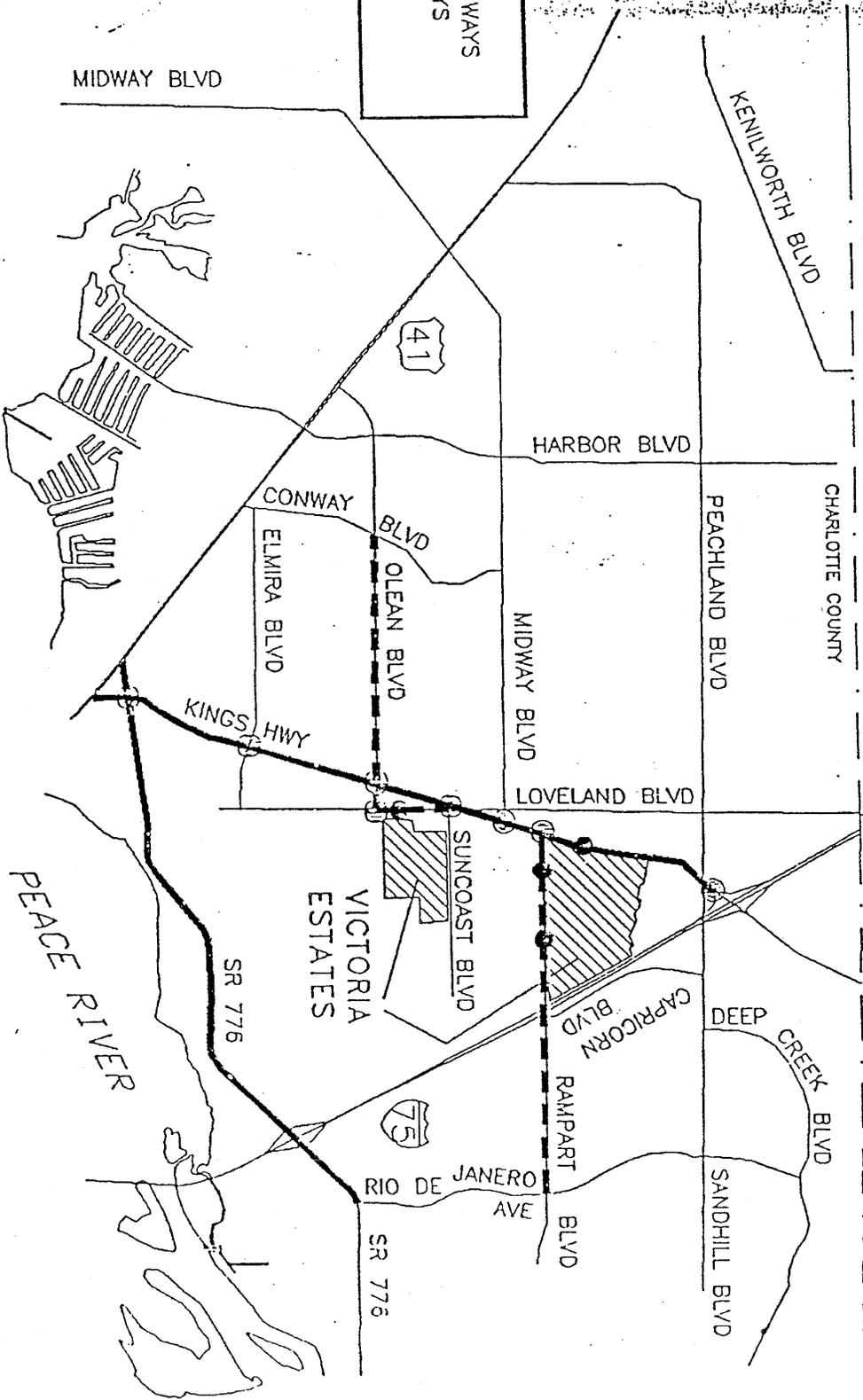
DE SOTO COUNTY

GEND
REGIONAL ROADWAYS
LOCAL ROADWAYS
INTERSECTIONS
DRI ACCESSES



1 MILE

RPC - MAY 1989



MAP D-2
VICTORIA ESTATES
REGIONAL/LOCAL ROADS AND INTERSECTIONS
TO BE MONITORED

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640100



_____ Agenda
_____ Item

3j

Hendry County Small Quantity
Generator's (SQGs) Hazardous
Waste Assessment, Notification,
And Verification Program

3j

**HENDRY COUNTY
SMALL QUANTITY GENERATOR'S (SQG's) HAZARDOUS WASTE
ASSESSMENT, NOTIFICATION, AND VERIFICATION PROGRAM**

An agreement is provided with this agenda item which would allow the Southwest Florida Regional Planning Council to implement an assessment of potential hazardous waste generators in Hendry County.

Background

Since 1983, Florida's counties have been required to report businesses that generate hazardous waste, and the waste management practices of the County businesses to the Florida Department of Environmental Protection (FDEP). This reporting requirement of the Florida Department of Environmental Protection was mandated by the Water Quality Assurance Act.

In the past, the Southwest Florida Regional Planning Council has provided annual assistance to member counties requesting help in initiating local hazardous waste inspections as required by state law. Specifically, under Sections 403.7234 and 403.7225(16), Florida Statutes (F.S.), each county is required to notify small quantity generators (SQGs) of hazardous waste, and must verify the waste management practices of at least twenty (20) percent of the SQGs annually. The required 20% is generated from the number of businesses on the mailing list (survey assessment roll) compiled during a county's original or updated survey assessment.

Program Goal

The goal of the assessment, notification, and verification program is to inform SQGs of their legal responsibilities, limit the illegal disposal of hazardous waste, and identify the location of waste operators for an update to state officials. Also, local knowledge of hazardous waste is useful for land development planning, emergency protective services, health care, and water quality management.

The primary purpose of the funding will be to cover costs incurred to establish the small quantity generator assessment, notification, and verification program including training for personnel, materials and equipment, program education, and for compliance activities associated with program implementation.

Hendry County /SWFRPC Contractual Agreement

On June 5, 2009, staff of the Southwest Florida Regional Planning Council received the attachment Memorandum of Agreement from Hendry County which will provide the necessary funding to conduct an assessment to ensure that Hendry County is in compliance with state mandates.

RECOMMENDED ACTION:

Authorize Chairman to execute the SWFRPC/Hendry County Hazardous Waste Program Assessment Memorandum of Agreement

6/2009

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Janet Taylor

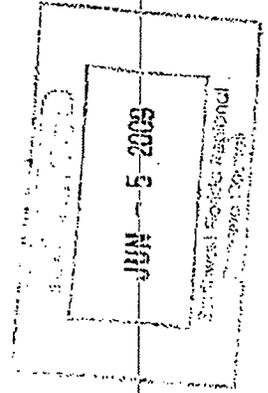
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0002/0003

**SMALL QUANTITY HAZARDOUS WASTE GENERATORS
 NOTIFICATION, VERIFICATION, AND ASSESSMENT
 BETWEEN
 SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
 AND
 HENDRY COUNTY**



Whereas, this agreement allows the Southwest Florida Regional Planning Council (SWFRPC) to assist Hendry County in the notification, verification, inspection and assessment of potential "Hazardous Waste Facilities" in Hendry County (County).

Whereas, since 1983, Florida's Counties have been required to report business that generate small quantities of hazardous wastes, and the waste management practices at these locations to the Florida Department of Environmental Protection (Department). This reporting requirement was mandated pursuant to the Water Quality Assurance Act.

Whereas, the Southwest Florida Regional Planning Council completed the initial Hazardous Waste Assessment Surveys for all six counties of Southwest Florida in the 1980s.

Whereas, under Sections 403.7234 and 403.7225(16), Florida Statutes (F.S.), each county is required to notify small quantity generators (SQGs) of hazardous waste, and must verify the waste management practices of at least twenty (20) percent of the SQGs annually. The required 20% is generated from the number of businesses on the mailing list (survey assessment roll) compiled during a county's original or updated survey assessment.

Whereas, facilities will be advised of their responsibility pursuant to state statutes and provided a copy of Florida's Handbook for Small Quantity Generators of Hazardous Waste during site inspections. Moreover, the County and/or the Florida Department of Environmental Protection will be notified of sites with serious hazardous waste, pollution or contamination problems immediately following an inspection. Other environmental management information will be provided to the inspected facilities as needed.

Whereas, the County will be responsible for supplying the names and addresses of sites slated for inspection by the SWFRPC.

Whereas, under this contractual agreement, Hendry County would provide \$5,400 to the SWFRPC to verify, inspect, and assess proposed hazardous waste facilities and businesses. All sites recommended by Hendry County are to be inspected by June 5, 2009. The number of sites inspected by the SWFRPC

June 30, 2009 [Signature]
June 30, 2009 JBT

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should not exceed fifty (50) for the 2009 inspection year. Payment to the SWFRPC is to be made on or before August 5, 2009, or upon transmission of the report to the Florida Department of Environmental Protection by the County.

Whereas, the SWFRPC will be responsible for updating the County's SQG Records and submittal of the final report to the Florida Department of Environmental Protection. A copy of the final report (Hard Copy) will be transmitted to Hendry County.

Whereas, hazardous waste data will be recorded on a County or SWFRPC site inspection forms for transmission to the County. Travel, meals, equipment, etc., is covered under this agreement and will be the responsibility of the SWFRPC.

BE IT RESOLVED, that this contract implements a formal binding commitment between Hendry County and the Southwest Florida Regional Planning Council to allow the SWFRPC to assist in the implementation of the 2009 Hendry County Small Quantity Hazardous Waste Assessment.

Janet B. Taylor SBT
Janet B. Taylor, Chairman
Hendry County Board of Commissioners

5-26-09
Date

[Signature]
Approved to legal form and content
County Attorney

Date

Jim Humphrey, Chairman
Southwest Florida Regional Planning Council

Date

ATTEST:

Ken Heatherington, Executive Director
Southwest Florida Regional Planning Council

Date

_____ Agenda
_____ Item

4

Administrative Agenda

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_____ Agenda
_____ Item

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Lower West Coast Watersheds
Implementation Committee

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Lower West Coast Watersheds Subcommittee Implementation Status Report

Implementation continues on the work of the SWFRPC Lower West Coast Watersheds Subcommittee.

A tracking table of implementations and next tasks is attached and a listing of various web site resources from member governments utilized in their education and implementation of fertilizer, low impact development and other watershed protection activities.

06/09

Subcommittee Progress Report
Improve Area Water Quality

<p>Fertilizer Provide recommendations and guidelines to be considered by local government jurisdictions in Southwest Florida for the regulation and control of: Fertilizer Application Containing Nitrogen and/or Phosphorous</p>	<p>Status Resolution 07-01 was approved by the SWFRPC on March 15, 2007</p> <p>Implementation</p> <ol style="list-style-type: none"> 1. Resolution recommendations included in all future DRIs 2. Tracking the Fertilizer Ordinance progress in local government jurisdictions of Southwest Florida via a Resolution to Ordinance completion matrix 3. Progress reviewed monthly by the Regional Planning Council 4. Education programs implemented by Charlotte County, Lee County, Fort Myers Beach, Naples, Sanibel <p>Next Step 1. New Cape Coral Ordinance in Development Encourage Collier County, Punta Gorda, Glades and Hendry Counties to consider adoption of ordinance</p>
<p>Waste Water Discharge Provide recommendations and guidelines to be considered by local government jurisdictions in Southwest Florida for the regulation and control of Treated Wastewater Discharges of Nitrogen and/or Phosphorous</p>	<p>Status Resolution 07-02 approved by the SWFRPC on May 17, 2007</p> <p>Next Step</p> <ol style="list-style-type: none"> 1. Resolution recommendations included in all future DRIs 2. To fund this potentially expensive process change, the Council members believe that it will be more effective to lobby for wastewater treatment facility improvement funds from the Federal government as a multi-jurisdictional entity (6 counties and 14 municipalities). The council staff will make grant application on behalf of its members <p>It is requested that all local government jurisdictions in southwest Florida provide an estimate of the cost for process modifications necessary so that wastewater treatment facilities comply with the approved resolution</p>
<p>Package Treatment Provide recommendations and guidelines to be considered by local government jurisdictions of Southwest Florida for the regulation and control of: Package Wastewater Treatment Facility Discharges</p>	<p>Status Resolution 07-05 approved by the SWFRPC on October 18, 2007</p> <p>Implementation</p> <ol style="list-style-type: none"> 1. Resolution recommendations included in all future DRIs <p>Next Step Similar to Waste Water Discharge</p>
<p>On-site Wastewater Treatment Provide recommendations and guidelines to be considered by local government jurisdictions of Southwest Florida for the regulation and control of: On-site Wastewater Treatment Facilities</p>	<p>Status Resolution 08-02 approved by the SWFRPC on May 15, 2008</p> <p>Implementation</p> <ol style="list-style-type: none"> 1. Resolution recommendations included in all future DRIs 2. Cape Coral is considering maintenance aspects of resolution for NSW environmental benefits. <p>Next Step Similar to Waste Water Discharge</p>
<p>Storm Water Provide recommendations and guidelines to be considered by local government jurisdictions in Southwest Florida for the regulation and control of Storm Water Runoff</p>	<p>Status New and Redevelopment Resolution 08-011 approved by the SWFRPC on August 28, 2008 Retrofit Resolution 08-012 approved January 15, 2009</p> <p>Implementation A partnership has been proposed with the South Florida Water District Management District and Sarasota County to develop Low-Impact Development (LID) recommendations to incorporate into the development review process.</p> <p>Next Step The results will generate a regional LID recommendation handbook.</p>

Implementation Website Resources

Charlotte County fertilizer ordinance education

<http://charlotte.ifas.ufl.edu/horticulture/hort-fertilizer1.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-fyn.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle1.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle2.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle3.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle4.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle8.htm>
<http://charlotte.ifas.ufl.edu/horticulture/hort-04-principle9.htm>

City of Naples

<http://www.rookerybay.org/CTP-BMP.html>

City of Sanibel

<http://www.sanibelh2omatters.com/fertilizer/>
<http://www.mysanibel.com/Departments/City-Manager-s-Office/News/New-Fertilizer-Applicators>
<http://www.mysanibel.com/Departments/City-Manager-s-Office/News/City-Transitions-From-Education-To-Enforcement-Of-Fertilizer-Ordinance-June-11-2008>

Lee County fertilizer ordinance education

http://www3.lee-county.com/naturalresources/waterquality/autopage_T44_r1.htm#updates
http://fyn.ifas.ufl.edu/professionals/bmp_training_schedule.htm
<http://www.rookerybay.org/CTP-BMP.html>
http://www.leetc.com/home.asp?page_id=announcements&article_id=73
<http://consensus.fsu.edu/Fertilizer-Task-Force/index.html>
<http://www.winknews.com/calendar/44789632.html>
<http://www3.leegov.com/NaturalResources/WaterQuality/default.htm>

Sarasota County fertilizer ordinance education, BMP and Low Impact Development page

<http://www.scgov.net/EnvironmentalServices/Water/SurfaceWater/Fertilizer.asp>
<http://www.scgov.net/EnvironmentalServices/Water/SurfaceWater/documents/OrdinanceNo.2007062signed.pdf>
<http://www.scgov.net/EnvironmentalServices/Water/SurfaceWater/BMPTraining.asp>
<http://www.scgov.net/EnvironmentalServices/Water/SurfaceWater/LowImpactDevelopment.asp>

Town of Fort Myers Beach
 City PRISM page

<http://www.fortmyersbeachfl.gov/DocumentView.asp?DID=70>

Things to look for in your lawn maintenance company

Do they ...

- Display the required BMP Training Certification Decal on their equipment? (required after September 18, 2008).
- Use a minimum 50% slow-release nitrogen fertilizer product?
- Apply no more than the maximum allowable amounts of nitrogen and phosphorus?
- Use a deflector shield on all broadcast fertilizer spreaders?
- Remove grass clippings from the roadway, storm drains, and ditches?
- Promote the benefits of a low maintenance zone around water bodies?
- Maintain a 10' fertilizer-free zone around water bodies and wetlands, or three feet with a deflector?

CHARLOTTE COUNTY

Extension Service

941.764.4340

<http://charlotte.ifas.ufl.edu>

*This publication designed and produced by
CHARLOTTE COUNTY
Environmental & Extension Services*

*with support from the
Charlotte Harbor National
Estuary Program (CHNEP)*



UF UNIVERSITY of
FLORIDA
IFAS Extension
Charlotte County

What you need to know about

Charlotte County's Fertilizer Ordinance

ORDINANCE No. 2006-018





On March 18, 2008, Charlotte County Board of County Commissioners approved an ordinance regulating the use of fertilizers containing nitrogen and/or phosphorus within Charlotte County (Ordinance No. 2008-028). It establishes Best Management Practices (BMP) for both residential and commercial turf fertilizer application. The ordinance will enable Charlotte County to protect our water resources from nutrient pollution while enabling residents to have beautiful and healthy lawns.

Phosphorus Applications

Shall not exceed 0.25 pounds per 1,000 square feet at each application, and shall not exceed a total of 0.5 pounds per 1,000 square feet per year.

Nitrogen Applications

Nitrogen fertilizer must contain at least **50% slow-release nitrogen**. NOTE: State of Florida regulations allow a maximum of 0.7 pounds of readily available (soluble) or one pound of total nitrogen per 1,000 square feet may be applied at any one time to turf.

Deflector Shields

If fertilizing within 3-10 feet from a water body or wetland, a deflector shield must be used on all broadcast spreaders. Fertilizer may not be applied within three feet of the water body or wetland.

Grass Clippings

No grass clippings, vegetative material, or vegetative debris may be deposited in stormwater drains, ditches, conveyances, water bodies, or roadways.

Commercial Fertilizer Applicators

All applicators of fertilizer (except homeowners on their own property) must receive training and certification in a Charlotte County-approved Best Management Practices (BMP) training program. Contact Charlotte County Extension Service (941.764.4340) for training opportunities. <http://charlotte.ifas.ufl.edu>

Enforcement

Enforcement actions will take place through the use of county code enforcement procedures or civil penalties.

Fertilizer-Free Zone

Fertilizer may not be applied within 10 feet of any water body or wetland (or 3 feet if a deflector shield is used). No fertilizer may be applied to impervious (non-porous) surfaces, and any spillage must be removed.

Low-Maintenance Zone

A 6-foot low maintenance zone of landscape plants appropriate to preventing fertilizer runoff is recommended for any water body or wetland.

What To Look For On Your Fertilizer Label

% of Total N as Slow-Release Nitrogen (SRN) =

$$\frac{7}{14} \times 100 = 50\%$$

(Meets 50% SRN Charlotte County Requirement)

FERTILIZER		GUARANTEED ANALYSIS	
14-0-26		TOTAL NITROGEN (N)	14.00 %
		14.05% Urea Nitrogen (N)	
Nitrogen N		SOLUBLE PHOSPH (P ₂ O ₅)	26.00 %
		PHOSPH (P) Total	19.70 %
Phosphate P ₂ O ₅		18.50% Free sulfur (S)	
		9.20% Combined sulfur (S)	
Potash K ₂ O		IRON (Fe) Total	0.96 %
		0.10% Water Soluble Iron (Fe)	
MANGANESE (Mn) Total		0.40 %	
		0.1% Water Soluble Manganese (Mn)	
DESIRED FROM: Polymer Coated Sulfur Coated Urea, Sulfate of Potash, Iron Oxide, Manganese Oxide.			
FLUORINE (Cl) Max.		1.00%	
*1.00% Slowly Available Urea Nitrogen from Polymer Coated Sulfur Coated Urea.			

Over the past year, Sarasota County has worked diligently to develop a fertilizer and landscape management code that will reduce nutrient pollution flowing into our bays. Numerous stakeholder meetings were held with combined groups of citizens, environmentalists, state and local government staff and landscape maintenance professionals. The final product is the Sarasota County Fertilizer and Landscape Management Code, Ordinance No. 2007-062.

(Go to sogov.net to view a complete copy of the ordinance).



Things to look for in your lawn maintenance company

Do they...

- Display the required BMP Training Certification Decal on their equipment? (required after March 3, 2008)
- Use a minimum 50% slow-release nitrogen fertilizer product?
- Apply no more than the maximum allowable amounts of nitrogen and phosphorus?
- Use a deflector shield on all broadcast fertilizer spreaders?
- Remove grass clippings from the roadway, storm drains and ditches?
- Promote the benefits of a low maintenance zone around water bodies?
- Maintain a 10' fertilizer-free zone around water bodies and wetlands?

Questions? Contact the Sarasota County Call Center at 941-861-5000.

Sarasota County
sogov.net | 941.861.5000 | TV19

Sarasota County
sogov.net | 941.861.5000 | TV19

What you need to know about Sarasota County's

Fertilizer & Landscape Management Code

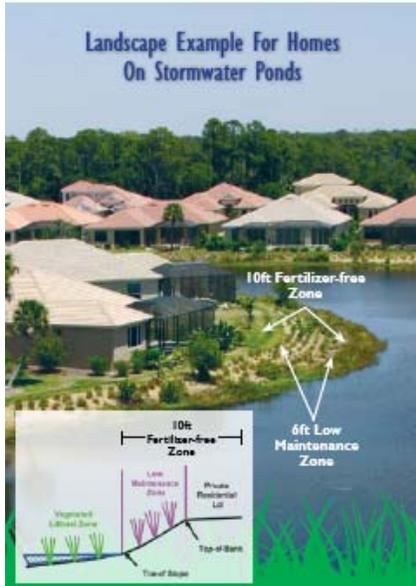
Ordinance No. 2007-062

Sarasota County 1 of 2

Post this information near your landscaping equipment to remind you to "do the right thing" in your landscaping practices. **START TODAY!**

Fertilizer Do's & Don'ts:

Highlights of the code are listed here to help you make a difference in your own neighborhood in protecting and preserving our spectacular water playground.



Fertilizer-free Zone:

No fertilizer may be applied to impervious (non-porous) surfaces, and any spillage must be removed. Fertilizer may not be applied within 10 feet of any water body or wetland.

Low-Maintenance Zone:

A six-foot low-maintenance zone of landscape plants appropriate to preventing fertilizer runoff is recommended for any water body or wetland.

What To Look For On Your Fertilizer Label

% of Total N as Slow-Release Nitrogen (SRN) =

$$\frac{7}{14} \times 100 = 50\%$$

(Meets 50% SRN Sarasota County Requirement)



Nitrogen N
Phosphate P₂O₅
Potash K₂O

GUARANTEED ANALYSIS	
TOTAL NITROGEN (N).....	14.00 %
14.45% Urea Nitrogen (N)*	
SOLUBLE POTASH (K ₂ O).....	26.00 %
SULFUR (S) Total.....	19.70 %
10.50% Free sulfur (S)	
9.20% Combined sulfur (S)	
IRON (Fe) Total.....	0.96 %
0.19% Water Soluble Iron (Fe)	
MANGANESE (Mn) Total.....	0.48 %
0.15% Water Soluble Manganese (Mn)	
DERIVED FROM: Polymer Coated Sulfur Coated Urea, Sulfate of Potash, Iron Oxide, Manganese Oxide.	
CHLORINE (Cl) Max.....	7.00%
*7.00% Slowly Available Urea Nitrogen from Polymer Coated Sulfur Coated Urea.	

Restricted Season

No fertilizer containing nitrogen or phosphorus shall be applied to turf or landscape plants between June 1-Sept. 30 of each year.

Phosphorus Applications

Shall not exceed 0.25 pounds per 1,000 square feet at each application, and shall not exceed a total of 0.5 pounds per 1,000 square feet per year.

Nitrogen Applications

Nitrogen fertilizer must contain at least 50 percent slow-release nitrogen. No more than four pounds of nitrogen per 1,000 square feet may be applied to turf or landscape plants each year.

NOTE: State of Florida regulations allow a maximum of 0.7 pounds of readily available (soluble) or 1 pound of total nitrogen per 1,000 square feet may be applied at any one time to turf.

Deflector Shields

A deflector shield is required on all broadcast spreaders to prevent fertilizer from being applied within 10 feet of any water body or wetland.

Grass Clippings

No grass clippings, vegetative material or vegetative debris may be deposited in stormwater drains, ditches, conveyances, water bodies or roadways.

Commercial and Institutional Fertilizer Applicators

All applicators of fertilizer (except homeowners on their own property) must receive training and certification in a Sarasota County-approved Best Management Practices (BMP) training program.

Enforcement

Enforcement actions will take place through the use of county Code Enforcement procedures or civil penalties.

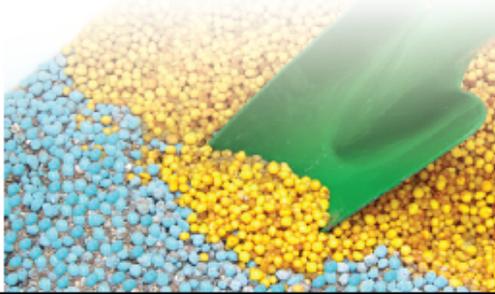
New Fertilizer Ordinance
It's The Law!

DO YOUR PART
fertilize smart





LEE COUNTY
SOUTHWEST FLORIDA



Effective May 13, 2009, a new Lee County ordinance takes effect regarding who can use fertilizer and the content, amount and methods that may be used.

 **WHO It Applies To**

- Homeowners and professional landscapers in unincorporated Lee County.
- Professional landscapers must register with the county and have at least one employee certified after completing a training program.

Classes for homeowners and professional landscapers will be provided through the University of Florida Lee County Extension Service. Visit <http://lee.ifas.ufl.edu/fyn/fynhome.shtml> for more information or call 239-533-4327.

 **HIGHLIGHTS OF The New Code**

- Fertilizers containing nitrogen and/or phosphorus cannot be used during the rainy season, June 1 through September 30.
- Fertilizer may not be applied within 10 feet of a water body, seawall or wetland.
- Fertilizer is not allowed on impervious surfaces such as roads, driveways and sidewalks.
- Deflector shields are required on spreaders to prevent fertilizer from being spread into water body buffers and impervious surfaces.
- Grass clippings and vegetative trimmings may not be swept or blown into ditches, drains, water bodies, onto roads or sidewalks.

What To Look For On A Fertilizer Label!

All fertilizer products use the 3 number system. The first number represents nitrogen; the second phosphorus; and the third potassium or potash. Double zeros are the important numbers during the summer months, June through September.



For more Information, call 239-533-8706



Green Industries Best Management Practices

BMP Training and Certification

- On May 13th, 2008 the Lee County Board of County Commissioners adopted a landscape management and fertilizer use ordinance covering unincorporated areas of Lee County.
- There will be a one year implementation period before enforcement of this ordinance begins.
- All professional landscaping business shall have at least one BMP certified employee.
- All professional landscaping businesses shall ensure that at least one BMP certified landscaper is on site while fertilizer is being applied.
- This workshop is designed to provide training in Best Management Practices for anyone working in the lawn, landscape, pest control, or municipal grounds areas.
- Following completion of this training you will be given a post-test to determine knowledge learned. If the post-test is successfully completed, you will be mailed a certificate of completion.
- Your certificate of completion will be recognized by most municipalities in the state of Florida. Check with the Lee County Extension for validity of certificate in other municipalities.

When: April 8, 23 & 28 (English), April 16 (Spanish), May 6, 13, 21 & 25 (English), June 5 (English), June 11 (Spanish), July 10 (English), August 13 (English), September 16 (Spanish), October 12 (English), and November 12 (Spanish).

Where: Lee County Extension, 3406 Palm Beach Blvd., Fort Myers, (239) 533-7503.

Cost: \$25.00/person

CEUs: Available. Includes 2 Core, 2 O&T, 2 Limited L & O, 2 Limited Landscape, 2 Commercial L & O

Instructors: Stephen H. Brown, Tom Becker, Mary Ann Parsons, Claudia Piotrowicz (Spanish), Martha Avila (Spanish), and Joy Hazell

8:30 am *Introduction and Pre-test*

9:00 - 9:30 **Overview - Green Industries BMPs for Protection of Water Resources in FL**
History, Background & Overview of the BMP Program & Local Ordinances. Joy Hazell

9:30 – 9:50 **Specific of the Lee County Ordinance – Stephen H. Brown**

9:50 - 10:00 *Break*

10:00 – 11:15 **Turfgrass Cultural and Fertilization BMPs**

Management practices for healthy turf. Includes mowing, fertilization & irrigation effects on turfgrass health & its ability to tolerate pest pressures. – Stephen H. Brown

11:15-12:05 **Irrigation BMPs**

Irrigation amount & frequency to reduce disease & insect damage. Design, installation & proper management of irrigation. – Tom Becker

12:05-12:40 *Lunch. Provided.*

12:40 - 1:30 **Landscape Cultural & Fertilization BMPs**

Management practices for healthy landscape plants (trees & shrubs). Includes fertilization & irrigation effects on plant health & its ability to tolerate pest pressures. – Tom Becker

1:30 - 1:40 *Break*

1:40 - 2:30 **Pesticide BMPs**

The use of IPM in a management program; Pesticide selection, storage, handling & disposal. – Stephen H. Brown

2:30 - 3:00 *Post-Test and CEUs*

Lee County fertilizer use regulation takes effect May 13

Contributed by Lee County Division of Natural Resources
Originally published 3:27 p.m., Friday, April 24, 2009
Updated 3:27 p.m., Friday, April 24, 2009



LEE COUNTY — Lee County's new regulation on fertilizer use in the county takes effect May 13. The regulation applies to anyone who uses fertilizer and governs the content, amount and methods that can be used.

In 2008, Lee County Commissioners approved the fertilizer regulation as a way to protect water quality. Runoff of nutrients into rivers, bays and estuaries contributes to the formation of algae in area waters, and nutrients in fertilizer -- especially nitrogen and phosphorus -- contribute to algae blooms.

To help make residents aware of the new regulation, Lee County is spreading the message to "Fertilize Smart, Do Your Part."

"It's well understood that fertilizers -- in this case in the form of phosphorus and nitrogen -- are the catalyst for the devastating impacts we've been experiencing in Lee County back bays, estuaries and the Caloosahatchee," said Lee County Commission Chairman Ray Judah. "They're part of the nutrient soup that leads to algae blooms, red tides, fish kills and the destruction of our marine ecosystem."

"Our quality of life is dependent on these water bodies," said Lee County Commissioner Tammy Hall. "Lee County is 1,200 square miles, with 400 of that made up of creeks, rivers and waterways. We need to take responsibility for our part in making sure these water bodies are clean. And that includes being responsible homeowners and business owners when we fertilize."

Under the new rule, fertilizers containing nitrogen or phosphorus cannot be used during the four-month rainy season, June through September. During the rest of the year, use of fertilizer with those nutrients is limited, with any nitrogen required to be partially in a slow release form. Fertilizer application is prohibited within 10 feet of a water body. And spreaders must have a deflector shield to better target applications. In addition, clippings and trimmings must not be swept or blown into ditches, drains and water bodies, or onto roads and sidewalks.

"If you apply fertilizer and you have what my husband calls a frog strangler -- a heavy, heavy rain -- it's going to wash the excess fertilizer into our waterways," said Marti Daltry, regional conservation organizer for the Sierra Club's Fort Myers office. "And that's going to contribute to red tide or algae blooms."

"By having this ban on nitrogen and phosphorus fertilizer during the rainy season," Daltry added, "It will reduce those nutrients so we don't have as many algae blooms."

To help publicize the new fertilizer regulation and the message to "Fertilize Smart, Do Your Part," Lee County is using television, Internet and print materials to introduce two characters: Gen and Russ, nicknames for nitroGen and phosphoRuss. As the regulation bans use of fertilizers containing nitrogen and phosphorus during the summer rainy season, June through September, the Gen and Russ characters will be sent on a vacation.





PROJECT Greenscape
 Promoting Florida Friendly Landscaping

Training Calendar

Summer 2009

Green Industries Best Management Practices Certification
Obtain DACS and FNGLA CEUs
 Friday, July 24 [Spanish]
 Thursday, August 27 [English]

Time: 8:00 am – 3:00 pm
 Cost: \$25 per person
(Course materials and lunch provided)

Refresher Class – Fertilizer Calibration *
 Tuesday, June 2
 Time: 9:00 am - 12:00 pm
 Cost: \$10 per person

Refresher Class – Topic T.B.D.*
 Tuesday, August 4
 Thursday, September 24

Time: 9:00 am – 12:00 pm
 Cost: \$10 per person

* Refresher classes are valid to renew the City of Naples
 Landscaper Certification

All trainings take place at Rookery Bay Environmental
 Learning Center, 300 Tower Road, Naples, FL 34113

Registration required 3 work days before each class

For more information: Contact Rookery Bay Coastal Training Program
 (239) 417-6310 Ext. 231 or by e-mail renee.wilson@dep.state.fl.us
 To register, download form at
<http://www.rookerybay.org/CTP-BMP.html>

City of Naples with Rookery Bay

WATER TIPS

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Fertilizer Facts

Use Florida-friendly lawn and garden practices today and you can make a difference in your community. Fertilizers applied improperly can run off lawns into local springs, streams, lakes, rivers and, ultimately, into the gulf or ocean. The results can harm our waterways — and even the plants and animals that depend on our sparkling water for survival. Proper fertilizer application, however, can create a dense lawn that acts as a sponge to absorb nutrients from runoff.

A photograph showing a light blue house with a white roof and a well-maintained green lawn. In the foreground, there is a body of water reflecting the house and trees.A close-up photograph of a green fertilizer spreader on a lawn. The spreader is a hopper-style device with a single wheel and a discharge chute, sitting on a lush green lawn.A photograph of a diver in a lake. The diver is wearing a black wetsuit, a mask, and a snorkel. They are holding a camera or a similar device. The water is calm, and there are buildings and trees in the background.

WATER TIPS

Join the community effort to
keep all our waters clean.
It's easy. Here's how:

- ✓ Don't fertilize before a heavy rain.
- ✓ Sweep up any fertilizer spilled on paved areas or any excess on the lawn and place it back in the fertilizer bag.
- ✓ Use only slow-release fertilizer.
- ✓ Leave a 10-foot no-pesticide, no-fertilizer zone around water bodies.
- ✓ Fertilize only twice a year and only during the growing season.

Your efforts will help reduce groundwater nutrient levels now and for the future. At the same time, you will be doing your part to preserve the springs, lakes, rivers, bays and wildlife — the things that make living on Florida's west-central coast special.

For free educational materials about Florida's water resources, visit our online order form at WaterMatters.org/publications or call 1-800-423-1476 (FL only) or (352) 796-7211, ext. 4757.

For information on Florida-friendly landscaping or the Florida Yards & Neighborhoods program, call your county's Extension office or visit FloridaYards.org.

Charlotte Harbor
Environmental Center, Inc.



Southwest Florida
Water Management District

WATERMATTERS.ORG-1-800-423-1476

This information will be made available in accessible formats upon request.
Please contact the Communications Department at (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4757; TDD only at 1-800-231-6103 (FL only).

_____ Agenda
_____ Item

4b

Energy & Climate Committee

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Draft SWFRPC Energy and Climate Committee Meeting Minutes May 14, 2009

Members

Commissioner Jon Thaxton, Sarasota County BOCC (Chairman)
Mr. Jon Iglehart, FDEP
Mayor Mick Denham, City of Sanibel
Councilman Don McCormick, City of Punta Gorda
Commissioner Karson Turner, Hendry County BOCC
Councilwoman Teresa Heitmann, City of Naples
Mr. Mel Karau, Hendry County Governor Appointee
Mr. Alan LeBeau, Charlotte County Governor Appointee
Councilman Chuck Kiester, City of Marco Island

Guests

Mr. Dell Jones, Regenes Power
Mr. John Pinholster, Regenes Power
Ms. Carol Newcomb-Jones, Green Energy Consultant
Ms. Cloe Waterfield, Twentyfifty
Ms. Suzanne Lex, DCA

Staff

Mr. Ken Heatherington, Executive Director
Mr. Dave Hutchinson, Planning Director
Ms. Liz Donley, General Counsel/CHNEP
Mr. Jason Utley, Regional Planner
Ms. Nichole Gwinnett, Sr. Administrative Assistant
Ms. Jennifer Pellechio, IT Coordinator
Mr. Tim Walker, GIS Coordinator
Mr. Jim Beever, Regional Planner

CALL TO ORDER

Mr. Heatherington called the meeting to order at 10:05 am and introductions were made.

1. Approval of the April 13, 2009 Minutes

Councilwoman Heitmann moved and Commissioner Turner seconded to approve the April 13, 2009 minutes as presented. The motion carried unanimously.

2. Approval of the Committee's Mission, Goal and Objectives

Mission Statement

Commissioner Thaxton stated that he thought that the Mission Statement started with the term being the action part of the sentence "To bring about" and to him that wasn't really clear. He wasn't really confident on what it really means "To bring about" and of course we all know what it means but you write mission statements so that someone picking up a document for the very first time gets a clear direction what the committee is all about. He then suggested adding to the beginning that would read "To assist communities within the region to bring about sustainable growth. . ." He believes that statement would help the committee and others that it is the committee's role to assist the communities within the region to bring about the mission as stated.

Mayor Denham agreed with Commissioner Thaxton's suggestion on revising the mission statement.

Commissioner Thaxton asked if there was any opposition to amending the Mission Statement to include the language "To assist communities within the region."

There was no opposition to the amendment, so by general consensus the Mission Statement was amended to read "To assist communities within the region to bring about sustainable growth, to develop an innovative economy and create a healthy lasting prosperity, grounded in the natural beauty and resources of Southwest Florida."

Mr. Hutchinson noted that on the distributed handouts the committee was being called the Climate Prosperity and Energy Committee and Energy and Climate Committee. He asked what is going to be the correct title for the committee.

Commissioner Thaxton stated that he suggested to go with what was on the agenda page and that was the Energy and Climate Committee.

Councilman McCormick suggested going with the Energy and Climate Committee.

By general consensus the committee approved the name Energy and Climate Committee.

Goal Statement

Mayor Denham stated that he was concerned by the word "stabilize." Commissioner Thaxton stated that "stabilize" or "reduce" is the action part of the sentence and it is telling us what we are going to do and the remainder of the sentence tells what we are going to do it to. Mayor Denham stated that he was wondering on whether it should just be "reduce" and not have the word "stabilize." Commissioner Thaxton stated that in reference to that then "stabilizing" is not good enough and that we are probably over consuming today. Mayor Denham agreed.

Commissioner Thaxton stated that if our populations increase then our energy consumption and reduction goals maybe difficult because while each person could cut their consumption by 20% that means it takes ten of us doing that to make up for one new person coming into the area.

Discussion ensued.

Mayor Denham moved and Councilman Kiester seconded to amend the goal to read: “Reduce the Region’s per capita energy consumption over the next five years by using energy efficiencies, conservation, alternative and renewable energy sources.”

Mr. Heatherington asked how we know what our footprint is today. Commissioner Thaxton replied that a goal should be measurable and he does not know what the footprint is currently.

Mr. Jones stated that what he has been seeing around the country is that a lot of agencies have been crafting these goals and it is always hard to see where you are going unless you know what you are starting from.

Commissioner Thaxton asked Mr. Jones if he thought that there should be a change made in the goal statement or should the change be made in the objectives. Mr. Jones replied that he feels that the change should be made in the objectives.

Commissioner Thaxton asked Mr. Heatherington if staff has any recommendations on how the committee could go about estimating the existing per capita consumption rate of either the region or individual communities. Mr. Heatherington explained that the reason that he raised the question is because it is an ongoing discussion whether it is transportation by Wilbur Smith Associates who is looking at the carbon footprint of a corridor or the City of Naples. Mr. Mike Bower is trying to measure the green footprint of the City of Naples, and he believes that this issue would be a good issue to place on the Council’s June agenda to review what EPA is suggesting in terms of how you go about measuring the carbon footprint, greenhouse gas, etc.

Ms. Donley stated that the CHNEP had this conversation with EPA because they were actively seeking assistance from EPA headquarters to do greenhouse gas inventory and carbon footprint for the region. They were told by EPA headquarters that at this moment in time, this is a hot political issue, and that they could not give the NEP technical assistance because in the current congressional subcommittees there are ongoing discussions about cap and trade and there was concern that if EPA were to connect with making a determination about greenhouse gases or carbon inventory, that it could be construed as endorsing offsets or set-asides. However, she does believe that there are models available where we can give you a general estimate of what the energy usage is within our region.

Commissioner Thaxton asked to have a presentation given to the committee at the next meeting as to what information is available to accomplish that baseline, establishing that baseline, use or footprint and he also asked all of the committee members to read the June 2007 Report entitled

“Potential for Energy Efficiency and Renewable Energy to Meet Florida’s Growing Energy Demands” which was included in the agenda packet.

Mr. Beever of staff explained that there are technical problems to consider when making these types of estimates and currently there are competing methodologies for measuring even as something as simple as carbon dioxide production. There is a significant difference in per capita utilization based on socio-economic geographic positioning.

Commissioner Thaxton stated that he suspected that would be case, but the exercise of having this discussion and having the committee knowledgeable as to the different methodologies and the professional disagreements in this area can only be healthy because it will only make the committee better informed.

Ms. Waterfield stated that she had worked with Mr. Mike Bower and completed a greenhouse gas inventory for the City of Naples. She explained that the greenhouse measurement is the most crucial thing that you can do because you can manage something that you can’t measure. Getting it on a regional basis is as important as we see this whole area moving and changing. She also explained that there is a model and there are inconsistencies and this a new topic area so there is nothing that is across the board at this time, but there is a model that has been used by various municipalities in our region and over 500 across the nation, which is the ICLIE model. Where the municipalities are focusing on is addressing climate change, inventory narrations and determining on how to bring those down. She believes that it is a good model for this region, the City of Naples, City of Sarasota, Sarasota County has been completed and she is currently working on Collier County.

Ms. Waterfield explained that in terms of obtaining the work completed, one of the things that have happened with the Stimulus funding is the Energy Efficiency and Conservation Block Grant Element. It requires recipient municipalities to conduct an inventory of greenhouse gas emissions so there is a way to capitalize on that information as long as those inputs are the same. She then suggested that in the goal statement instead of using the words energy consumption switch to the concept of greenhouse gas emissions, because as Mr. Jones pointed out there are different sources and the one key element is waste that is not included. She also noted that is also how the ICLIE model is written; it is an assessment of greenhouse gas emissions and not just energy consumption.

Commissioner Thaxton asked Ms. Waterfield if it should read “greenhouse gas emissions and energy consumption” or just “greenhouse gas emissions” and leave out “energy consumption.”

Ms. Waterfield explained when you say greenhouse gas emissions you are including energy consumption. Commissioner Thaxton asked how it would affect the other lists relative to energy efficiency conservations, and alternative renewable sources. Ms. Waterfield explained that it makes absolute sense but change energy consumption to greenhouse gas emissions.

Mr. Jones stated that he agrees with Ms. Waterfield, the final result is greenhouse gas emissions, but for expediency and ease it is easier to just measure energy. The result isn’t climate change reduction, it is probably easier to monitor and measure for the short term and energy as a goal.

Commissioner Thaxton asked Ms. Waterfield what she meant by the term “waste?” Ms. Waterfield explained that within the ICLIE methodology that the City of Naples, Sarasota and other municipalities had followed you measure the counts for emissions from landfills because as the waste decomposes it emits methane and carbon dioxide.

Mayor Denham stated that he agrees with Ms. Waterfield but his concern is the committee is relatively a small group trying to focus on a significant problem and he feels that the committee can’t broaden the scope too much. He feels if the committee tries to narrow its scope rather than broaden it then the committee would be more successful. He believes that greenhouse gases do exist and we need to curbe the use of greenhouse gases, but it makes the project so much more wider and complicated for the committee to focus on because it brings on many other issues, as well as energy consumption.

Commissioner Thaxton stated that maybe the committee should change its name to be the “Energy Committee.”

Commissioner Turner stated that he was also thinking about the committee’s name and he also agrees with Ms. Waterfield in regards to waste and the emissions released. He was reviewing the measuring tool of putting the use against the region because he could see how Hendry County is skewed greatly, especially if you look at how it costs or how much energy it is used to dispose of Hendry County’s waste as opposed to a high volume county. However, we need to keep our direction the same and on task.

Commissioner Thaxton asked Commissioner Turner if he felt that the name of the committee should remain as the Energy and Climate Committee. Commissioner Turner replied yes.

Mr. Iglehart stated that on the goal statement may be able to capture what we need if we insert “carbon based” before energy. It would read “Reduce the Region’s per capita carbon based energy consumption over the next five years by using energy efficiencies, conservation, alternative and renewable energy sources.”

**By general consensus the Committee adopted the following Goal Statement:
 “Reduce the Region’s per capita carbon based energy consumption over the next five years by using energy efficiencies, conservation, alternative and renewable energy sources.”**

Objectives

Commissioner Thaxton turned the committee to the list of Objectives. He addressed the first item listed under Objectives “Solar Thermal Heating” and stated that he felt that it wasn’t really an objective but just a noun as with the remainder of the list because they are not really written as objectives. He asked why the objectives were written in a list form rather than writing the objectives out in sync as objects that the committee was going to achieve.

Mr. Heatherington explained that the list was a reflection of how the committee brought up each one of the issues during the last meeting. Commissioner Thaxton asked how to convert Solar Thermal Heating into an objective statement.

Councilman McCormick stated that after reviewing the list of objectives, the committee had decided that they were areas that they wanted to concentrate on besides staying on track and accomplishing their goal. The objective came to be that the committee would first want to see some progress on solar hot water heating.

Commissioner Thaxton explained then the objective should be to promote and support the use of solar hot water heating.

Commissioner Turner stated that he believes that it is more of “brainstorming” list for this meeting and now is the time to actually create the objectives.

Commissioner Thaxton stated that for the solar hot water issue, Sarasota County is currently in the process of exploring the issue and he has been looking at various models across the nation and he believes that it is a good implementing action.

Mayor Denham explained that the thought process at the last meeting with the committee was that the mission was extremely wide and the goal itself was also very broad and covering many activities, which some are listed as the objectives. It was important for us not to get too greedy and not to try to get too ambitious and for us in our thought process to focus on one or maybe two energy consumption activities.

Commissioner Thaxton stated that he feels that the first priority is conservation. We need to be looking at ways of reducing our energy and water consumption through conservation. If we look at the ways we are using energy and the priorities for our energy use in an objective, he feels that there are savings in energy conservation that equates into the need not to use any energy forms. One of the things that we want to accomplish today was to construct the mission, goals and objectives in a way that the committee and others could refer back to them as a structural guideline.

Councilman McCormick stated that focusing on conservation as being the first objective, conservation is an educational process which he believes is something that you buy in on and the people buy in on solar hot water then they are buying in on conservation. But he feels that Mayor Denham’s idea of promoting solar hot water is key to keeping the scope of the project inline and allowing us to succeed in having a measurable result in conservation.

Mr. Jones stated that he feels that solar thermal should be considered more of a program than a project, task or a goal.

Commissioner Thaxton asked the committee what they want to do with the list of objectives.

Mayor Denham suggested having a “hopper” of all of the things which will certainly help the mission and goals. Then take from the “hopper” all of the good things that the committee wants to work on and one or two things that the committee should work on. The things in the “hopper” are there not because they are not good things, but things that we don’t have the resources or the intellect at this point to work on and we keep these in the hopper and then we pull those things out which we think that we can work on make them our key objectives and he would recommend that there only be one or two. Commissioner Thaxton suggested calling them key objectives and then another section.

Mayor Denham agreed and he suggested having solar hot water heating and conservation as the two key objectives.

Commissioner Turner agreed with Mayor Denham’s suggestion.

Councilman Kiester asked Commissioner Thaxton if his view of conservation practices was by people. Commissioner Thaxton replied yes. Councilman Kiester explained that conservation can be achieved by several things and also include traffic flow efficiencies, affordable housing energy audit, etc.

Mr. Heatherington stated that he feels that conservation is a laudable objective and one that staff can work on and bring it back a best management practices and measures in a subsequent meeting to discuss on how it can be implemented.

Commissioner Thaxton stated that Councilman Kiester had brought up a very good point and that the objectives need to be very clear.

Commissioner Thaxton stated that he liked Mr. Heatherington’s suggestion about the best management practices and measures.

Councilman McCormick referred to the objective list and items one through eight and stated that successful implementation of those items in our society won’t necessarily lead to a measurable conservation of carbon resources. He then said that item nine is outside of the scope of what the committee is doing, but they all work towards conservation. Commissioner Thaxton stated that he agrees and that item nine seems to be an anomaly in the list.

Mr. Jones stated that some of these programs that have a net result in reducing the sale of electricity to either a public or private utility have a negative impact on their balance sheets. So we all have to be mindful to the fact that we are promoting is good from a climate, energy, wealth staying within the community, etc. He doesn’t know that we are going to receive a whole lot of support from public or private utilities.

Mr. Heatherington clarified that the committee’s two key objectives were conservation and solar water heating. He also asked Commissioner Thaxton what to call the other points of discussion.

Commissioner Thaxton replied that the conservation and efficiencies would include both the BMPs which are what the people can do for conservation and also other items such as weather-stripping.

Both Commissioner Thaxton and Mayor Denham agreed to call the other points of discussion “additional projects.”

Commissioner Thaxton stated that there is an agreement and principal and the committee will make a formal decision on the objectives after staff reworks them based upon the comments heard today.

Regenesis Presentation

Mr. Dell Jones of Regenesis Power gave a PowerPoint presentation on solar water heating.

Mr. Hutchinson asked Mr. Jones to cover some of the questions that were asked from the last meeting regarding corrosion in the systems, insulation and warranties.

Mr. Jones explained that the solar thermal industry in Florida was thriving in the early 1980s because of the government’s support. From that time there has been quite a bit standard that has been established and although the technology is very old there are new codes, new training standards and new installations. Again, this program conveyed is a managed solution so somebody other than the homeowner is operating and maintaining the system, so the systems that weren’t built correctly or maintained correctly are not issues any longer. In terms of protecting the roof, back in the mid-1980s there were some test cases where roofing manufacturers wanted to void warranties because solar collectors were placed on roofs and the State Attorney General stepped in at that point and stated that as long as the systems were installed per code that it wasn’t a legitimate claim and that roofing manufacturers could not alleviate themselves from any warranties.

Mr. Heatherington stated that the idea of the committee was to create a model that allows implementation and he asked Commissioner Thaxton if Sarasota County had found a model for a regional utility or a municipal utility. Commissioner Thaxton stated that he did not find a model that plugged in well with Sarasota County and he now has to get the rest of the board back on track with the idea and that a utility does not necessarily mean additional bureaucracy, staff and taxes.

Mayor Denham stated that he had Regenesis come to Sanibel and they do have a model that is very practical and doable and they are still working with them and hope to begin to sell the idea of the model to the citizens of Sanibel.

Mayor Denham stated that he would like to see a model from Regenesis of what it actually means to the committee. He would like to turn it into an RFQ fairly soon, so he feels that there should be a model that we all can consider as being this practical for our particular community or is this something we as a committee want to push as being something which we think is practical and doable.

Mr. Jones explained that Regensis has a contract with SEPA, basically a solar thermal energy purchase agreement. He needs a billing entity that has a relationship with end user customers whether it is residential or commercial. The way the structure works is Regensis's agreement is with the utility and the utility has an agreement and customer base, so what Regensis does is own and maintain the equipment and then works with the public entity.

Mayor Denham asked how you bill the customers. Mr. Jones explained that it can be either a flat fee or a metered program.

Mayor Denham stated that he would like to have Mr. Jones give his presentation to the Council at the June 18th meeting.

Councilman McCormick asked that the next committee meeting be held the week of June 8th.

The meeting adjourned at 11:40 am.

SWFRPC Energy and Climate Committee

Mission: To assist communities within the region to bring about sustainable growth, to develop an innovative economy and create a healthy lasting prosperity, grounded in the natural beauty and resources of Southwest Florida.

Goal: Reduce the Region's per capita carbon based energy consumption over the next five years by using energy efficiencies, conservation, alternative and renewable energy sources.

Key Objectives:

- 1) Conservation
- 2) Solar Hot Water Heating
- 3) Legislation

Additional Projects:

- 1) Landscape Smart
- 2) Affordable Housing Energy Audit
- 3) Solar Vehicles
- 4) Renewable Energy
- 5) Alternative Fuels
- 6) Conservation Wise
- 7) Traffic Flow Efficiencies
- 8) Measure the Region's Carbon Footprint

_____ Agenda
_____ Item

5

Regional Issues

5

5

_____ Agenda
_____ Item

5a

Legislative Wrap-Up

5a

5a

DCA ANALYSIS

SB 360

Florida Department of Community Affairs 2009 Policy Analysis

May 20, 2009

Bill Number: SB 360ER

Title: Growth Management

Prime Sponsor(s): Senator Bennett

Companion Bills: HB 1019; HB 7049; HB 7127; CS/CS/SB 362; CS/CS/SB 1306;
CS/SB 2148

Reviewer Name & Department: Charles Gauthier and Paul Piller DCA/DCP

Contact Number: 850 922-1774

Coordinated with:

I. Summary

1. Creates the "Community Renewal Act."
2. Amends various Florida Statutes, including:
 - a. Chapter 159, F.S. - Private Activity Bonds - State Allocation Pool;
 - b. Chapter 163, Part II, F.S. - Growth Policy, County and Municipal Planning, Land Development Regulation;
 - c. Chapter 171, F.S. - Local Government Boundaries;
 - d. Chapter 186, F.S. - State and Regional Planning;
 - e. Chapter 193, F.S. - Assessments - General Provisions;
 - f. Chapter 196, F.S. - Property Tax Exemptions;
 - g. Chapter 212.055, F.S. - Discretionary Sales Surtaxes;
 - h. Chapter 380, F.S. - Environmental Land and Water Management;
 - i. Chapter 420, F.S. – Housing; and,

- j. Chapter 1001, F.S. - School District Governance.
3. Addresses a number of issues relating to comprehensive planning and development, including:
- a. Revises a definition for “Urban service area”;
 - b. Creates a definition for “Dense urban land area”;
 - c. Requires that by July 1 of each year the Office of Economic and Demographic Research is to calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas and for the Department of Community Affairs to publish the list of jurisdictions on its internet site within 7 days;
 - d. Provides that the annual update to the capital improvement element need not be financially feasible until December 1, 2011;
 - e. Revises requirements for future land use map amendments within transportation concurrency exception areas;
 - f. Requires that the intergovernmental coordination element provide for the dispute resolution process established pursuant to s. 186.509;
 - g. Expands waivers to requirements for adoption of a public school facilities element;
 - h. Eliminates a prohibition on adoption of future land use map amendments that increase residential density for failure to timely adopt a public school facilities element;
 - i. Provides legislative intent for transportation concurrency exception areas;
 - j. Provides for automatic creation of transportation concurrency exception areas within municipalities that qualify as dense urban land areas;
 - k. Provides for creation of transportation concurrency exception areas within counties which qualify as dense urban land areas within areas which are designated as urban service areas;
 - l. Provides for voluntary adoption of transportation concurrency exception areas within municipalities which do not qualify as dense urban land areas within areas designated for urban infill, community redevelopment, downtown revitalization, urban infill and redevelopment, urban service areas, or areas within a designed urban service boundary;

- m. Provides for voluntary adoption of transportation concurrency exception areas within counties which do not qualify as dense urban land areas within areas designated for urban infill, urban infill and redevelopment, and urban service areas;
- n. Requires adoption within 2 years of land use and transportation strategies to support and fund mobility including alternative modes of transportation within certain transportation concurrency exception areas;
- o. Provides that transportation concurrency exception areas do not apply within designated transportation concurrency districts within a county with a population of at least 1.5 million residents which uses a transportation-related concurrency assessment to support alternative modes of transportation and does not levy transportation related impact fees within the concurrency district.
- p. Provides that transportation concurrency exception areas do not apply in a county that has exempted more than 40% of the area inside the urban service area from transportation concurrency for the purpose of urban infill.
- q. Revises requirements for transportation concurrency service areas that may be created elsewhere;
- r. Provides that designation of a transportation concurrency exception areas does not limit a local government's Home Rule power to adopt ordinances or impose fees;
- s. Requires the Office of Program Policy Analysis and Government Accountability to prepare a report on transportation concurrency exception areas by February 2015;
- t. Provides that transportation concurrency may be waived by a local government when the Office of Tourism, Trade, and Economic Development concurs that the proposed development is for qualified job creation;
- u. Requires that certain relocatable school facilities be considered as capacity for the purpose of public school facility elements and public school concurrency;
- v. Provides that construction of a charter school is an appropriate mitigation option for a development to meet requirements for public school concurrency;

- w. Revises the definition for “In compliance” to eliminate a previous drafting error;
- x. Requires local governments at the request of an applicant to consider an application for a rezoning concurrent with a proposed comprehensive plan amendment;
- y. Provides an exception from frequency limitations on adoption of comprehensive plan amendments for creation of urban service areas;
- z. Provides for use of the alternative state review process pilot program when designating an urban service area;
- aa. Requires that a change of a municipal boundary through annexation or contraction must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area;
- bb. Provides that the levels of service required for a transportation methodology for a development of regional impact shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180;
- cc. Creates an exemption from the development of regional impact process for proposed development within an urban service area which is not otherwise exempt;
- dd. Creates an exemption from the development of regional impact process when there is a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplated a state award of at least \$50 million;
- ee. Creates an exemption from the development of regional impact process for proposed development within a municipality that qualifies as a dense urban land area;
- ff. Creates an exemption from the development of regional impact process for proposed development within a county that qualifies as a dense urban land area within those areas designated as an urban service area;
- gg. Creates an exemption from the development of regional impact process for proposed development within a county including the municipalities therein which has a population of at least 900,000 which qualifies as a dense urban land area but which does not have an urban service area designated within its comprehensive plan;

- hh. Creates an exemption from the development of regional impact process for proposed development within a municipality that does not qualify as a dense urban land area within areas designated by the comprehensive plan for urban infill, community redevelopment, downtown revitalization, urban infill and redevelopment, urban service areas or within a designated urban service boundary;
- ii. Provides that a previously approved development of regional impact shall continue to be effective but the development has the option to be governed by s. 380.115(1);
- jj. Requires that local governments submit development orders to the state land planning agency for projects that would be larger than 120% of applicable development of regional impact threshold which but for the exemptions created from the program would require development of regional impact review, and providing for appeal for inconsistency with the comprehensive plan;
- kk. Provides that if a local government that qualifies as a dense urban land area which is subsequently found to be ineligible for designation that any development within the area which has a complete pending application for authorization to commence development may maintain the exemption from development or regional impact status if the developer is continuing in good faith or the development is approved;
- ll. Provides that the exemptions from the development of regional impact process does not apply to areas within an area of critical state concern, the Wekiva Study Area, or within 2 miles of the boundary of the Everglades Protection Area;
- mm. Requires that the state evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system, objectives for the mobility fee to achieve, continuation of current mobility fee studies by the state land planning agency and the Department of Transportation, and submission of a final report with an economic impact statement and recommended legislation by December 2009;
- nn. Provides a 2 year extension of any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373 that has an expiration date of September 2008 through January 2012, and for any local government issued development order or building permit, and to build out dates for developments of regional impact including any build out date extension previously granted under s. 380.06(19)(c), and providing exceptions for the 2 year extension for certain permits;

- oo. Requires that local governments adopt a land development regulation that maintains the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use, are located in unincorporated areas that have sufficient infrastructure, and are not located within a coastal high hazard area; and,
 - pp. Provides that within designated areas of critical state concern a school district may use portions of school sites for affordable housing for essential services personnel.
4. The Community Renewal Act raises substantial issues and concerns as identified in Section III, below.

II. Present Situation

The 2005 Legislature amended Chapter 163, Part II, to revise existing and establish new requirements for capital improvement elements, planning and concurrency for public schools and water supply, and transportation concurrency. Under transportation concurrency, use of proportionate share mitigation was authorized.

III. Effect of Proposed Change(s)

The Act is intended to direct future growth to urban areas, but its implementation will present significant issues and challenges, including the following:

1. Transportation concurrency and the DRI process are primary existing regulatory tools for mitigating the local and regional transportation impacts of development. The Act eliminates both tools in many local governments without providing any alternative methods of addressing local and regional transportation impacts. Although transportation concurrency needs reform and the DRI process may not be serving its original purpose, eliminating these tools without putting anything in their place will weaken the state's growth management process.
2. If the Act becomes law, an estimated 240 cities will automatically become transportation concurrency exception areas (TCEA) shortly after July 1, 2009. The Act does not provide any transition period for the 240-plus cities to adopt local replacements for transportation concurrency. The abrupt termination of transportation concurrency is likely to cause confusion and controversy and generate litigation over the power of local governments to adopt replacements for transportation concurrency. Already, there have been suggestions that local governments may need to adopt moratoria to give time to adopt new regulations. The lack of regulatory certainty and predictability may impede, rather than encourage, economic development.

3. The Act contemplates future adoption of a mobility fee to replace transportation concurrency, but there is no guarantee that the Legislature will adopt a mobility fee system. The Act requires that DCA and the Department of Transportation provide a report and recommendations to the Speaker of the House and President of the Senate on their ongoing mobility fee studies by December 2009. The report to the Legislature is to include recommended legislation. Even if the Legislature should adopt a mobility fee system in 2010, implementation may take a year or two.
4. The Act creates substantial new work loads for local governments and DCA without providing any new resources to accomplish the tasks. The local governments with automatic transportation concurrency exception areas are mandated to adopt land use and transportation strategies to support and fund mobility, including alternative modes of transportation such as transit, within two years. Additionally, other local governments are authorized to adopt urban service boundary amendments that would also trigger the requirement for land use and transportation strategies within two years. This will be a very onerous and expensive task. However, no financial support or new revenue sources have been provided for the local governments to undertake this planning.
5. The deferral of the financial feasibility requirement for capital improvement elements will impact more than transportation facilities. That is, until December 2011, local government commitments to provide potable water, wastewater, drainage, parks, solid waste, and public schools will not be subject to a demonstration that improvements adequate to achieve and maintain level of service standards will be supported by committed funding in the first 3 years of the capital improvement schedule. This issue is particularly noteworthy for water supply where the Legislature has required that water management districts maintain 20-year regional water supply plans and that local governments adopt 10-year water supply work plans the first five years of which must be in the capital improvement schedule.
6. The Act may create a stampede of plan amendments to take advantage of relaxed planning requirements. Over the past two years, the Department has experienced an increase in the volume and geographic scale of future land use map amendments proposed by counties and municipalities. There are many reasons for the increase, including concern about the proposed Hometown Democracy Constitutional Amendment which may be on the ballot in 2010. The Community Renewal Act will likely accelerate this trend as property interests scramble to achieve land use changes in the window of time after the transportation concurrency and development of regional impact exemptions go into effect but prior to adoption of the mandatory land use and transportation strategies and the new December 2011 effective date of the financial feasibility requirement.

7. The Act ties the hands of local governments in dealing with the density of residential properties. Under s. 163.3202(2)i., the Act requires that local governments adopt a land development regulation that maintains existing density on residential properties and recreational vehicle parks under certain circumstances: the uses must be in an unincorporated area, must have sufficient infrastructure, and must not be within the coastal high hazard area. Based on a plain reading of its language, this provision would prohibit a county from increasing or decreasing the density of residential properties or recreational vehicle parks; this prohibition is likely to result in litigation.

IV. Section-by-Section Analysis

Section 1. Provides a short title as "Community Renewal Act."

Section 2.

1. Amends s. 163.3164(29) by redefining "existing urban service area" as "urban service area" to include built-up areas where public facilities and services, including, but not limited to central water and sewer capacity and roads are currently in place or are committed in the first 3 years of the capital improvement schedule. For counties that qualify as dense urban land areas under subsection (34) [subsection (34) is also created in Section 2 of the bill], the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

2. Creates s. 163.3164(34), and defines "dense urban land area" as:

- a. A municipality that has an average of at least 1,000 people per square mile Of land area and a minimum total population of at least 5,000;
- b. A county, including the municipalities located in the county, which has an Average of at least 1,000 people per square mile of land area; or,
- c. A county, including the municipalities within the county, which as a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature is required to annually calculate the population and density criteria to determine which jurisdictions qualify as dense urban land areas using the most recent land area data from the decennial census conducted by the Bureau of the Census and the latest available population estimates. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research must determine the population density using the new jurisdictional boundaries as recorded with the

Department of State. The Office of Economic and Demographic Research must submit a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area to the state land planning agency by July 1, 2009 and every year thereafter. The state land planning agency must publish the list on the Agency Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 3.

1. Amends s. 163.3177(3)(b)1, and changes the date by which the annual update to the capital improvements element of the comprehensive plan must comply with the financial feasibility requirements from December 1, 2008 to December 1, 2011.
2. Creates a new paragraph 163.3177(3)(b)3, which states that a local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) are deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.
3. Amends s. 163.3177(6)(h)1 to require an intergovernmental coordination element to provide for a dispute resolution process to timely close intergovernmental disputes.
4. Amends s. 163.3177(12)(a), to provide that the state land planning agency may allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10% when the projected 10-year capital outlay FTE student enrollment is less than 2,000 students and the capacity rate for all schools within the school district, in the 10th year, will not exceed the 100% limitation.
5. Subsection 163.3177(12)(j), [sanctions for failure to adopt a public school facilities element] is deleted and combined with the current subsection (k) to create a new s. 163.3177(12)(j), which provides that the state land planning agency may issue a notice to both the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement or for failure to implement the provisions relating to school concurrency. If the state land planning agency finds insufficient cause for either, it must submit its findings to the Administration Commission who can impose sanctions on the local government as contained in s. 163.3184(11)(a) and (b) and may impose any sanctions set forth in s. 1008.32(4) on the district school board.

Section 4. Amends subsections 163.3180(5) and (10) and paragraphs 163.3180(13)(b) and (e).

1. Amends s. 163.3180(5)(a), to find that in urban centers, transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity nor is the expansion of roadway capacity always physically or feasibly

possible and that a range of transportation alternatives are essential to satisfy mobility needs, reduce congestion and achieve healthy, vibrant centers.

2. Amends s. 163.3180(5)(b)1., to provide that the following are transportation concurrency exception areas:

- a. A municipality that qualifies as a dense urban land area under s. 163.3163(34);
- b. An urban service area under s. 163.3164(29) which has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164(34); and
- c. A county, including the municipalities within the county, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.

3. Amends s. 163.3180(5)(b)2, to provide that a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate the following areas as transportation concurrency exception areas in its comprehensive plan:

- a. Urban infill as defined in s. 163.3164;
- b. Community redevelopment areas as defined in s. 163.340;
- c. Downtown revitalization areas as defined in s. 163.3164;
- d. Urban infill and redevelopment under s. 163.2517; or,
- e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

4. Amends s. 163.3180(5)(b)3., to provide that a county that does not qualify as a dense urban land area under s. 163.3164 may designate the following areas as transportation concurrency exception areas in its comprehensive plan:

- a. Urban infill as defined in s. 163.3164;
- b. Urban infill and redevelopment under s. 163.2517; or
- c. Urban service areas as defined in s. 163.3164.

5. Amends s. 163.3180(5)(b)4., to provide that a local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., 2., or 3., shall adopt land use and transportation strategies to support and fund mobility

within the exception area, including alternative modes of transportation into the local comprehensive plan within 2 years after the designated area becomes exempt. In addition, local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for the region's future. If the state land planning agency finds insufficient cause for the failure to adopt such plan amendments, it must submit the finding to the Administration Commission which may impose against the local government, any of the sanctions established in s. 163.3184(11)(a) and (b).

6. Amends s. 163.3180(5)(b)5., to provide that transportation concurrency exception areas designated pursuant to subparagraphs 1., 2., or 3., do not apply to designated transportation concurrency districts located in a county with a population of at least 1.5 million which has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

7. Amends s. 163.3180(5)(b)6., to provide that transportation concurrency exception areas designated under subparagraphs 1., 2., or 3., do not apply in any county that has exempted more than 40% of the area inside the urban service area from transportation concurrency for the purpose of urban infill.

8. Amends s. 163.3180(5)(b)7., to provide that a local government that does not have a transportation concurrency exception area designated under subparagraphs 1., 2., or 3., may grant an exception from the concurrency requirements to transportation facilities if the proposed development is otherwise consistent with the adopted comprehensive plan and is a project that promotes public transportation or is located within an area designated in the plan for:

- a. Urban infill development;
- b. Urban redevelopment;
- c. Downtown revitalization;
- d. Urban infill and redevelopment under s. 163.2517; or,
- e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served with public facilities and services as provided in the capital improvement element.

9. Amends s. 163.3180(5)(c), to provide an exemption for developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands (one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours) from the concurrency requirements for transportation facilities.

10. Amends s. 163.3180(5)(d), to provide that except for transportation concurrency exception areas designated pursuant to subparagraphs (b)1., (b)2., or (b)3., the local government shall both adopt into the comprehensive plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation.

11. Amends s. 163.3180(5)(e), to provide that before designating a concurrency exception area pursuant to subparagraphs (b)6., (TCEAs designated under subparagraphs (b)1., (b)2., or (b)3., in a county that has exempted more than 40% of the area inside the urban service area from transportation concurrency for the purpose of urban infill), the local government must consult with the state land planning agency and the Department of Transportation to assess the impact the proposed exception area is expected to have on the adopted level-of-service standards established for regional transportation facilities including the Strategic Intermodal System and roadway facilities funded in accordance with the Small County Outreach Program. The local government must provide a plan for the mitigation of any impacts to the Strategic Intermodal System including access management, parallel reliever roads, transportation demand management, and other measures.

12. Amends s. 163.3180(5)(f), to provide that the designation of a transportation concurrency exception area does not limit a local government's home rule powers to adopt ordinances or impose fees nor does it affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e) - [newly created subsection contained in this bill which provides exemptions for dense urban land areas].

13. Amends s. 163.3180(5)(g), to provide that by February 1, 2015, the Office of Program Policy Analysis and Government Accountability will submit a report on transportation concurrency exception areas to the President of the Senate and Speaker of the House. The report must address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.

14. Amends s. 163.3180(10), to provide that, except in transportation concurrency exception areas, a local government must adopt level-of-service standards established by the Department of Transportation by rule, for roadway facilities on the Strategic

Intermodal System, but if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 [Rural Economic Development Initiative] or s. 403.973 [expedited permitting for economic development], the local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project.

15. Amends s. 163.3180(13)(b)4., to provide that when determining whether levels of service have been achieved for school concurrency, for the first 3 years of school concurrency implementation, a school district that includes relocatable facilities in its inventory of student stations shall include the capacity of the relocatable facilities provided the relocatable facilities were purchased after 1998 and meet standards for long-term use.

16. Amends s. 163.3180(13)(e)1., to provide that construction of a charter school that complies with the requirements of s. 1002.33(18) is an appropriate mitigation option for meeting school concurrency; and,

17. Amends s. 163.3180(13)(e)2., to provide that if the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition or portion thereof as proportionate share mitigation, the construction of a charter school that complies with the requirements of s. 1002.33(18) shall also be authorized, and shall be credited by the local government on a dollar-for-dollar basis at fair market value.

Section 5. Amends s. 163.31801(3)(d), and requires that 90 days notice must be provided before the effective date of a county or municipal ordinance or special district resolution imposing a new or increased impact fee, but a county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

Section 6. Preempts a county, municipality, or other entity of local government from adopting or maintaining an ordinance which establishes standards for security cameras that require a lawful business to expend funds to enhance the services or functions provided by a local government unless specifically provided by general law. This section does not limit the ability of a county, municipality, airport, seaport, or other local government entity from adopting standards for security cameras in publicly operated facilities, including standards for private businesses operating within such public facilities, pursuant to a lease or other contractual arrangement.

Section 7. Amends s. 163.3177(1)(b) and creates s. 163.3177(3).

1. Amends s. 163.3177(1)(b) and deletes redundant language contained elsewhere in Chapter 163, Part II [s. 163.3177(12)].

2. Creates s. 163.3177(3)(e), and allows, at the request of an applicant, for the local government to consider zoning changes that would be required to properly enact the

provisions of any proposed plan amendment transmitted to the state land planning agency at the same time the plan amendments are being considered. Zoning changes are contingent upon the plan or plan amendment becoming effective.

Section 8. Amends s. 163.3187(1)(b) and (f) and creates s. 163.3187(1)(q).

1. Amends ss. 163.3187(b) and (f), to clarify and remove redundant language with respect to the exemptions from the twice per year transmittal.
2. Creates s. 163.3187(q), to provide an exemption from the twice per year submission of plan amendments for a local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. or an area exempt from the development-of-regional-impact process under s. 380.06(29) - [newly created subsection contained in this bill which provides exemptions for dense urban land areas].

Section 9. Amends s. 163.32465(2) - Alternate State Review Process Pilot Program and provides that in addition to the pilot program jurisdictions, any local government may use the alternate state review process to designate an urban service area in its comprehensive plan.

Section 10. Amends s. 171.091 to require that any change in municipal boundaries through annexation or contraction must also be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affect land area.

Section 11. Amends s. 186.509 and requires each regional planning council to establish dispute resolution process. If voluntary meeting fail to resolve the dispute, mandatory mediation rather than voluntary mediation is required.

Section 12. Amends ss. 380.06(7)(a), (24), and (28), and creates s. 380.06(29).

1. Amends s. 380.06(7)(a), by providing that for developments of regional impact, the levels of service required in the transportation methodology be the same levels of service used to evaluate concurrency in accordance with s. 163.3180.
2. Amends s. 380.06(24)(l), by providing a statutory exemption to any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29) [newly created subsection contained in this bill which provides exemptions for dense urban land areas].
3. Amends s. 380.06(24)(n), relating to proposed development or redevelopment within an area designated as an urban infill and redevelopment area is deleted and subsections (o) through (u) are re-lettered as subsections (n) through (t).

4. S. 380.06(24), is further amended after subsection (t) to provide that if a use is exempt from review as a development of regional impact under paragraphs 380.06(24)(a) through (s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless the exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

5. Amends s. 380.06(28), to delete references to the deleted subsection 380.06(24)(n) in ss. 380.06(28)(c) and (d).

6. Creates s. 380.06(29), which provides a list of developments that are exempt from the development of regional impact process contained in s. 380.06:

- a. Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164;
- b. Any proposed development within a county that qualifies as a dense urban land area as defined in s. 163.3164 and that is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; or,
- c. Any proposed development within a county, including the municipalities in the county, which has a population of at least 900,000, which qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the comprehensive plan.

7. If a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is also exempt from the development of regional impact process:

- a. Urban infill as defined in s. 163.3164;
- b. Community redevelopment areas as defined in s. 163.340;
- c. Downtown revitalization areas as defined in s. 163.3164;
- d. Urban infill and redevelopment under s. 163.2517; or,
- e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

8. If a county that does not qualify as a dense urban land area pursuant to s. 163.3164 designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development of regional impact process:

- a. Urban infill as defined in s. 163.3164;
- b. Urban infill and redevelopment under s. 163.2517; or,
- c. Urban service areas as defined in s. 163.3164.

9. A development that is located partially outside an area that is exempt from the development of regional impact program must undergo development of regional impact review pursuant to s. 380.06.

10. In an area that is exempt under s. 380.06(29)(a) to (c), any previously approved development of regional impact development orders continue to be effective, but the developer has the option to be governed by s. 380.115(1) [vested rights]. A pending application for development approval must be governed by s. 380.115(2) [governed by the development of regional impact development order]. A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments established in s. 163.3187(1) [two times per calendar year submission] for the year following the effective date of the exemption.

11. Local governments must submit to the state land planning agency by mail, a development order for projects that would be larger than 120% of any applicable development of regional impact threshold and would require development of regional impact review but for the exemption from the program under s. 380.06(29)(a) to (c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.

12. If a local government that qualifies as a dense urban land area under this subsection [s. 380.06(29)] is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area that has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application in good faith or the development is approved.

13. Section 380.06(29), does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380. Section 380.06(29) does not apply to:

- a. Areas within the boundary of any area of critical state concern designated under s. 380.05;

- b. Areas within the boundary of the Wekiva Study Area as described in s. 369.316; or,
- c. Areas within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592.

Section 13. Presents legislative finds on the existing transportation concurrency system and provides that the state will evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system. The state land planning agency and the Department of Transportation are directed to continue their respective mobility fee studies and develop and submit a final joint report to the President of the Senate and Speaker of the House on the mobility fee methodology study, with recommended legislation and a plan to implement the mobility fee by December 1, 2009.

Section 14. In recognition of the 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373 [Management and Storage of Surface Waters], that has an expiration date of September 1, 2008 through January 1, 2012, is extended and renewed for a period of 2 years following the date of expiration and includes any local government issued development order or building permit and applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c).

Commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

The holder of a permit or other authorization eligible for the 2-year extension must notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

The 2-year extension does not apply to:

- a. A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.
- b. A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, initiation of formal enforcement, or other similar action by the authorizing agency.
- c. A permit or other authorization that would delay or prevent compliance with a court order, if granted an extension.

Permits extended will be governed by the rules in effect at the time the permit was issued, unless it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health, and applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification will not extend the time limit beyond 2 additional years.

This does not impair the county or municipality from requiring the owner of a property to maintain and secure the property in a safe and sanitary condition.

Section 15. Limits the Florida Housing Finance Corporation's access to the state allocation pool under s. 159.807.

Section 16. Creates s. 193.018 - Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.

1. Defines the term "community land trust" as a nonprofit entity that is qualified as charitable under s. 501(c)(3) Internal Revenue Code and has, as one of its purposes, the acquisition of land to be held in perpetuity for the primary purpose of providing affordable home ownership".
2. Codifies the responsibility of a community land trust to convey structural improvements, condominium parcels, or cooperative parcels located on specific parcels of land to persons or families who qualify for affordable housing under the income limits of s. 420.0004, or for workforce housing under the income limits of s. 420.5095. The improvements or parcels are each subject to a ground lease of at least 99 years, and the ground lease contains a formula limiting the amount for which the improvement or parcel may be resold. The community land trust retains the first right to purchase at the time of resale.
3. Provides that in arriving at the just valuation of structural improvements or improved parcels conveyed by a community land trust, or land owned by the community land trust, the property appraiser must assess based on the resale restrictions or limited uses contained in the 99-year or longer ground lease. When recorded in the official public records of the county in which the property is located, the ground lease and amendments or supplements to the lease, or a memorandum documenting the restrictions contained in the ground lease, are deemed a land use regulation during the term of the lease.

Section 17. Creates s. 196.196(5), which provides that property owned by an exempt organization qualified as charitable under s. 501(3)(c) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families meeting the income restrictions for extremely-low, very-low, low, and moderate income families under s. 420.0004. The term "affirmative steps" means environmental or land use permitting

activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

If property owned by an organization granted an exemption under this section is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, or is not in actual use to provide affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser will notify the organization a notice of intent to record a notice of tax lien against the property. The organization owning the property is subject to the taxes otherwise due and owing as a result of not suing the property to provide affordable housing plus 15% per year and a penalty of 50% of the taxes owed. If the organization no longer owns the property, but owns property in another county in the state, the property appraiser shall record the notice in each other county. Prior to a lien being filed, the organization must be given 30 days to pay the taxes, penalties and interest due.

The 5-year limitation may be extended if the holder of the organization continues to take affirmative steps to develop the property for affordable housing.

Section 18. Amends s. 196.1978, to extend the affordable housing property tax ad valorem exemption to property that is held for the purpose of providing affordable housing to person and families meeting the income restrictions in s. 159.603(7) ["eligible persons"] and s. 420.0004. The property must be owned by a Florida-based limited partnership, the sole general partner of which is a not-for-profit corporation, or be owned by a nonprofit entity that is a not-for-profit corporation. The not-for-profit corporation must qualify as charitable under section 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited partnership. It also provides that any property owned by a limited partnership which is disregarded as an entity for federal income tax purposes will be treated as if owned by its sole general partner.

Section 19. Amends s. 212.055, by clarifying language and providing that an expenditure to acquire land to be used for a residential housing project in which at least 30% of the units are affordable to individuals or families whose total annual household income does not exceed 120% of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or the special district may enter into a ground lease with any entity for the construction of the residential housing project on land acquired from the expenditure of local infrastructure surtax proceeds.

Section 20. Amends s. 163.3202 and creates a subsection (i), which provides that land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum "(i)

maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by the local government, and are not located in a coastal high hazard area under s. 163.3178".

Section 21. Amends s. 420.503 by creating a new subsection (25), which defines "moderate rehabilitation" as repair or restoration of a dwelling unit when the value of such repair or restoration is 40% or less of the value of the dwelling unit but not less than \$10,000" and renumbers the present subsections (25) through (41) as (26) through (42).

Section 22. Amends s. 420.507 and creates subsection (47), as an additional power for the Florida Housing Finance Corporation to allow it by rule in any corporation competitive program to create criteria establishing a preference for developers and general contractors domiciled in Florida and for developers and general contractors, regardless of domicile, who have substantial experience in developing or building affordable housing through the corporation's programs.

In evaluating whether a developer or general contractor is domiciled in the state, the Housing Finance Corporation shall consider whether the developer's or general contractor's principal office is located in Florida and whether a majority of the developer's or general contractor's principals and financial beneficiaries reside in Florida.

In evaluating whether a developer or general contractor has substantial experience, the Housing Finance Corporation shall consider whether the developer or general contractor has completed at least five developments using funds either provided by or administered by the corporation.

Section 23. Amends s. 420.5087, to include projects that include green building principles, storm-resistant construction, or other elements to reduce long-term maintenance costs as projects eligible to apply for and receiving consideration for funding from the SAIL program. Also includes the preference for developers and general contractors domiciled in Florida and developers and general contractors, regardless of domicile, who have substantial experience in developing or building affordable housing as provided in s. 420.507(47).

Section 24. Amends s. 420.622(5) to allow money granted by the State Office on Homelessness to be used to acquire transitional or permanent housing for homeless persons.

Section 25. Creates s. 420.628, provides findings and directs the Florida Housing Finance Corporation, the agencies receiving funding under the State Housing Initiatives Partnership Program, local housing finance agencies, and public housing authorities to coordinate with the Department of Children and Family Services and their agents and community-based care providers to develop and implement strategies and procedures

to increase affordable housing opportunities for young adults who are leaving the child welfare system. Such young persons are deemed to have met the definitions for eligible persons for affordable housing purposes. In addition, students deemed to be eligible occupants under certain federal requirements are also considered eligible for purposes of affordable housing projects.

Section 26. Amends ss. 420.9071(4), (8), (16) and (25) and creates ss. 420.9071(29) and (30).

1. Amends s. 420.9071(4), and amends the definition of "annual gross income" to provide that "annual gross income" may be fined by the standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the Florida Housing Finance Corporation.
2. Amends s. 420.9071(8), and amends the definition of "eligible housing" to include manufactured housing installed in accordance with the installation standards for mobile and manufactured homes contained in the rules of the Department of Highway Safety and Motor Vehicles.
3. Amends s. 420.9071(16), and amends the definition of "local housing incentive strategies" to allow the local affordable housing advisory committees to propose local housing incentive strategies in the triennial evaluation of how local governments are implement affordable housing.
4. Amends s. 420.9071(25), and amends the definition of "recaptured funds" to provide that local or grant funds for owner-occupied housing which may be recouped by a county or city include those funds which were not used to provide assistance and those funds which were part of a defaulted loan or grant program.
5. Creates s. 420.9071(29), and defines "assisted housing" and "assisted housing development" as a rental housing development, including rental housing in a mixed use development, that received or currently receives funding from any federal or state housing program.
6. Creates s. 420.9071(30), and defines "preservation" as efforts undertaken to keep rents in existing assisted housing or assisted housing development affordable for income-qualified persons while ensuring that the property stays in good physical and financial condition for an extended period.

Section 27. Amends ss. 420.9072(6) and (7). [State Housing Initiatives Partnership Program]

1. Section 420.9072(6) and deletes a cross reference to s. 420.9087 which is being repealed in the bill.

2. Creates a new s. 420.9072(7)(b), and provides that a county or eligible municipality may expend a portion of the local housing distribution to provide a one-time relocation grant to persons who meet the income requirements of the State Housing Initiatives Partnership Program and who are subject to eviction from rental property located in the county or eligible municipality due to the foreclosure of the rental property. In order to receive a grant, a person must provide the county or eligible municipality with proof of meeting the income requirements of a very-low income household, a low-income household, or a moderate-income household; a notice of eviction; and proof that the rent has been paid for at least 3 months before the date of eviction, including the month the notice of eviction was served. Relocation assistance is limited to a one-time grant of not more than \$5,000 and is not limited to persons who are subject to eviction from projects funded under the State Housing Initiatives Partnership Program. This subsection expires July 1, 2010.

Section 28. Amends sections 420.9073(1) and (2) and creates subsections (5), (6) and (7).

1. Amends s. 420.9073(1) and (2) to allow the Florida Housing Finance Corporation to distribute Local Government Housing Trust Fund dollars on a quarterly basis, subject to the availability of funds.

2. Creates s. 420.9073(5) to allow the Florida Housing Finance Corporation to withhold up to \$5 million in funds distributed from the Local Government Housing Trust Fund to provide additional funding to counties and cities declared by the Governor to be in a state of financial emergency.

3. Creates s. 420.9073(6) to allow the Florida Housing Finance Corporation to withhold up to \$5 million in funds distributed from the Local Government Housing Trust Fund to provide funding to counties and cities to purchase property subject to a SHIP lien on which foreclosure proceedings have been instituted.

4. Creates s. 420.9073(7) requiring a county receiving local housing distributions or an eligible municipality receiving local housing distributions under an interlocal agreement to spend the funds in accordance with statutory requirements, corporation rules, and the local housing assistance program.

Section 29. Amends ss. 420.9075(1), (3), (5), (10)(a) and (h), and (13)(b) and creates subsection (14).

1. Amends s. 420.9075(1) to require that in the development and implementation of local housing assistance programs available to qualified persons, counties and cities must include persons with disabilities as persons with special housing needs and the program may include strategies to assist persons and households having annual incomes of not more than 140% of the area median income.

2. Amends s. 420.9075(3) and requires that each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance. Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for the preservation of assisted housing.
3. Amends s. 420.9075(5) and provides that not more than 20% of the funds available from the local housing distribution may be used for manufactured housing.
4. Monroe County exemption from income-restrictions relating to the use of set-aside funds in the local government assistance trust fund is extended from July 1, 2008 to July 1, 2013, so that awards may be made to residents with incomes no higher than 120% of the area median income, and applied retroactively.
5. SHIP funds may be used for preconstruction activities. When preconstruction due diligence activities prove that preservation is not feasible, the costs for those activities are program costs and not administrative costs.
6. Counties and cities may award construction, rehabilitation, or repair grants as part of disaster recovery, emergency repairs, or to remedy access or health and safety issues.
7. Program funds expended for an ineligible activity must be repaid to the Local Housing Assistance Trust Fund and SHIP funds may not be used.

Section 30. Amends ss. 420.9076(2)(h), (5), (6) and (7)(a).

1. Section 420.9076(2)(h), is amended to state that if the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee to the affordable housing advisory committee who is knowledgeable in the local planning process.
2. Section 420.9076(5), is amended to require the local advisory committee evaluation of the local housing assistance plan and its report on the evaluation must be submitted to the Housing Finance Corporation.
3. Section 420.9076(6), is amended to require the local government to adopt an amendment to its local housing assistance plan to incorporate the local housing strategies it will implement within its jurisdiction within 90 days of receipt of the evaluation and local housing incentive strategy recommendations from the advisory committee.
4. Section 420.9076(7)(a) is amended to delete a cross-reference.

Section 31. Repeals s. 420.9078.

Section 32. Amends s. 420.9079 to correct cross-references.

Section 33. Amends s. 1001.43(12), to expand the purposes for which a district school board in an area of critical state concern may use specified properties and surplus lands to include affordable housing for essential services personnel, as defined by local affordable housing eligibility requirements.

Section 34. Finds that this act fulfills an important state interest.

Section 35. Provides an effective of upon becoming law.

V. Affected Areas (Agencies and Groups)

1. Department of Community Affairs
2. Department of Environmental Protection
3. Department of Transportation
4. Department of State
5. Department of Children and Family Services
6. Legislative Office of Economic and Demographic Research
7. Office of Tourism, Trade, and Economic Development
8. Office of Program Policy Analysis and Government Accountability
9. Water Management Districts
10. Regional Planning Councils
11. Municipal Governments
12. County Governments
13. School Districts
14. Florida Housing Finance Corporation
15. Local Affordable Housing Advisory Councils

16. Developers and Contractors

17. General Public

VI. Fiscal Impact (recurring, non-recurring and long-run effects)
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Effects	Amount Year 1	Amount Year 2	Amount Year 3
Non-Recurring	0	0	0
Recurring	0	0	0
Long-Run other than normal growth	0	0	0
Total Revenues and Expenditures	0	0	0

1. Local Government

The fiscal impact on local governments is extensive but the full effects are indeterminate.

The local governments with automatic transportation concurrency exception areas are mandated to adopt land use and transportation strategies to support and fund mobility including alternative modes of transportation within 2 years. Additionally, other local governments are authorized to adopt urban service boundary amendments that would also trigger the requirement for land use and transportation strategies within 2 years. This will be an extensive task and serve as a critical planning complement to support the transportation concurrency exceptions. However, financial support has not been provided for the local governments to undertake the planning. Local governments, particularly smaller municipalities with as few as 5,000 residents, will be challenged to accomplish the mandatory land use and transportation strategies.

The automatic or voluntary elimination of transportation concurrency within municipalities and counties, and for certain development types, coupled with the exemption from the development of regional impact process, will result in a reduction of control over the timing of development and loss of large amounts of transportation mitigation from development. The reduced control of the timing of development, loss of transportation mitigation, and reduction in other sources of revenue to support transportation facilities will have a serious impact on local governments and ultimately force choices between severe transportation congestion and increased taxes.

2. State Government

The fiscal impact on state government is substantial but the full effects are indeterminate.

As SB 360 was revised through the legislative process implemental demands on the state land planning agency grew. However, no additional financial support has been provided to provide technical assistance to local governments.

The requirements for the mobility fee report add a new, unfunded burden on the state land planning agency.

3. Private Sector

Development interests will be relieved of transportation mitigation and development of regional impact requirements in many areas of the state. However, increased transportation congestion and the potential for a patchwork of Home Rule alternatives to transportation concurrency will degrade quality of life and the attractiveness and predictability of the development process in the state.

VII. Limited Government Checklist

1. Report and/or studies required?

Yes

2. Commission, Council, Task Force or Board created or revised?

No

3. Rule Authorization?

No

4. Rule Reductions?

No

5. Does the bill reduce government?

No

6. Does the bill increase fees or taxes?

No

7. Does the bill impose an additional burden on or restrict local government?

Yes

8. Does the legislation link to the agency's strategic plan and/or to its budget?

No

9. Does the bill create more regulation of an activity by a profession or business?

No

10. Does the bill limit or expand commercial or individual freedom?

Expand

VIII. Legal Issues

1. Does the proposed legislation conflict with existing state laws or rules? Yes or No? If so, what laws and/or rules?
2. Does the proposed legislation conflict with existing federal law or regulations? Yes or No? If so, what laws and/or regulations?
3. Does the proposed legislation raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g., separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contract)?
4. Is the proposed legislation likely to affect the interests of the Florida Bar, Judiciary or State Attorneys/Public Defenders?
5. Is the proposed legislation likely to generate litigation, and if so, from what interest groups or parties?

IX. Proposed amendments (If recommended)

CAPITAL WATCH FL WILDLIFE



FLORIDA WILDLIFE FEDERATION'S *Capital Watch*

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Greetings!

Welcome to *Capital Watch*, Florida Wildlife Federation's weekly update on legislative activities concerning issues of conservation.

Capital Watch 2009:

Final Week - Ending May 13, 2009 Jay Liles, FWF Policy Consultant

We began the 2009 session of the Florida Legislature concerned that funding issues would create problems for long cherished environmental programs that keep our air and water clean and provide opportunities for people to connect with nature. Our worst expectations were often met in bills that would have made a mockery of wetlands protection, in another measure that would have opened our coastal waters to oil and gas exploration, and in dramatically reduced funding for some of Florida's most prized environmental initiatives. Fortunately, with the help of strong allies in the environmental community and your unfailing willingness to come through with your emails, calls and personal letters to your representatives, we were able to beat back many of the worst proposals.

The final budget did take its toll on Florida's environment. Florida Forever, the state's premier land buying program that has put millions of acres in public ownership was left unfunded for 2009-10. Fortunately, carry forward dollars from 2008-09 will allow the program to honor existing commitments



[Visit FWF's Capital Watch page for more information and an archive of previous issues.](#)



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but no new funding means no new lands in public ownership.

Environmental Trust Funds also took a huge hit as the House decided to move these funds to General Revenue. For several years now we have been critical of the legislative prerogative to move trust funds (after all, the name implies a commitment) to other uses deemed more politically powerful or in some way better. The Legislature certainly has the discretion to appropriate as it sees fit. However, to move trust funds from the intended purpose for which they are collected will only serve to further erode public confidence in the political process and lead to great cynicism. We will continue to call for an end to raids on trust funds of any kind.

Bleak as these prospects might seem, the good news is it was not all bad for Florida's environment. Private conservation easements got a boost with passage of enabling legislation for private conservation easements, sponsored by Senator Thad Altman. Essentially, the bill outlines which lands that have permanent conservation easements on them will qualify for property tax exemptions. Funding for the Florida Fish and Wildlife Conservation Commission will be enhanced in the next few years due to the support of user groups like FWF, the National Turkey Federation, Snook Foundation and the Future of Hunting in Florida, Inc. all of which lent time, talent and support to successful efforts to secure greater funding for wildlife management and enforcement by passage of fee increases that go into effect in 2010.

In the name of restarting Florida's lackluster economy many policymakers came to this session with a focus on "streamlining" the state permitting processes. This is usually code for opening the state to more development and less control on growth. For example, CS/SB 360, a measure dealing with growth management that passed and is now on the desk for Governor Crist's signature, has us concerned.

Initially, bill sponsors worked with DCA Secretary Pelham to craft a bill that would have fixed the unintended problem with concurrency requirements that encourage developers to go well outside the urban service areas to build because they can meet concurrency standards more cheaply. However, amendments to the final bill would cripple key elements of the 1985 growth management law. For instance, under current law, the state must review large projects (called DRI's) with multi-jurisdictional impacts. The new bill would eliminate the review for cities and counties defined as Dense Urban Land Areas. Counties like Palm Beach, Hillsborough and Pinellas, would be affected. Impacts to wildlife and environmentally sensitive areas would no longer require state review.

Another major change is the transportation concurrency element. The bill exempts areas from transportation concurrency if they are in a county's urban service area - where sewer and water are available - and if the population exceeds 1,000 people a square mile.

FWF and other environmental advocacy groups have asked Governor Crist to veto this bill.

Once again, the staff of the Florida Wildlife Federation wants to thank our many friends and supporters who came to the rescue with your emails, calls and letters to your representatives when they needed to hear your voice. On issues from growth management to land conservation, to oil and gas exploration in our coastal waters, you let your representative know how you feel. It is always reassuring to know that when the outcome seems to be uncertain, we can count on our members to lend a hand. Thank you for taking the time to respond to our requests for help and for caring about Florida's environment.

Final analysis of bills this soon after the session ends is always tricky. In the rush to finish the session

amendments are added and final intent is always subject to interpretation. In addition, there is the potential of a veto by the Governor. This review must be read with those caveats in mind.

The State Budget

In a year when virtually all state programs and services were cut, we recognize and appreciate the efforts made on behalf of land conservation by Governor Crist, who requested full funding for Florida Forever and Everglades restoration in his budget.

The Senate attempted to generate partial funding for Florida Forever by closing a tax loophole and by holding harmless funds authorized for Florida Forever in 2008.

While we are grateful for the courageous efforts made by many state leaders, we must also assert that the ultimate lack of funding of Florida Forever in this year's budget is a profound loss.

For the first time since 1990 when Preservation 2000 was initially funded, the current state budget does not fund its major preservation program. The \$250 million in remaining bonds that were authorized in the 2008 state budget are already allocated to existing projects. There will be no money forthcoming for any local government grant projects through the Florida Communities Trust, or for other projects already approved and awaiting purchase for water resource and habitat protection.

A combined lack of funding for Florida Forever and the sweep of Environmental Trust Funds into General Revenue will have lasting ramifications for Florida's environmental programs. Below is an excerpt:

Page 388, Sec.59 of Conference Report on Senate Bill 2600

SECTION 59. Pursuant to section 215.32(2)(b)4.a.,

Florida Statutes,
 \$588,023,958 from unobligated cash balance
 amounts specified from the
 following trust funds shall be transferred to the
 General Revenue Fund
 for Fiscal Year 2009-2010:
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Conservation and Recreation Lands Trust
 Fund..69,500,000
 Land Acquisition Trust Fund.....
 20,000,000
 Inland Protection Trust Fund.....
 135,000,000
 Internal Improvement Trust
 Fund..... 8,000,000
 Lake Okeechobee Trust Fund.....
 130,000
 FISH AND WILDLIFE CONSERVATION
 COMMISSION
 Marine Resources Conservation Trust Fund.....
 2,440,000
 Invasive Plant Control Trust Fund.....
 6,000,000

Land Conservation

CS/CS/HB 7157 by the Finance and Tax Council creates the statutory language to enable Amendment 4, which was passed last November. Essentially, the bill outlines which lands that have permanent conservation easements on them will qualify for property tax exemptions. The bill was passed on the final day of the regular session and FWF has written to Governor Crist encouraging him to sign it into law.

The Florida Wildlife Federation thanks Senator Altman, sponsor of the Senate version of this bill and a close knit group of advocates who pushed this measure from its inception before the Tax and Budget Reform Commission, to passage by more than 68% of the public, to final enactment in the 2009 session. FWF's own Preston Robertson should be commended for his leadership on this effort.

Florida Fish and Wildlife Conservation

Commission

HB 1423 - Rep. Baxter Troutman provides more funding for better management of our game and fish species. Amendments were adopted that will raise permit fees slightly, but the money can only be used for the pursued species. It also creates a \$5 deer permit to raise money for deer management in this state. The Florida Wildlife Commission lost \$27 million during the special session. The bill also directs FWC to suspend the licenses of repeat wildlife and fish law violators.

FWF has asked Governor Crist to sign this bill into law, citing support for the bill from the Snook Foundation, Future of Hunting in Florida, Inc., the National Wild Turkey Federation, the Quality Deer Management Association and other conservation-minded organizations.

Growth "Management"

CS/CS/SB 360 by Sen. Mike Bennett would eliminate transportation concurrency and Development of Regional Impact (DRI) requirements in counties with densities of 1000 people per square mile or towns of 5000 population or greater; defined by the bill as "Dense Urban Land Areas." While the bill sponsor notes that the language will promote urban infill, the loose definition of Dense Urban Land Areas will mean that more urbanized counties that still have largely rural elements (like Hillsborough, Orange and Palm Beach) would qualify, thus removing important wildlife considerations of the DRI in important habitat areas.

The House added additional harmful amendments that cripple key elements of the 1985 growth management law by weakening the important needs analysis DCA uses to review comprehensive plan amendments and allowing local governments to expand urban service boundaries through the

alternative (read as minimal) state review process.

FWF has asked Governor Crist to veto this bill.

Climate and Energy

CS/CS/SB 1154 by Senator King and the Communications, Energy and Public Utilities Committee called for a 20% clean energy portfolio standard, 15% of which would have applied to energy produced from renewable sources like solar, wind, bio-fuels and ocean currents and 5% to be derived from coal gasification (IGCC) and new nuclear energy. The bill was approved by the Senate on a vote of 37 to 1. However, controversy engulfed the bill when it was learned that the House wanted to add near shore gas and oil exploration to the bill (which was the subject of CS/HB 1219). When it became clear the Senate would not take up drilling so late in the session the House let SB 1154 die on the Calendar.

The 2008 Legislature passed and the Governor signed into law HB 7135 calling for the Public Service Commission to enact proposed rules setting a renewable energy portfolio standard and the Environmental Resource Commission to enact a clean car emissions standard to raise fuel efficiency. The law further directs DEP to establish a Cap and Trade rule for greenhouse gases. These rules must return to the Legislature for ratification. Unfortunately, they chose not to act on either renewables or fuel efficiency during this session, as the law directs.

CS/HB 1219 by Van Zant -As passed by the House on 4/27/09 this bill would have opened Florida's territorial waters (from the shoreline to approximately 10.3 miles out into the Gulf of Mexico) to offshore oil and gas exploration. The bill passed the House on a vote of 70 to 43. To see how

your representative voted, click [here](#).

Environmental Permitting

HB 1349 by General Government Policy Council, Agriculture & Natural Resources Policy Committee and Rep. Jimmy Petronis would have undermined Environmental Resource Permitting by making it easier to get a permit to pollute surface water and destroy wetlands and harder for agencies to refuse to permit harmful activities. Thanks to the combined efforts of our environmental allies this bill died and amendments that would have carried out its intent were killed before they could become law.

Springs Protection

CS/SB 274 Sen. Lee Constantine would have provided real improvements for springshed water quality and quantity through agricultural best management practices, appropriate land uses, and septic tank regulation. The bill, with expanded scope to include all 1st and 2nd magnitude springs in the state, passed the Senate Environmental Preservation and Conservation and was heard in debate before the full Senate, yet died on Calendar. Our thanks go to Senator Constantine for his tirelessly efforts to pass the Springs Protection Act.

CS/CS/SB 494 by Sen. Mike Bennett revises the requirements for automatic landscape irrigation systems to include technology that will interrupt or inhibit the system during periods of sufficient moisture. While we were unsuccessful in getting a limit on phosphorus fertilizer application, as envisioned by Senator Ken Pruitt's SB 1490, this bill does call for the adoption of a statewide fertilizer rule.

Water Management Districts

SB 2080 by Alexander sets the cap on debt

service for bonds issued by a water management district (WMD) at 20% of a district's ad valorem revenues, not including debt service on bonds issued prior to January 1, 2009. To exceed the threshold the WMD must get Joint Legislative Budget Commission approval. This language serves to further the acquisition of the US Sugar lands in the Everglades.

In addition, the bill requires WMD boards to delegate authority to approve consumptive use and environmental permits to the district executive director.

While the Florida Legislature meets for 60 days in regular session the Congress meets year round. We are working on several issues at the Federal level including climate and energy legislation. This is a report on the current climate legislation in the House as provided by our friends at the National Wildlife Federation.

Intense negotiations on House Climate Change legislation continue with no mark-up in the Energy and Environment subcommittee. (Congresswoman Kathy Castor serves on this subcommittee).

House Democrats negotiating the bill have reached a tentative agreement to include a scaled-back renewable power target of 15 percent by 2020, according to published reports. The agreement -- if it holds -- represents a breakthrough after weeks of wrangling over a plan that requires utilities to supply escalating amounts of power from sources such as wind, solar and biomass.

The renewables target would be combined with a 5 percent energy efficiency target, yielding a combined standard of 20 percent by 2020, lawmakers said.

There may not be enough votes in the subcommittee and a shrinking timeline may cause Energy and Commerce Committee Chairman Henry Waxman to opt to take a revised bill to the full committee in the next two weeks, bypassing the subcommittee. Congressman Waxman is still planning for a full committee vote before the Memorial Day recess.

There are four major sticking points that are the basis for negotiations: 1) the stringency and timetable of the cap-and-trade program's emission limits; 2) the use of offsets to ease industrial compliance costs; 3) structure of a nationwide renewable electricity standard; 4) the allocation of emission allowances. How allowances are divided will determine if there is funding for Natural Resources Adaptation. Some reports indicate that as much as 55% of the allowances could be given to industry as free credits. This would not bode well for our efforts to secure 5% for natural resources adaptation. Complicating the legislative process is a desire by some members of Congress to put climate change legislation on the back burner to turn to the complex issue of healthcare reform.

Commissioner wants growth bill vetoed

By [MIKE SALINERO](#)

Hillsborough County Commissioner Mark Sharpe will ask fellow board members today to oppose legislation critics say will open the door to sprawling development and clogged roads.

Senate Bill 360, passed by the Legislature last week, eliminates state review of regional development and sharply limits developers' responsibility to improve roads when their projects increase traffic in an area.

Sharpe wants the commission to urge Gov. Charlie Crist to veto the bill.

The bill's sponsor, state Sen. Mike Bennett, R-Bradenton, said he wants to cut red tape that slows development. Bennett said multiple development reviews by government agencies discourage businesses from coming to Florida.

"What you had was a process so loaded with bureaucracy that nobody could get anything done," he said.

Opponents say the bill cripples key elements of the 1985 growth management law. For instance, under current law, the state must review large projects with effects felt across city and county lines. The new bill would eliminate the review for cities and counties defined as Dense Urban Land Areas. Eight counties, including Hillsborough and Pinellas, would be affected.

Another major change is how the bill treats "transportation concurrency," the requirement that adequate roads be in place to serve a development when it is built or soon after. The bill exempts areas from transportation concurrency if they are in a county's urban service area - where sewer and water are available - and if the population exceeds 1,000 people a square mile.

Critics say the exemption will force commissioners to approve development in areas where roads are clogged.

"The way this bill is written, ... our local governments will not be able to say no to a plan amendment or rezoning without a lawsuit by the developer," said Denise Layne, a lobbyist for the Hillsborough-based Coalition 4 Responsible Growth.

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**APA FLORIDA BILL
TRACKING
REPORT
MAY 19, 2009**

APA Florida Bill Tracking Report May 19, 2009

Sorted by Bill Number

- 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; provides that projects designated target industry businesses & located in charter counties that meet certain criteria are eligible for expedited permitting. Effective Date: July 1, 2009
 4/24/2009 SENATE Withdrawn from Environmental Preservation and Conservation; Community Affairs; Commerce; General Government Appropriations; Substituted for SB 0852; Read Second Time
 4/27/2009 SENATE Read Third Time; Passed (Vote: 37 Yeas / 0 Nays); House Ordered Enrolled
 5/5/2009 HOUSE Enrolled Text (ER) Filed
- SB 0110 Relating to Community Redevelopment/Blighted Areas** Bullard (L)
 Community Redevelopment/Blighted Areas ; Expands the definition of the term "blighted area" to include land previously used as a military facility. EFFECTIVE DATE: 07/01/2009.
 4/28/2009 HOUSE Received, referred to Military & Local Affairs Policy (EDCA); Economic Development & Community Affairs Policy Council; Finance & Tax Council
 5/6/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/11/2009 HOUSE Died in Committee on Military & Local Affairs Policy
- HB 0161 Relating to Affordable Housing** Aubuchon
 Affordable Housing: Revises & provides provisions relating to affordable housing; revises provisions relating to local land development regulations; provides for assessment of property receiving low-income housing tax credit; provides criteria for determining whether certain properties are entitled to an exemption from ad valorem taxation; provides Florida Housing Finance Corporation with certain requirements, powers, & limitations; requires certain governmental entities to develop & implement strategies & procedures designed to increase affordable housing opportunities for certain young adults; provides requirements for local housing assistance plans; reenacts & amends provisions relating to qualification for awards from local housing assistance trust funds; provides for retroactive operation; revises criteria that apply to awards made for purpose of providing eligible housing; authorizes & limits percentage of funds from local housing distribution that may be used for manufactured housing; provides counties & certain municipalities with certain powers; revises appointments to local affordable housing advisory committee; repeals provisions relating to state administration of funds remaining in Local Government Housing Trust Fund; revises district school board powers & duties in relation to use of land for affordable housing in certain areas for certain personnel. Effective Date: July 1, 2009
 4/27/2009 HOUSE Read Third Time; Passed (Vote: 114 Yeas / 0 Nays); In Senate Messages
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Messages
- HB 0227 Relating to Impact Fees** Aubuchon
 Impact Fees: Requires government to prove certain elements of impact fee by preponderance of evidence; prohibits court from using deferential standard in court action. Effective Date: July 1, 2009
 4/30/2009 HOUSE Received from Messages; Concurred with Amendment (529366); Passed (Vote: 107 Yeas / 10 Nays); Ordered engrossed, then enrolled; Engrossed Text (E2) Filed
 5/6/2009 HOUSE Enrolled Text (ER) Filed
 5/19/2009 ----- Signed by Officers and presented to Governor (Governor must act by 06/02/09)
- SB 0274 Relating to Water Resources** Constantine
 Water Resources [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 requirements for onsite sewage treatment and disposal systems. Establishes a task force to develop recommendations relating to stormwater management system design, etc. EFFECTIVE DATE: 07/01/2009 except as otherwise provided.
 4/30/2009 SENATE Read Third Time; Temporarily Postponed on Third Reading; Amendment pending (589956)
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died on Calendar
- 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.

12/17/2008 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Transportation

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.

12/17/2008 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Community Affairs

SB 0360 Relating to Growth Management

Bennett

Growth Management [EPSC]; Cites act as the "Community Renewal Act." Revises requirements for adopting amendments to the capital improvements element of a local comprehensive plan. Revises concurrency requirements. Revises requirements for adoption of impact fees. Authorizes local governments to use the alternative state review process to designate urban service areas. Provides for the assessment of property receiving the low-income housing tax credit, etc. EFFECTIVE DATE: Upon becoming law.

5/1/2009 SENATE Received from Messages; Amendment Adopted (478902); Receded from Amendments (152754, 329058, 193380, 131454); Refused to Recede from Amendments (215776, 605252); Passed (Vote: 30 Yeas / 7 Nays); Received from Messages; Concurred with Amendments(215776, 605252, 478902); Passed (Vote: 78 Yeas / 37 Nays); Senate Ordered engrossed, then enrolled
 5/5/2009 SENATE Engrossed Text (E2) Filed; Enrolled Text (ER) Filed
 5/18/2009 ----- Signed by Officers and presented to Governor (Governor must act by 06/02/09)

SB 0362 Relating to Growth Management

Bennett

Growth Management [EPSC]; Requires the Office of Economic and Demographic Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas. Authorizes the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances. Revises criteria for proportionate-share contributions, etc. EFFECTIVE DATE: Upon becoming law.

4/30/2009 SENATE Placed on Special Order Calendar for 05/01/09
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died on Calendar

SB 0364 Relating to Regulatory Reform

Bennett

Regulatory Reform [EPSC]; Requires the OTTED in the Executive Office of the Governor to design and construct E-SHOP FLORIDA Internet website. Requires specified state agencies and water management districts to appoint representatives to participate in the development of the policies, procedures, and standards for permitting and licensing. Requires the website to provide access to permits, licenses, and approvals issued by specified state agencies and WMDs, etc. EFFECTIVE DATE: 07/01/2009.

4/16/2009 SENATE Reference to Rules removed; References to Environmental Preservation and Conservation, Regulated Industries added; Remaining references: Environmental Preservation and Conservation, Regulated Industries, Governmental Oversight and Accountability, Transportation and Economic Development Appropriations; Now in Environmental Preservation and Conservation
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Environmental Preservation and Conservation

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.

1/15/2009 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; Rules
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Community Affairs

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.

1/15/2009 SENATE Referred to Community Affairs; Commerce; Transportation and Economic Development Appropriations; Rules
5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
5/11/2009 SENATE Died in Committee on Community Affairs

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.

1/15/2009 SENATE Referred to Community Affairs; Commerce; Transportation and Economic Development Appropriations; Rules
5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
5/11/2009 SENATE Died in Committee on Community Affairs

SB 0422 Relating to Department of Transportation

Gardiner

Transportation [CPSC]; Amends specified provision relating to transportation concurrency. Exempts hangars for the assembly or manufacture of aircraft from such requirements. Clarifies provisions related to required child restraint devices. Clarifies imposition of financial liability and liability on entities renting or leasing motor vehicles. Amends provision relating to Small County Outreach Program, etc. EFFECTIVE DATE: 07/01/2009.

4/22/2009 SENATE Committee Substitute (C2) Text Filed; Now in Finance and Tax
5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
5/11/2009 SENATE Died in Committee on Finance and Tax

SB 0424 Relating to Transportation

Gardiner

Transportation [CPSC]; Provides that the executive director of the Florida Transportation Commission is in the Senior Management Service. Redefines the term "agency" for purposes of a specified chapter to include certain regional transportation and transit authorities. Provides a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects, etc. EFFECTIVE DATE: 07/01/2009.

4/28/2009 SENATE Placed on Special Order Calendar for 04/29/09
4/29/2009 SENATE Temporarily Postponed on Second Reading; Placed on Special Order Calendar for 04/30/09
4/30/2009 SENATE Read Second Time; Amendment(s) Adopted; Amendment(s) Withdrawn; Substituted for HB 1021; Laid on Table, Refer to HB 1021

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

3/11/2009 HOUSE Favorable by Military & Local Affairs Policy Committee; 13 Yeas, 0 Nays; Now in Roads, Bridges & Ports Policy Committee
5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
5/8/2009 HOUSE Died in Roads, Bridges & Ports Policy Committee

SB 0582 Relating to Transportation

Baker

Transportation [CPSC]; Provides legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion. Requires specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System. Authorizes the department to lease existing toll facilities through public private partnerships, subject to approval by the Legislature, etc. APPROPRIATION: \$225,000. EFFECTIVE DATE: Upon becoming law.

5/1/2009 SENATE In returning messages; Received from Messages; Amendments to House Amendment Failed (367414, 826059); Amendments to House Amendment Adopted (559858, 517962, 284386); Concurred with Amendment as Amended (797855); Passed (Vote: 25 Yeas / 7 Nays); In House returning messages
5/6/2009 HOUSE Indefinitely postponed and withdrawn from consideration
5/11/2009 HOUSE Died in returning Messages

HB 0593 Relating to Water Resources

Boyd

Water Resources: Revises definition 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 programs 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; requires water management districts to implement Florida-friendly landscaping practices on specified properties & develop specified programs for implementing such practices; requires water management districts to consider certain information in evaluating water use applications from public water suppliers; authorizes administrative fine to be imposed for each occurrence of unlicensed well water contracting. Effective Date: July 1, 2009

4/27/2009 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays); In Senate Messages
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Messages

SB 0630 Relating to Local Taxes

Bennett

Local Taxes [EPSC]; Limits the rate of impact fees on residential and nonresidential property. Authorizes counties to levy a surtax on certain documents that transfer real property or an interest in real property. Limits the rate of the surtax. Requires the grantor to pay the surtax. Provides that the surtax must be approved by an extraordinary vote of the governing body of the county or by a majority vote of the electors of the county, etc. EFFECTIVE DATE: 07/01/2009 except as otherwise provided.

4/16/2009 SENATE Committee Substitute (C1) Text Filed; Now in Finance and Tax
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Finance and Tax

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

2/25/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council; Transportation & Economic Development Appropriations Committee; Full Appropriations Council on Education & Economic Development
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Military & Local Affairs Policy Committee

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.

1/23/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Community Affairs

HB 0819 Relating to Department of Transportation

Adkins

Department of Transportation: Revises provisions relating to Small County Road Assistance Program; provides for resumption of certain funding for program; revises criteria for program eligibility; revises criteria for prioritization of projects; revises provisions relating to Small County Outreach Program; revises purpose of program to include certain project types. Effective Date: July 1, 2009

3/25/2009 HOUSE Now in Economic Development & Community Affairs Policy Council
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Economic Development & Community Affairs Policy Council

HB 0821 Relating to Community Development Districts

O'Toole

Community Development Districts: Provides for application of board of supervisors election time periods to compact, urban, mixed-use districts; authorizes specified property owners to elect district board advisor; provides requirements for district board advisor review & recommendations relating to enforcement of district rules outside district boundaries; requires creation of district board advisor seat after interlocal agreement is entered into; provides for election of advisor & term of office; provides election procedures & requirements; revises deed restriction enforcement rulemaking authority of boards of directors of community development districts; revises procedures & requirements to amend boundaries of community development districts; revises procedures & requirements to merge community development districts; provides for petition filing fees; preserves rights of creditors, liens upon property, & claims & pending actions or proceedings. Effective Date: July 1, 2009

4/29/2009 SENATE Withdrawn from Community Affairs; Judiciary; Substituted for SB 1602; Read Second Time
 4/30/2009 SENATE Read Third Time; Passed (Vote: 36 Yeas / 2 Nays); House Ordered enrolled
 5/6/2009 HOUSE Enrolled Text (ER) Filed

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. Provides that projects designated as target industry businesses & located in charter counties that meet certain criteria are eligible for expedited permitting, etc. EFFECTIVE DATE: 07/01/2009.

4/21/2009 SENATE Placed on Calendar, on second reading

4/22/2009 SENATE Placed on Special Order Calendar for 04/24/09

4/24/2009 SENATE Read Second Time; Substituted for HB 0073; Laid on Table, Refer to HB 0073

- SB 0856 Relating to Developments of Regional Impact** Bennett
 Developments of Regional Impact [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. Provides that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances. EFFECTIVE DATE: 07/01/2009.
 4/16/2009 SENATE Now in Transportation and Economic Development Appropriations
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Transportation and Economic Development Appropriations
- 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.
 1/30/2009 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Community Affairs
- 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.
 2/19/2009 SENATE Temporarily postponed by Transportation
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Transportation
- HB 0941 Relating to Transportation** Ray
 Transportation: Provides legislative findings with respect to need to preserve investments in transportation infrastructure & reduce congestion; creates Florida Transportation Revenue Study Commission for purpose of studying state's transportation needs & developing recommendations; requires Center for Urban Transportation Research at USF to provide staff support to commission; provides funding for commission through federal funds for metropolitan transportation planning. Effective Date: upon becoming a law
 3/30/2009 HOUSE Now in Economic Development & Community Affairs Policy Council
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Economic Development & Community Affairs Policy Council
- HB 1019 Relating to Growth Management** McKeel
 Growth Management: Redefines "financial feasibility" for purposes of school facilities not meeting concurrency requirements in given year; revises public & transportation facilities concurrency requirements; provides for transportation concurrency exception areas; authorizes local governments to adopt lower level-of-service standard for transportation; revises provisions relating to calculation of proportionate-share contribution; provides for applicability & calculation of proportionate fair-share mitigation; provides incentives for landowners or developers who contribute or pay proportionate fair-share mitigation; revises provisions relating to creation of transportation concurrency backlog authorities; requires local government to adopt transportation concurrency backlog areas as part of local comprehensive plan capital improvements element; revises preapplication procedures for developments of regional impact; requires that levels of service in transportation methodology be same as used to evaluate concurrency & proportionate-share contributions; provides for transportation mobility fee; requires DCA & DOT to coordinate mobility fees studies to develop methodology for mobility fee system; requires Secretaries of Community Affairs & Transportation to submit joint interim reports to Legislature; requires DCA to develop & submit to Legislature proposed amendments to ch. 9J-5, F.A.C., for incorporating mobility fee methodology...Effective Date: July 1, 2009

3/5/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Roads, Bridges & Ports Policy Committee; Economic Development & Community Affairs Policy Council; Full Appropriations Council on Education & Economic Development
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Military & Local Affairs Policy Committee

HB 1021 Relating to Department of Transportation

Aubuchon

Department of Transportation: Provides for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; provides for airports, land adjacent to airports, & certain interlocal agreements relating thereto in certain elements of plan; provides that provisions requiring continuation of tolls following discharge of bond indebtedness does not apply to high-occupancy toll or express lanes, etc. Effective Date: July 1, 2009

5/4/2009 HOUSE Ordered engrossed, then enrolled; Engrossed Text (E2) Filed
 5/6/2009 HOUSE Enrolled Text (ER) Filed
 5/15/2009 ----- Signed by Officers and presented to Governor (Governor must act by 05/30/09)

SB 1040 Relating to Affordable Housing

Bennett

Affordable Housing [WPSC]; Provides for the assessment of property receiving the low-income housing tax credit. Defines the term "community land trust." 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. Provides for the conveyance of such improvements and parcels subject to certain conditions, etc. EFFECTIVE DATE: 07/01/2009.

4/23/2009 SENATE Committee Substitute (C2) Text Filed; Now in Finance and Tax
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Finance and Tax

SB 1042 Relating to Affordable Housing

Bennett

Affordable Housing [WPSC]; 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. Authorizes the agencies that provide a local homeless assistance continuum of care to use homeless housing assistance grants, provided by the State Office of Homelessness within the DCFS, to acquire transitional or permanent housing units, etc. EFFECTIVE DATE: 07/01/2009.

4/21/2009 SENATE Committee Substitute (C2) Text Filed; Now in Policy & Steering Committee on Ways and Means
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Policy & Steering Committee on Ways and Means

SB 1212 Relating to Public Transit

Constantine

Public Transit [CPSC]; Provides definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the Department of Transportation. Revises the time period within which the department must revise the rail system plan and requires a report. Authorizes a county to impose a county surcharge upon the lease or rental of a motor vehicle licensed for hire, etc. EFFECTIVE DATE: Upon becoming law. 02/03/09 SENATE Filed

4/21/2009 SENATE Committee Substitute (C2) Text Filed; Reference to Policy & Steering Committee on Ways and Means removed; Placed on Calendar, on second reading
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died on Calendar

SB 1306 Relating to Growth Management

Bennett

Growth Management [EPSC]; Provides a definition for the terms "dense urban land area." Provides that a local government's comprehensive plan or plan amendments for land uses within a transportation concurrency exception area meets the level-of-service standards for transportation. Clarifies that each future land use category be defined in terms of uses included rather than numerical caps, etc. EFFECTIVE DATE: 07/01/2009.

4/20/2009 SENATE Not received by Finance and Tax Committee
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died pending reference review under Rule 4.7(2)

HB 1315 Relating to Construction of Electric Transmission Lines

Brisé

Construction of Electric Transmission Lines: Removes exceptions to requirements for electric utility to obtain certification prior to construction of transmission line; requires electric utility to notify affected municipalities of proposed transmission line sites & routes; requires disclosure of methods used to determine routes & efforts to minimize impact on municipality; authorizes municipality to request hearing by PSC to determine disputes with electric utility; authorizes municipality to bring action challenging transmission line siting; authorizes local governmental entity that requests electric transmission lines be placed underground to share underground installation costs with any surrounding governmental entity that benefits from installation. Effective Date: upon becoming a

law

3/17/2009 HOUSE Temporarily postponed by Energy & Utilities Policy Committee

5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration

5/8/2009 HOUSE Died in Energy & Utilities Policy Committee

- 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
2/10/2009 SENATE Withdrawn prior to introduction
- SB 1344 Relating to My Safe Florida Home Program** Bennett
My Safe Florida Home Program [CPSC]; Authorizes condominium unit owners to apply for program grants to retrofit their properties to make them less vulnerable to hurricane damage. Provides funding and additional legislative intent. EFFECTIVE DATE: 07/01/2009.
2/19/2009 SENATE Referred to Banking and Insurance; Regulated Industries; General Government Appropriations; Policy & Steering Committee on Ways and Means
5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
5/11/2009 SENATE Died in Committee on Banking and Insurance
- HB 1349 Relating to Environmental Protection** Patronis
Environmental Protection: Establishes date for specified information to be included in land management plans for conservation lands; revises timeframe for acquisition of specified county lands; revises provisions relating to Acquisition and Restoration Council; establishes dates for submission of certain reports & lists to Land Management Uniform Accounting Council; revises provisions for use of Florida Forever Trust Fund proceeds; revises legislative intent for distribution of funds from Florida Communities Trust; requires rule criteria amendment for awarding grants to public vessel access projects; clarifies title provisions for certain sovereignty lands; authorizes DEP & WMD to issue 50-yr permits for alternative water supply projects; provides presumption of compliance for certain permit applications for activities in surface waters & wetlands; requires DEP & third parties to prove noncompliance by preponderance of evidence in challenges of such permit applications; authorizes DEP & WMD to file complaints; prohibits certain professionals from specified certification; revises certain petition provisions for specified submerged lands; revises provisions for pollution control enforcement, procedures, & remedies; provides additional penalties for specified violations relating to drinking water contamination, wastewater permits, dredge or fill activities, stormwater management systems, mangrove trimming or alteration, solid waste, air emission, storage tank system & petroleum contamination, & contaminated site rehabilitation; revises provisions for administrative proceedings & penalties relating to pollution control violations; revises administrative penalty provisions for specified violators; provides exception from entitlement to specified marketable record title. Effective Date: July 1, 2009
4/20/2009 HOUSE Not considered by Full Appropriations Council on General Government & Health Care
5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
5/8/2009 HOUSE Died in Full Appropriations Council on General Government & Health Care
- HB 1361 Relating to Property Rights** Eisnaugle
Property Rights: Shortens notice period for certain actions; provides for state land planning agency to receive notice of claims; revises procedures for determining governmental entity's final decision identifying allowable uses for property; provides that enactment of law or adoption of regulation does not constitute applying law or regulation; provides factor that may be considered in determining whether inordinate burden has been imposed on real property; provides for waiver of sovereign immunity for liability; provides for prospective application. Effective Date: July 1, 2009
3/10/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Civil Justice & Courts Policy Committee; Economic Development & Community Affairs Policy Council; Finance & Tax Council
5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
5/8/2009 HOUSE Died in Military & Local Affairs Policy Committee
- SB 1450 Relating to Brownfields** Constantine
Brownfields [EPSC]; Deletes an obsolete date with respect to the establishment of rules governing the brownfield rehabilitation program. EFFECTIVE DATE: 07/01/2009.
2/19/2009 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations; Rules
5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
5/11/2009 SENATE Died in Committee on Environmental Preservation and Conservation

- HB 1451 Relating to Transportation** Ray
 Transportation: Revises provisions for transportation concurrency, developments of regional impact, failure to pay toll, window suncreening, weight limits for vehicles on highways, placement of & access to certain electrical transmission lines, Small County Road Assistance Program, Small County Outreach Program, Strategic Intermodal System, Statewide Intermodal Transportation Advisory Council; Tampa-Hillsborough County Expressway Authority, Wekiva Parkway, & powers, duties, & rules of DOT; authorizes counties to enter into agreements with private entities regarding toll facilities; provides for use of certain lands as environmental mitigation for road-construction-related impacts, construction aggregate materials mining, & disposal of personal property, aircraft, & motor vehicles found at public-use airports; designates "Drowsy Driving Prevention Week"; authorizes Northwest Florida Regional Transportation Planning Organization to conduct study on advancing funds for construction projects. Effective Date: July 1, 2009
 4/21/2009 HOUSE Committee Substitute (C2) Text Filed
 4/29/2009 HOUSE Placed on Calendar, on second reading
 4/30/2009 HOUSE Substituted for SB 0582; Laid on Table, Refer to SB 0582
- SB 1454 Relating to Wekiva River Protection Area** Constantine
 Wekiva River Protection Area [EPSC]; Deletes an obsolete date relating to the review of local comprehensive plans by counties within the protection area. EFFECTIVE DATE: 07/01/2009.
 2/19/2009 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations; Rules
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Environmental Preservation and Conservation
- HB 1477 Relating to Legally Required Advertisements and Public Notices by Governmental Entities** Zapata
 Legally Required Advertisements and Public Notices by Governmental Entities: Authorizes various governmental entities to publish or advertise legally required public notices & advertisements on publicly accessible website; defines "publicly accessible website"; provides conditions for utilization of publicly accessible website for such purposes; provides for optional receipt of legally required public notices & advertisements via first class mail; provides requirements for legally required advertisements & public notices published on publicly accessible website; provides that specified notice, advertisement, or publication on publicly accessible website constitutes legal notice; provides that advertisements directed by law or order or decree of court to be made in county in which no newspaper is published may be made by publication on publicly accessible website; provides clarifying & conforming language; reenacts various provisions of law to incorporate amendments to various statutes in act in references thereto. Effective Date: Not Specified
 3/25/2009 HOUSE Not discussed by Governmental Affairs Policy Committee
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Governmental Affairs Policy Committee
- SB 1556 Relating to Property Rights** Baker
 Property Rights [EPSC]; Shortens a notice period for certain actions. Provides for the state land planning agency to receive notice of claims. Revises procedures for determining a governmental entity's final decision identifying the allowable uses for a property. Provides that enactment of a law or adoption of a regulation does not constitute applying the law or regulation. Provides for a waiver of sovereign immunity for liability, etc. EFFECTIVE DATE: 07/01/2009.
 4/14/2009 SENATE Favorable by Community Affairs Committee; 10 Yeas, 0 Nays; Now in Judiciary
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Judiciary
- SB 1786 Relating to Comprehensive Plan Amendments** Fasano
 Comprehensive Plan Amendments [WPSC]; Establishes a transmittal fee for proposed comprehensive plan amendments sent to the state land planning agency. Provides an exception. Provides that a local government is not limited in passing along the fee associated with plan-amendment review to certain entities. Requires the state land planning agency to deposit all fees collected into the Operating Trust Fund within the DCA, etc. EFFECTIVE DATE: 07/01/2009.
 4/16/2009 SENATE Read Second Time; Read Third Time; Passed (Vote: 39 Yeas / 0 Nays); Immediately Certified; Requests House concur or failing to concur appoint conference committee; In House messages
 4/17/2009 HOUSE Received, referred to Calendar; Read Second Time; Amendment Adopted (608913); Read Third Time; Passed (Vote: 116 Yeas / 1 Nays); Immediately Certified; Requested Senate to concur or failing to concur, appoint conference committee; Senate Conference Committee appointed: Senators Alexander, Chair; Deutch, Vice Chair; Haridopolos, Altman, Lawson, At Large; Criminal & Civil Justice: Crist, Chair; Jones, Joyner, Villalobos, Wilson; Education Pre-K-12: Wise, Chair, Bullard, Detert, Garcia, Richter, Siplin; Finance & Tax: Altman, Chair; Bennett, Justice, Pruitt, Ring; General Government: Baker, Chair; Aronberg, Dean, Lawson, Oelrich; Health & Human Services: Peaden, Chair; Gaetz, Haridopolos, Rich, Sobel; Higher Education: Lynn, Chair; Constantine,

Deutch, Gelber, King; Trans & Econ Development: Fasano, Chair; Diaz de la Portilla, Dockery, Gardiner, Hill, Smith, Storms; House Conference Committee appointed Rivera, Llorente, Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Regan, Fitzgerald, Saunders, Skidmore, Adams, Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P., Hays, Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A., Ambler, Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renuart, Domino, Anderson, Schwartz, Hudson, Nehr, Pafford, Zapata, Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers, Poppell, Williams, T., Boyd, Bemby, Crisafulli, Fetterman, Mayfield, Plakon, Troutman, Flores, Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein, Proctor, Precourt, Heller, Burgin.; Dorworth, O'Toole, Patterson, Reed, Taylor, D., Weatherford, McKeel, Brise, Kelly, Thompson, G., Tobia, Glorioso, Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Thurston

5/11/2009 SENATE Died in Conference Committee

SB 2016 Relating to Environmental Permitting

Bennett

Environmental Permitting [EPSC]; Revises provisions requiring the DEP to develop and use a mechanism consolidating federal and state wetland permitting programs. Authorizes implementation of a state programmatic general permit or regional general permits by the DEP and water management districts for certain dredge and fill activities. Delays the effective date of a rule adding slash pine and gallberry to the list of facultative plants, etc. EFFECTIVE DATE: 07/01/2009.

4/23/2009 SENATE Withdrawn from Communications, Energy, and Public Utilities; Now in Agriculture

5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration

5/11/2009 SENATE Died in Committee on Agriculture

SB 2026 Relating to Regulatory Reform

Altman

Regulatory Reform [EPSC]; Provides an extension and renewal of certain permits, development orders, or other land use approvals. Provides for 50-year consumptive use permits in certain circumstances. Specifies that certain biofuel projects are eligible for expedited permitting. Clarifies the authority of local governments and state agencies to impose regulations on the taking of wild animal life and fresh water aquatic life, etc. EFFECTIVE DATE: Upon becoming law.

4/16/2009 HOUSE Committee Substitute (C2) Text Filed; Reference to Policy & Steering Committee on Ways and Means added; Reference to Transportation and Economic Development Appropriations removed; Remaining references: Commerce, Policy & Steering Committee on Ways and Means; Now in Commerce

5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration

5/11/2009 SENATE Died in Committee on Commerce

SB 2104 Relating to Environmental Protection

Constantine

Environmental Protection [EPSC]; Establishes a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements. Revises provisions relating to the disposition of surplus lands. Requires the DEP to provide notice of site rehabilitation to specified entities and certain property owners. Creates the "Florida Coral Reef Protection Act." Revises provisions of power plants using wind or solar energy, etc. EFFECTIVE DATE: 07/01/2009.

5/1/2009 SENATE Temporarily Postponed on Third Reading

5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration

5/11/2009 SENATE Died on Calendar

SB 2148 Relating to Growth Management

Bennett

Growth Management [EPSC]; Prohibits the members of the local governing body from serving on the local planning agency. Revises standards for the future land use plan in a local comprehensive plan. Requires certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding. Provides that certain projects or high-performance transit systems be considered as committed facilities, etc. EFFECTIVE DATE: 07/01/2009.

3/30/2009 SENATE Reference to Education Pre-K - 12 removed; Reference to Communications, Energy, and Public Utilities added; Remaining references: Transportation; Communications, Energy, and Public Utilities; Policy & Steering Committee on Ways and Means; Now in Transportation

5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration

5/11/2009 SENATE Died in Committee on Transportation

SB 2388 Relating to Surplus Lands Available for Affordable Housing

Gaetz

Surplus Lands Available for Affordable Housing [EPSC]; Provides that a county or municipality failing to complete and update the inventory of all real property held by the county or municipality which is appropriate for affordable housing is ineligible to receive any state funding for affordable housing. Requires each district school board to certify to the Commissioner of Education its completion of a list of surplus real property, etc. EFFECTIVE DATE: 07/01/2009.

3/10/2009 SENATE Referred to Community Affairs; Education Pre-K - 12; General Government

5/6/2009 Appropriations; Policy & Steering Committee on Ways and Means
 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Community Affairs

SB 2424 Relating to Water Supply

Justice

Water Supply [EPSC]; Creates provisions relating to water supply policy, planning, production, and funding. Provides for the powers and duties of water management district governing boards. Requires the DEP to develop the Florida water supply plan. Requires WMDs to fund and implement water resource development. Encourages municipalities, counties, and special districts to create regional water supply authorities, etc. EFFECTIVE DATE: 07/01/2009.

3/12/2009 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; General Government Appropriations
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Environmental Preservation and Conservation

SB 2530 Relating to Water Resources

Baker

Water Resources [EPSC]; Revises the definition of Florida-friendly landscaping. Revises eligibility criteria for certain incentive programs of the water management districts. Provides that certain regulations prohibiting the implementation of said landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited. Requires WMDs to implement said landscaping practices on specified properties, etc. EFFECTIVE DATE: 07/01/2009.

4/16/2009 SENATE Now in Governmental Oversight and Accountability
 5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration
 5/11/2009 SENATE Died in Committee on Governmental Oversight and Accountability

SB 2572 Relating to Rural Agricultural Industrial Centers

Dean

Rural Agricultural Industrial Centers [EPSC]; Authorizes landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes. Clarifies that any land area that is not designated as a rural area of critical economic concern does not hold any of the rights or benefits derived from such designation, etc. EFFECTIVE DATE: 07/01/2009.

4/23/2009 SENATE Placed on Special Order Calendar for 04/27/09
 4/27/2009 SENATE Placed on Special Order Calendar for 04/28/09
 4/28/2009 SENATE Read Second Time; Amendment Adopted (465582); Substituted for HB 7053; Laid on Table, Refer to HB 7053

HB 7009 Relating to Public Transit

Economic Development & Community Affairs Policy Council

Public Transit: Provides definitions relating to commuter rail service, rail corridors, & railroad operation for purposes of rail program within DOT; revises time period within which department must update rail system plan; requires status report to Legislature to accompany plan; provides additional duties for DOT relating to regional rail system plan; authorizes department to assume certain liability on rail corridor; authorizes department to indemnify & hold harmless freight rail operator when department acquires rail corridor from freight rail operator; provides for allocation of risk; authorizes DOT to purchase & provide insurance in relation to rail corridors; authorizes marketing & promotional expenses; extends provisions to other governmental entities providing commuter rail service on public right-of-way. Effective Date: July 1, 2009

3/4/2009 HOUSE Filed (formerly PCB EDCA1)
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died, Reference Deferred

HB 7049 Relating to Community Affairs

Military & Local Affairs Policy Committee

Community Affairs: Creates Office of Emergency Management within EOG; creates additional divisions of DOS; revises requirements for adopting amendments to capital improvements element of local comprehensive plans & for public school facilities element implementing school concurrency program; revises concurrency requirements; authorizes local governments to establish transportation concurrency exemption areas; revises transportation concurrency requirements for developments of regional impact, proportionate-share contribution & mitigation requirements, school concurrency requirements, & adoption of impact fees; requires charter schools to be considered as mitigation option; prohibits establishment of specified local security standards; authorizes local governments to use streamlined review process for comprehensive plan amendments or amendment packages; provides for alternative state review processes for local comprehensive plan amendments; provides for exemptions from state review of comprehensive plans; provides for replacing transportation concurrency system with mobility fee system; requires DOT to establish approved transportation methodology for assessing traffic impacts of developments; provides for extending certain permits, orders, or applications; transfers DCA to DOS & EOG. Effective Date: July 1, 2009

3/17/2009 HOUSE Referred to Economic Development & Community Affairs Policy Council
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died in Economic Development & Community Affairs Policy Council

- HB 7053 Relating to Rural Agricultural Industrial Centers** Agriculture Committee
 Rural Agricultural Industrial Centers: Authorizes landowners within rural agricultural industrial center to apply for amendment to local government comprehensive plan for specified purposes; provides amendment requirements; requires local government to transmit application to state land planning agency for review within specified period after receiving such application; provides that such amendments are presumed consistent with FAC; provides for rebuttal of presumption; specifies nonapplication to optional sector plans, rural land stewardship areas, & plan amendments that include inland port terminal or affiliated port development; provides construction. Effective Date: July 1, 2009
 4/28/2009 SENATE Withdrawn from Agriculture; Community Affairs; Commerce; Transportation and Economic Development Appropriations Substituted for SB 2572; Read Second Time
 4/29/2009 SENATE Read Third Time; Passed (Vote: 38 Yeas / 0 Nays); House Ordered Enrolled
 5/7/2009 HOUSE Enrolled Text (ER) Filed
- HB 7111 Relating to Department of Community Affairs** Nehr
 Department of Community Affairs: Creates Office of Emergency Management within EOG; creates Division of Housing & Community Development, including Office of Urban Opportunity, & Division of State & Community Planning within DOS; provides for type two transfers of Division of Housing & Community Development & Division of Community Planning from DCA to DOS; provides for type two transfer of Division of Emergency Management from DCA to EOG; provides type two transfer of civil legal assistance program from DCA to DLA; provides for type two transfers of manufactured building program & Florida Building Commission, including oversight of Florida Americans With Disabilities Accessibility Implementation Act & Florida Building Code, from DCA to DBPR; requires Division of Statutory Revision of Office of Legislative Services to provide assistance in conforming Florida Statutes to changes made by act; directs Secretary of State to make specified evaluations & provide recommendations to Governor & Legislature; provides legislative intent relating to act. Effective Date: July 1, 2009
 3/31/2009 HOUSE Filed (formerly PCB GAAC4)
 5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration
 5/8/2009 HOUSE Died, Reference Deferred
- HB 7127 Relating to Growth Management** Economic Development & Community Affairs Policy Council
 Growth Management: Revises requirements for adopting amendments to capital improvements element, future land-use plan elements, intergovernmental coordination elements, & public school facilities element implementing school concurrency program of local comprehensive plans; revises concurrency requirements; revises legislative findings relating to transportation concurrency exception areas; provides for applicability of transportation concurrency exception areas; provides that designation of transportation concurrency exception area does not limit specified local government's home rule powers; requires charter schools to be considered as mitigation option; prohibits establishment of specified local security standards; makes permanent & applies statewide alternative state review process for comprehensive plan amendments or amendment packages; expands number of local governments eligible to adopt optional sector plans into comprehensive plans; provides that specified counties & municipalities are certified under local government comprehensive planning certification program; provides for exemptions from state review of comprehensive plans; provides for replacing transportation concurrency system with mobility fee system; provides for extending certain permits, orders, or applications. Effective Date: upon becoming a law
 4/15/2009 HOUSE Referred to Calendar; Placed on Calendar, on second reading
 4/21/2009 HOUSE Placed on Special Order Calendar for 04/23/09
 4/23/2009 HOUSE Read Second Time; Substituted for SB 0360; Laid on Table, Refer to SB 0360
- HB 7133 Relating to Alternative Energy and Energy Efficiency** Kreegel
 Alternative Energy and Energy Efficiency: Provides that specified biofuel, bioenergy, & renewable energy activities constitute valid industrial, agricultural, or silvicultural use; provides exemption from local comprehensive land use plans, local zoning regulations, & requirements for plan amendments, special exemption, use permit, waiver, or variance; limits certain fees imposed by local governments; requires specified agricultural properties to be assessed separately; conforms renewable energy technologies investment tax credit references; includes biodiesel in definition of "renewable energy"; defines "combined heat and power system" & includes such provisions in definitions for "renewable energy" & "renewable energy credit"; authorizes 25-year consumptive use permits for production of renewable energy; removes solar electrical generating facilities from definition of "electrical power plant"; provides expedited review permit applications & local comprehensive plan amendments for specified renewable energy projects; establishes regional

permit action teams through execution of memoranda of agreement developed by permit applicants & OTTED; provides for appeal & challenge of expedited permit or comprehensive plan amendments; revises provisions for review of certain proposed sites; specifies expedited review for certain electrical power projects; provides inspection fee for specified alternative fuels; requires FECC to prepare specified report on energy efficiency. Effective Date: July 1, 2009

4/7/2009 HOUSE Filed (formerly PCB EUP3)

5/1/2009 HOUSE Indefinitely postponed and withdrawn from consideration

5/8/2009 HOUSE Died, Reference Deferred

HB 7143 Relating to Regulatory Reform

Agriculture & Natural Resources
Policy Committee

Regulatory Reform: Extends certain construction, operating, & building permits & development orders for specified period of time; provides for certain electronic notice; revises provisions relating to licensing under APA; prohibits municipalities & counties from requiring certain permits or approval for development permits; requires DEP to request additional information for coastal construction permit applications; provides requirements for deposition of dredged materials on state-owned submerged lands; authorizes placement of roofs on specified docks; directs DEP to expand use of Internet-based self-certification for certain exemptions & general permits; requires WMD governing board to delegate to executive director authority to approve certain permits or grant variances or waivers of permitting requirements; authorizes 50-year consumptive use permits for certain alternative water supply development projects; exempts certain public use facilities from permitting requirements; provides for issuance of general permits to counties for certain environmental restoration projects; restricts authority of DEP & WMD to regulate certain activities relating to local pollution control programs; prohibits regulation of wild animal life, fresh water aquatic life, or marine fish by governmental entities without FWCC authorization; authorizes DEP to adopt rules for approval of certain docking facilities & to maintain list of certain projects or activities; exempts replacement or repair of docks from permitting requirements; reassigns authority to approve expedited permitting & comprehensive plan amendments from OTTED to DEP Secretary; provides expedited review for specified biofuel & renewable energy projects; revises provisions for establishment of regional permit action teams, appeal of certain local government approvals, & certain challenges to state agency action. Effective Date: July 1, 2009

4/27/2009 HOUSE Engrossed Text (E1) Filed; Read Third Time; Amendments Adopted (553383, 557351, 417947, 948123, 680311, 102199); Passed (Vote: 117 Yeas / 0 Nays); Ordered engrossed; Engrossed Text (E2) Filed; In Senate Messages

5/6/2009 SENATE Indefinitely postponed and withdrawn from consideration

5/11/2009 SENATE Died in Messages

**2009 LEGISLATIVE
SUMMARY BY
FLORIDA
CHAMBER**

2009 LEGISLATIVE SUMMARY- Florida Chamber of Commerce Monday, May 11, 2009

Tough Choices Made to Accelerate Economy and Create Jobs

During the 2009 Legislative Session, the Florida Chamber of Commerce and its partners successfully defended Florida's employers from multiple attacks in a difficult budget year, including attempts to raise taxes on businesses, increase mandates and halt economic growth.

May 1 marked the 60th day and official end of the 2009 Regular Legislative Session; however, the Florida Legislature extended for an additional week in order to pass the budget. Legislators were faced with tough choices this year, as the \$66.5 billion budget contained a \$6 billion deficit, though legislators used \$5.3 billion in federal stimulus dollars this year. In this unusually sparse session, the Florida Legislature passed only 238 of the 2369 bills filed, down from the typical average of 400 bills passed.

Florida's employers saw significant legislative success this year with the passage of workers' compensation reform, increased investment in higher education to create a talented workforce, property tax relief and substantial growth management reform. The Florida Chamber fought against the anti-jobs agenda of the plaintiffs' trial lawyers, unions and no growth groups to advance your pro-jobs priorities.

Chamber members Win in Fight Over Lower Workers' Compensation Costs

The Florida Legislature passed a bill supported by the Florida Chamber and our partners to restore a cap on attorneys' fees in workers' compensation cases. Lowering workers' compensation insurance costs has remained a top priority of Florida's employers this year, as Florida's employers cannot be burdened with additional costs due to insurance increases during this time.

Susan Story, chair of The Florida Council of 100, Allan Bense, vice chair of Enterprise Florida and Marshall Criser, Florida Chamber Board Chair, present economic development recommendations to the Senate.

Despite the aggressive lobby effort of the plaintiffs' trial attorneys, the Florida Chamber and our partners were successful in the fight for passage of this bill. This is a strong victory for the business community during a tough legislative session, and we will continue to champion the need for less burdensome regulations on business owners.

Property Tax Reform Passes in Final Hours

During the final hours of session, the Florida Legislature voted to approve critically needed property tax reform, securing a major victory for Florida's business owners and taxpayers. The Florida Chamber believes Florida's taxpayers deserve a level playing field in property tax challenges and lowering the burden of proof will directly benefit Florida's employers.

Before the passage of this legislation, a property appraiser determined the value on your property, and that value is presumed correct unless the taxpayer shows by "clear and convincing evidence" that the property appraiser is wrong. These reforms retain the property appraiser's presumption but lowers the burden of proof on taxpayers to overcome this presumption and win their case to a "preponderance of the evidence."

Lowering the burden of proof from "clear and convincing evidence" to a "preponderance of the evidence" restores balance to a broken system and ensures fairness for both the taxpayer and the property appraiser.

Corporate Income Tax Increases Defeated

In another victory for the Florida Chamber, attempts to increase corporate income taxes were successfully halted in the Florida Legislature. These bills, which were defeated in the Florida Senate, contained numerous provisions affecting the tax base, the apportionment formula and filing requirements for corporate income taxpayers.

The legislation required an "add-back" to Florida taxable income of any expenses attributable to non-business income allocated to another state in both the current year and the two prior years. The measures adopted a "throw-out" rule whereby certain sales that are assigned to another state but not taxed there are excluded from the Florida sales factor used to apportion income to Florida for taxation.

This was not the time to add additional tax burdens on Florida's employers, and the Florida Chamber applauds the Florida Legislature for recognizing the harm this bill could cause to Florida's employers. We thank our partners and grassroots members for their work in defeating this legislation.

Higher Education Bill Passed and Sent to Governor

The Legislature passed a Florida Chamber-supported higher education initiative this session, further moving Florida toward a talent-based economy. This bill will attract high-wage, high-skilled jobs with a long-term focus to Florida and now goes to Gov. Charlie Crist.

This bill sets the foundation for necessary investment in higher education, as it allows all eleven state universities to utilize differential tuition, which permits schools to gradually bring tuition up to the national average. Florida has among the lowest tuition rates in the nation, causing a severe drain on talented professors, fewer course offerings and reduced value of Florida degrees.

Investing in a quality higher education system in our state is the best economic development tool we can provide for future generations. We applaud the Florida Legislature for passing this good bill and look forward to seeing Governor Crist sign the bill in the coming days.

Victory for Employers with Corporate Income Tax Glitch Passage

We are pleased to report that the first bill approved by the Florida Legislature in the 2009 session was SB 1112, the Corporate Income Tax Glitch bill, which fixes the bonus depreciation problem unintentionally created by last year's "piggyback" bill.

The fix reverses a measure that deprives corporate income taxpayers' of certain benefits, specifically depreciation deductions, which they enjoyed prior to 2008. The bill passed 116 to 0 in the House and 39 to 1 in the Senate, and was signed by Governor Crist.

This success is due to Chamber members who took the time to provide technical assistance and political support on this bill, and to our partners in the business community, particularly Associated Industries of Florida, Florida Retail Federation and Florida TaxWatch.

Sweeping Growth Management Reform Passes

The Florida Legislature passed sweeping growth management reform in the final hours of Session in a strong win for the Florida Chamber and Florida's economic recovery. This bill was the product of extensive negotiations and agreement between the House, Senate, and Governor's Office, and is designed to provide short-term economic stimulus and long-term reform to keep Florida's economy on the right track.

This package of legislation will encourage urban infill by eliminating transportation concurrency and development of regional impact process (DRIs) in urban areas as well as allowing for expedited comprehensive plan reviews. The bill will also extend previously obtained permits and approvals by 2 years, create a transition process for moving towards a mobility fee system, and streamline and reduce inefficiency in our approach to growth management.

The Florida Chamber and our partners commend the Florida Legislature on this bold action that will benefit all Floridians. We are hopeful that Governor Crist will sign this legislation in the coming weeks.

Property Insurance Reform Passes

This session, the Florida Legislature passed key property insurance reform following a lengthy discussion and deliberation. The legislation is a good first step, and is a scaled-down version of original Chamber-supported property insurance reform. We will continue to fight for future reforms to Florida's broken property insurance system.

Florida's employers and citizens need predictability in the property insurance costs they pay. Assessments and potential assessments from overexposed state-run insurers continue to threaten the future stability of the market. We commend bill sponsor Sen. Garrett Richter and Rep. Bryan Nelson for his work on this bill and will continue fighting for lower insurance costs and solvency in the property insurance system in the future.

Workforce Training Grants Funded by House in Success for Business

The Florida Legislature successfully invested in future economic development when it directed \$3.3 million directed to Quick Response Training grants during budget negotiations. These grants are for new and expanding businesses to offset expenses and provide customized skills training for newly created jobs. The grants are a popular resource for businesses that must remain competitive to survive and thrive in the 21st Century economy.

For 16 years, QRT grants have helped companies in Florida that create new jobs to maintain a well-trained workforce. The Florida Chamber and our partners are extremely pleased by this development. More than \$59 million in grants were awarded to businesses to train nearly 67,000 employees from 2000 to 2008. At a time when creating jobs is so critical to our economy, Florida employers could not afford to lose such a valuable component of the state's economic development tool kit.

The Florida Chamber was happy to work with many of our partners in this effort, including Workforce Florida, Enterprise Florida and the Florida Economic Development Council.

Transportation Trust Fund Spared Major Loss in Redirection

Despite attempts to raid over \$400 million from the State Transportation Trust Fund (STTF) the Florida Chamber and our partners succeeded in having only \$100 million redirected. The funds in the State Transportation Trust Fund have been collected from gas taxes over the years for the purpose of funding needed transportation projects, which have been proven to create jobs and deliver long-term economic

stimulus. Research has shown that for every \$1 dedicated to transportation projects, Floridians receive nearly \$6 in generated revenue, and Florida cannot afford to deny these funds at this critical point.

The Florida Chamber and our partners, including Floridians for Better Transportation and the Florida Transportation Builders Association, were among the strongest advocates against the sweep of our precious Transportation Trust Fund.

SunRail Proposal Defeated in Senate

SunRail was defeated on the Senate floor late on Friday following a heated debate and months of intense media coverage. Thirteen Republicans sided with 10 Democrats to defeat this key transportation and economic development project which was supported by the Florida Chamber. This bill would have provided needed economic stimulus and created jobs throughout the state, and we are disappointed to see its defeat in the Florida Senate.

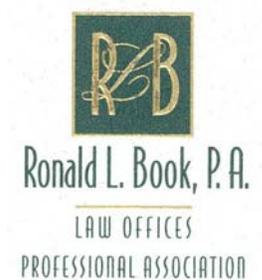
Senate Bill 1212 was sponsored by Sen. Lee Constantine and would have created a 61-mile commuter rail system stretching from Volusia County to Osceola County, carrying commuters in and out of downtown Orlando. Previous economic analyses show that SunRail could have created an additional 260,000 jobs and provided \$8.8 billion in positive economic impact to the State of Florida. The Florida Chamber would like to thank Jacob Stuart of the Central Florida Partnership for his tireless efforts and advocacy.

**FRCA 2009
LEGISLATIVE
FINAL REPORT**

Florida Legislature

2009 Regular Session Final Report

Growth Management, Water and Natural Resources



END OF SESSION LEGISLATIVE REPORT
2009 REGULAR LEGISLATIVE SESSION

TABLE OF CONTENTS

Introduction.....	2
Appropriations	
SB 2600 - General Appropriations Act.....	3
Substantive Legislation	
HB 0029 - Unlawful Use of Utility Services.....	3
HB 0073 - Expedited Permitting for Economic Development Projects.....	4
HB 0127 - Enterprise Zones.....	4
HB 0227 - Impact Fees.....	4
SB 0360 - Growth Management.....	5
HB 0485 - Fast Track Economic Stimulus for Small Businesses.....	16
SB 0494 - Water Conservation.....	16
HB 0707 - Management of Wastewater.....	17
SB 0712 - Special Districts / Commodities / Contractual Services.....	18
HB 0821 - Community Development Districts.....	18
HB 1021 - Department of Transportation.....	19
SB 1078 - Water Management Districts / Limitation of Liability.....	20
HB 1205 - Charter County Transit System Surtax.....	21
HB 1423 - Relating to Fish and Wildlife Conservation Commission.....	21
HB 2080 - Relating to Water Resources.....	23
SB 7031- Economic Development.....	24
HB 7053 - Rural Agricultural Industrial Centers.....	25
HB 7157 - Real Property Used for Conservation Purposes.....	26

INTRODUCTION

As we have reported throughout the 2009 Special and Regular Sessions, this has been a difficult year for the Legislature in dealing with the downturn in Florida's economy and the resulting shortfalls in revenue. Although program funding was significantly reduced or, in many cases, eliminated, we are pleased to report successes with many of our legislative priorities.

The Regular Session will most probably be remembered for its fast-paced beginning and for what ultimately was withdrawn from consideration. Against the backdrop of landmark national elections and a need to stimulate the economy, the Florida Senate moved aggressively to eliminate perceived impediments to economic recovery, specifically focusing on environmental and growth management regulations. Several hearings were scheduled early in the Session, and legislation was proposed that would expedite the review and approval of land development activities throughout the state. After being inundated with opposing views, however, both chambers appeared to slow their pace, eventually adopting less comprehensive changes in the final week of Session (*See SB 360, infra*).

There were early fireworks in the environmental arena as well, as the South Florida Water Management District's proposed acquisition of U.S. Sugar Corporation's lands south of Lake Okeechobee for an estimated \$1.2 billion dollars garnered significant media attention and criticism. This attention caused the Legislature to focus on the use of public funds by state agencies, and the tenor that was set may have contributed to the defeat of the highly controversial DOT purchase of approximately 61 miles of rail in Central Florida for a commuter train known as "SunRail."

A substantial portion of the Session was dedicated to the debate over whether to tap controversial sources of revenue, including: taxes on bottled water and cigarettes; a gaming compact with the Seminole Tribe of Indians; increased tipping fees on solid waste; eliminating sales tax exemptions, and even a late proposal to permit natural gas and oil exploration off the Florida coast.

In sum, 2,369 bills were filed, with only 271 being passed by the full Legislature. Of these, 235 are general bills and 27 are local bills. In addition, there were 4 concurrent resolutions, 3 joint resolutions, and 2 memorials that passed both chambers. This was the smallest number of bills passed in over ten years. According to press reports, an average of 422 bills passed between 1998 and 2008.

Recognizing the hard work of our team of colleagues, we present this End of Session Report with summaries of the enrolled bills on which Ronald L. Book, P.A. and The WREN Group focused its attention. For additional information on any of these bills, please contact Ronald L. Book, P.A. at 305/935-1866 and the WREN Group at 866/500-9736.

NOTE: This report provides the House and Senate bills in numeric order. The Governor has not taken action on these bills yet; some may be vetoed. If you wish to read any of the legislation, visit the Legislature's Online Sunshine website at www.leg.state.fl.us and refer to the "enrolled" version of the bill, which is the final version incorporating all amendments

APPROPRIATIONS

SB 2600 – General Appropriations Act

As the Regular Session approached its closing, the differences in fiscal philosophy led to vastly different proposals in both chambers on how to balance the record \$6 billion shortfall in revenues. The Senate budget relied heavily on new revenue sources, while the House proposed deeper cuts to state programs. This conflict resulted in a one-week extension of the Regular Session. In the end, the Legislature approved a \$66,536,360,098 budget, which included \$25,130,871,697 in pass-through federal funding and local aid.

Environmental and natural resources were among the hardest hit by the cutbacks, with several programs being eliminated entirely from this year's budget. Below is a summary of funding levels for some of these programs.

	<u>SB 2600</u>	<u>Avg. Historic Level</u>
Florida Forever	0	300,000,000
Everglades Restoration	50,000,000	100,000,000
Local Water Projects	0	100,000,000
Drinking Water Revolving Loans	*89,474,000	63,000,000
Wastewater and Stormwater Revolving Loans	*163,386,374	90,000,000
Invasive Plat Control	26,290,647	38,000,000
Beach Restoration	15,000,000	32,000,000
Underground Petroleum Tank Clean-up	90,000,000	130,000,000

* Includes significant federal stimulus dollars.

The General Appropriations Act includes critical funding for the Regional Planning Councils at \$2.5 million. The WREN Group and Ronald L. Book, P.A. were extremely focused throughout the entire session on the RPC funding item. In the budget, the \$2.5 million in funding is a significant increase over the Governor's recommendation. We have also secured commitments from legislative leadership to work during the interim and coordinate efforts on finding a dedicated revenue source for the RPCs for next session.

SUBSTANTIVE LEGISLATION

HB 0029 - Unlawful Use of Utility Services

This bill adds a first degree misdemeanor offense (amended from a third degree felony) to § 812.14, for the theft of utility services which facilitates the manufacture of controlled substances, and for a property owner who leases a property to a tenant or occupant whom they know or should have reasonably known is using utility services for such purpose. The bill also provides a list of factors that constitute *prima facie* evidence of a person's intent to commit theft of utility services for such purpose.

Effective Date: October 1, 2009

HB 0073 - Expedited Permitting for Economic Development Projects

This bill requires the Department of Environmental Protection (DEP) and the water management districts to adopt programs that create a 45-day expedited process for wetland resource and environmental resource permits associated with businesses identified by municipalities or counties as target industry businesses. Projects requiring approval by the Board of Trustees of the Internal Improvement Trust Fund are exempt.

The bill requires a mandatory pre-application review process to reduce permitting conflicts by providing guidance regarding permits needed, site planning and development, site limitations, facility design, and steps the applicant may take to ensure expeditious permit application review. Permit applications for projects in a charter county with a population of 1.2 million or more which has entered into a delegation agreement with the DEP or water management district are eligible for expedited permitting only upon designation by resolution of the charter county's governing board.

Effective Date: July 1, 2009

HB 0127 – Enterprise Zones

This bill creates an opportunity for the city of Ocala to apply for and receive an enterprise zone designation. The proposed enterprise zone may be located in Ocala's west end and be up to 5 square miles in size. Ocala is directed to file its enterprise zone application with the Office of Tourism, Trade and Economic Development (OTTED) by December 31, 2009.

Effective Date: January 1, 2010

HB 0227 – Impact Fees

This bill changes the burden of proof when considering challenges to impact fee ordinances. Under current law, the courts will uphold an ordinance adopted by a local government against a person challenging the adoption of the ordinance if there is any "fairly debatable" cause for upholding the ordinance – a difficult standard to overcome.

This bill requires that, should any person challenge an impact fee, the government entity that enacted the ordinance must show by "a preponderance of the evidence" that the imposition or amount of the fee meets the requirements of legal precedent or law. This bill also provides that the court may not use a deferential standard of review.

The full Senate amended the bill to remove the House prohibition on increasing impact fees except when pledged to the retirement of debt.

Effective Date: July 1, 2009

SB 0360 - Growth Management

This bill is the major growth management legislation passed during the session. The 82-page bill is entitled the “Community Renewal Act.” Major elements of the bill (grouped roughly by topic, not necessarily as they appear by section in the bill) include:

New Definitions of “Urban Service Area” and “Dense Urban Land Area”

- The bill revises the definition in § 163.3163(2) of an “existing urban service area” and changes the definition to “urban service area.” The new definition requires urban service areas to include central water and sewer capacity (as opposed to “sewage treatment systems presently in statute”) and roads already in place or committed in the first 3 years of the capital improvement schedule. The new definition also deletes the existing requirement for schools and recreation areas. The new definition also ties in with the “dense urban land areas” defined by the bill (for more about that definition see below), and would establish that for counties that qualify as dense urban land areas, “the non-rural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009 are also urban service areas.”
- The bill defines “dense urban land area” as:
 - (a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
 - (b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or
 - (c) A county, including the municipalities located therein, which has a population of at least 1 million.
- The Office of Economic and Demographic Research (EDR) within the Legislature is required to “annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to § 186.901.”
- If any local government has had an annexation, contraction, or new incorporation, EDR is to determine the population density using the new jurisdictional boundaries as recorded in accordance with §. 171.091.
- EDR is required to submit to the state land planning agency (the Department of Community Affairs – DCA) a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter, and DCA is required to publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the DCA’s Internet website.

School Concurrency

- The bill authorizes DCA to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed 10 percent, when the projected 10-year capital outlay full-time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100 percent limitation.
- The bill eliminates the current penalty of a local government not being able to amend its comprehensive plan to increase residential density if it has not entered into an approved interlocal agreement or adopted comprehensive plan amendments needed to implement school concurrency. The bill also allows DCA to issue a notice to the school board and local government to show cause why sanctions should not be imposed for failing to properly comply with school concurrency requirements, and if DCA finds insufficient cause for failure to comply, DCA may submit a finding to the Administration Commission, which may impose sanctions on the local government and school board.
- The bill allows charter schools to be considered as appropriate mitigation for development, and for purposes of determining whether LOS has been achieved, for the first three years of school concurrency determination, a school district that includes relocatable facilities in its inventory of student stations is required to include the capacity of the relocatable facilities, provided they were purchased after 1998 and they meet the standards for long-term use pursuant to statute.

Transportation Concurrency

- The bill contains legislative findings that in urban centers transportation cannot be effectively managed solely through the expansion of roadway capacity.
- The bill establishes transportation concurrency exception areas (TCEAs) for locations meeting the following characteristics:
 - a. A municipality that qualifies as a dense urban land area under § 163.3164;
 - b. An urban service area under § 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under § 163.3164; and
 - c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under § 163.3164, but does not have an urban service area designated in the local comprehensive plan.
- The bill allows a municipality that does not qualify as a dense urban land area pursuant to § 163.3164 to designate as TCEAs in its comprehensive plan:
 - Urban infill areas as defined in § 163.3164;
 - Community redevelopment areas as defined in § 163.340;
 - Downtown revitalization areas as defined in § 163.3164;
 - Urban infill and redevelopment under § 163.2517; or

- Urban service areas as defined in § 163.3164 or areas within a designated urban service boundary under §163.3177(14).
- The bill also allows a county that does not qualify as a dense urban land area pursuant to § 163.3164 to designate as TCEAs in its local comprehensive plan the following:
 - Urban infill areas as defined in § 163.3164;
 - Urban infill and redevelopment areas under § 163.2517;
 - Urban service areas as defined in § 163.3164.
- A local government that has a statutorily designated TCEA or designates one pursuant to the procedures set forth in the bill would be required, within 2 years after the designated area becomes exempt, to adopt into the local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. If DCA finds insufficient cause for the failure to adopt transportation and land use strategies to support and fund mobility within the designated exception area after 2 years, they are to submit the finding to the Administration Commission, which may impose sanctions on the local government.
- The bill encourages local governments to adopt complementary land use and transportation strategies that reflect the region’s shared vision for its future.
- The bill contains exceptions to the statutorily-designated TCEAS for:
 - Areas established as transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district; and
 - Any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.
- The bill also leaves intact the existing provisions of law allowing local governments to designate TCEAs for areas not statutorily designated in the bill, and clarifies that urban infill, urban redevelopment, urban service, or downtown revitalization or areas designated as urban infill and redevelopment areas which pose only special part-time demands on the transportation system are exempt from concurrency requirements for transportation facilities.
- The bill eliminates an existing requirement that a local government establish guidelines in the comprehensive plan for granting exceptions to transportation concurrency, and requires that a local government must both adopt into the comprehensive plan and implement long-term strategies to support and fund mobility within TCEAs, and requires that plan amendments designating TCEAs must be accompanied by data and analysis supporting the determination of the boundaries of the TCEA.
- Current law requires that before designating a TCEA, the local government must consult with the DCA and the Department of Transportation (DOT) regarding the impact of the TCEA on level-of-service (LOS) standards on the Strategic Intermodal System (SIS); the bill would also require a review of the effect on regional transportation facilities identified pursuant to § 186.507, and additional new language would require the local government to provide a plan to mitigate impacts to the SIS, including, if appropriate, access management, parallel reliever roads, transportation demand management, and

- The bill contains language making it clear that the “designation of a transportation concurrency exception area does not limit a local government’s home rule power to adopt ordinances or impose fees,” and that the language in the bill “does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in § 380.06(29)(e).”
- The bill modifies § 163.3177(3)(f) and establishes that a local government’s comprehensive plan and plan amendments for land uses within all TCEAs (which are statutorily expanded in the bill- see below) that are designated and maintained in accordance with § 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.
- The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report to the President of the Senate and Speaker of the House by February 1, 2015 regarding the TCEAs created by the bill. The report must address, at a minimum, the methods local governments have used to implement and fund transportation strategies, the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.
- If the Office of Tourism, Trade, and Economic Development (OTTED) concurs in writing with the local government that a proposed development is for a qualified job creation project under §§ 288.0656 or 403.973, after consulting with DOT, the local government may provide a waiver for transportation concurrency with regard to SIS facilities that are not within TCEAs.

Impact Fees and Security Camera Standards

- The bill authorizes a county or municipality to decrease, suspend or eliminate an impact fee without waiting the 90 day notice period that applies to a new or increased impact fee.
- The bill creates a new § 163.31802, which prohibits a county, municipality, or other entity of local government from adopting or maintaining standards for security cameras that “require a lawful business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law.” The bill also states that the restriction is not to be construed as limiting “the ability of a county, municipality, airport, seaport, or other local governmental entity to adopt standards for security cameras in publicly operated facilities, including standards for private businesses operating within such public facilities pursuant to a lease or other contractual arrangement.”

Comprehensive Plan Amendment Process, Procedures, and Other Provisions

- The bill exempts changes to the urban service area from the twice-a-year restriction on plan amendments.
- The bill would require, at the request of an applicant, a local government to simultaneously consider an application for zoning changes required to properly enact a proposed plan amendment transmitted pursuant to § 163.3184(3), and states that zoning

- The bill keeps the alternative state review program in § 163.32465 as a pilot program, but allows jurisdictions to use the process to designate an urban service area.
- The bill requires changes to municipal boundaries through annexation or contraction to be submitted to EDR along with a statement specifying the population census effect and the affected land area.
- The bill modifies § 163.3177(3)(b)1. to move back the requirement that the annual update to the capital improvements element (CIE) of the comprehensive plan comply with the financial feasibility requirement until December 1, 2011, from the existing requirement of December 1, 2008.
- With regard to intergovernmental coordination and dispute resolution, § 163.3177(h)1.c., presently authorizes local governments to include in the intergovernmental coordination element (ICE) a voluntary dispute resolution process. The bill changes that statute to require that the element include the dispute resolution process adopted pursuant to § 186.509 for bringing to closure intergovernmental disputes. The bill also modifies § 186.509, which currently requires voluntary mediation, to require mandatory mediation, or a similar process to resolve disputes.
- The bill also contains a finding that the act fulfills an important state interest.

Developments of Regional Impact

- For developments of regional impact (DRIs), the bill requires, during the preapplication procedures, that the LOS required in the transportation methodology is to be the same LOS used to evaluate concurrency in accordance with § 163.3180.
- The bill establishes a DRI exemption for DRIs including a landowner, tenant or other user that has entered into a funding agreement with OTTED under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.
- The bill establishes DRI exemptions (subject to some limitations; *see* below) for the following:
 - a. Any proposed development in a municipality that qualifies as a dense urban land area as defined in the bill;
 - b. Any proposed development within a county that qualifies as a dense urban land area and that is located within an urban service area defined in § 163.3164 which has been adopted into the comprehensive plan; or
 - c. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under § 163.3164, but which does not have an urban service area designated in the comprehensive plan.
- If a municipality that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the DRI process:
 - Urban infill as defined in § 163.3164;
 - Community redevelopment areas as defined in § 163.340;
 - Downtown revitalization areas as defined in § 163.3164;
 - Urban infill and redevelopment under § 163.2517; or

- Urban service areas as defined in § 163.3164 or areas within a designated urban service boundary under § 163.3177(14).
- If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the DRI process:
 - Urban infill as defined in § 163.3164;
 - Urban infill and redevelopment under § 163.2517; or
 - Urban service areas as defined in § 163.3164.
- A development that is located partially outside an area that is exempt from the DRI program must still undergo DRI review.
- In an area that is exempt under the new criteria in the bill, any previously approved DRI orders shall continue to be effective, but the developer has the option to be governed by § 380.115(1). A pending application for development approval shall be governed by § 380.115(2). A development that has a pending application for a comprehensive plan amendment and that elects not to continue DRI review is exempt from the limitation on plan amendments set forth in § 163.3187(1) for the year following the effective date of the exemption.
- Local governments must submit by mail a development order to DCA for projects that would be larger than 120 percent of any applicable DRI threshold and would require DRI review but for the newly created exemptions from the program. For those development orders, DCA may appeal the development order pursuant to § 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.
- The bill modifies § 163.3177(h)1.c., which presently authorizes local governments to include in the intergovernmental coordination element (ICE) a voluntary dispute resolution process, to make it mandatory that the element include a dispute resolution process pursuant to § 186.509 for bringing to closure intergovernmental disputes.
- If a local government that qualifies as a dense urban land area is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.
- The bill contains language that clarifies that the new exemptions do not “limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.”
- The new DRI exemptions also do not apply to areas:
 - Within the boundary of any area of critical state concern designated pursuant to § 380.05;
 - Within the boundary of the Wekiva Study Area; or
 - Within 2 miles of the boundary of the Everglades Protection Area as described in § 373.4592(2).

Mobility Fee Study and Report

- The bill requires the completion by DCA and DOT of their mobility fee studies, and directs that a joint report be submitted to the President of the Senate and the Speaker of

Permit Extensions

- Provides for the extension of certain permits for a period of two years:
 - Permits issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012.
 - Any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under § 380.06(19)(c), Florida Statutes. The extension does not prohibit conversion from the construction phase to the operation phase upon completion of construction.
 - The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.
 - The holder of a valid permit or other authorization that is eligible for the 2-year extension is required to notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.
 - The extensions do not apply to:
 - A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.
 - A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.
 - A permit or other authorization, if an extension would delay or prevent compliance with a court order.
- Permits extended by the bill continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. The same standards apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification cannot extend the time limit beyond 2 additional years.

- The bill provides that nothing in the permit extension portion of the bill impairs the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Affordable Housing

The bill incorporates the provisions of the affordable housing bill (CS/SB 1042) which were amended by the Senate on the last day of the session, and agreed to by the House. Those provisions of the bill:

- Limit the Florida Housing Finance Corporation's access to the state allocation pool for private activity bonds permitted to be issued in the state under the Internal Revenue Code to the amount of their initial allocation, and provide that after the initial allocation has been provided, the corporation may not receive more than 80 percent of the amount remaining in the state allocation pool on November 16th of each year. The distribution to the corporation of the unused portion of the state allocation pool is not affected.
- Create § 193.018 to provide for the assessment of structural improvements, condominium parcels, and cooperative parcels on land which is owned by a community land trust (CLT) and used to provide affordable housing. The bill defines "community land trust" as a nonprofit entity that qualifies as a charitable entity under § 501(c)(3) of the Internal Revenue Code and which has as one of its purposes the acquisition of land to be held in perpetuity for the primary purpose of providing affordable housing.
- Codify in statute the responsibility of a CLT to convey structural improvements, condominium parcels, or cooperative parcels located on specific parcels of land to persons or families who qualify for affordable housing under the income limits of § 420.0004, or for workforce housing under the income limits of § 420.5095. The improvements or parcels are each subject to a ground lease of at least 99 years, and the ground lease contains a formula limiting the amount for which the improvement or parcel may be resold. The CLT retains the first right to purchase at the time of resale.
- Provide that in arriving at the just valuation of structural improvements or improved parcels conveyed by a CLT, or land owned by the CLT, the property appraiser must assess based on the resale restrictions or limited uses contained in the 99-year or longer ground lease. When recorded in the official public records of the county in which the property is located, the ground lease and amendments or supplements to the lease, or a memorandum documenting the restrictions contained in the ground lease, are deemed a land use regulation during the term of the lease.
- Amend § 196.196 to create a new subsection (5) to provide that property owned by an exempt organization qualified as charitable under § 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families meeting the income restrictions for extremely-low, very-low, low, and moderate income families under § 420.0004. "Affirmative steps" is defined as: environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

- Provide that if property granted an exemption is transferred for purposes other than the provision of affordable housing, or the property is not actually used as affordable housing within 5 years after the exemption is granted, the property appraiser must record a tax lien against the property, and the property owner is subject to taxes otherwise due and owing for failure to use the property for the purpose for which the exemption was granted, and interest at 15 percent per annum with a 50 percent penalty of the taxes due and payable. The 5-year limitation may be extended if the property owner continues to take “affirmative steps” to develop the property for affordable housing.
- Amend § 196.1978 to extend the affordable housing property ad valorem tax exemption to property that is held for the purpose of providing affordable housing to persons and families meeting the income restrictions in §§ 159.603(7) and 420.0004. The property must be owned by a Florida-based limited partnership, the sole general partner of which is a not-for-profit corporation, or be owned by a nonprofit entity that is a not-for-profit corporation. The not-for-profit corporation must qualify as charitable under section 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717. The bill provides that any property owned by a limited partnership which is disregarded as an entity for federal income tax purposes will be treated as if owned by its sole general partner.
- Amend § 212.055 to provide that an expenditure to acquire land to be used for a residential housing project in which at least 30 percent of the units are affordable to specified individuals and families is an authorized use of the local infrastructure surtax if the land is owned by a local government or a special district that has entered into an interlocal agreement with the local government to provide such housing. The local government or the special district may enter into a ground lease with any entity for the construction of the residential housing project on land acquired from the expenditure of local infrastructure surtax proceeds.
- Amend § 163.3202 to provide that certain land development regulations must maintain the existing density of specified properties if the properties are intended for residential use, and are located in an unincorporated area with sufficient infrastructure in place to support the use but are not located within a high coastal hazard area under § 163.3178.
- Amend § 420.503 to provide that “moderate rehabilitation” means the repair or restoration of a dwelling unit when the value of such a repair or restoration is not more than 40 percent of the value of the dwelling unit but not less than \$10,000, and allowing loan proceeds to be used for moderate rehabilitation or preservation of affordable housing units.
- Amend § 420.5087 to include projects that include green building principles, storm-resistant construction, or other elements to reduce long-term maintenance costs as projects eligible to apply for and receiving consideration for funding from the State Apartment Incentive Loan (SAIL) program.
- Create § 420.628 to direct the Florida Housing Finance Corporation, the agencies receiving funding under the State Housing Initiatives Partnership Program, local housing finance agencies, and public housing authorities to coordinate with the Department of Children and Family Services and their agents and community-based care providers to develop and implement strategies and procedures to increase affordable housing opportunities for young adults who are leaving the child welfare system. Such young persons are deemed to have met the definitions for eligible persons for affordable housing

- Amend § 420.9071 to:
 - Amend the definition of "annual gross income" to provide that "annual gross income" may be defined by the standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the Florida Housing Finance Corporation.
 - Define "assisted housing" and "assisted housing development" as a rental housing development, including rental housing in a mixed use development, which received or currently receives funding from any federal or state housing program.
 - Amend the definition of "eligible housing" to include manufactured housing installed in accordance with the installation standards for mobile and manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles.
 - Amend the definition of "local housing incentive strategies" to allow the local affordable housing advisory committees to propose local housing incentive strategies in the triennial evaluation of how local governments are implementing affordable housing.
 - Define "preservation" as efforts taken to keep rents in existing assisted housing or assisted housing development affordable for income-qualified persons while ensuring that the property stays in good physical and financial condition for an extended period.
 - Amend the definition of "recaptured funds" to provide that local or grant funds for owner-occupied housing which may be recouped by a county or to city include those funds which were not used to provide assistance and those funds which were part of a defaulted loan or grant award.
- Amend § 420.9072 to delete a cross-reference to § 420.9078, which is being repealed in the bill, and authorize counties and eligible cities are authorized to use SHIP dollars to provide relocation grants to persons who have been evicted from rental housing due to the property being in foreclosure. The one-time relocation grant, in an amount not to exceed \$5,000, may be granted to persons who meet the income eligibility requirements of the SHIP program.
- Amend § 420.9073, relating to Local Housing Distributions, to:
 - Allow the corporation to distribute Local Government Housing Trust Fund dollars on a quarterly or more frequent basis, subject to the availability of funds.
 - Allow the corporation to withhold up to \$5 million in funds distributed from the Local Government Housing Trust Fund to provide additional funding to counties and cities in a state of emergency.
 - Allow the corporation to withhold up to \$5 million in funds distributed from the Local Government Housing Trust Fund to provide funding to counties and cities to purchase properties subject to a SHIP lien on which foreclosure proceedings have been instituted.

- Clarify that counties and cities receiving SHIP funds must expend those funds in accordance with statutory requirements, corporation rules, and the local housing assistance plan.
- Amend § 420.9075, relating to Local Housing Assistance Plans, to provide that:
 - In the development and implementation of local housing assistance plans used to make affordable housing available to qualified persons, counties and cities must include persons with disabilities as persons with special housing needs.
 - The local housing assistance plans of counties and cities can include strategies to assist persons and households with annual incomes of not more than 140 percent of the area median income.
 - Local housing assistance plans must describe initiatives that encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.
 - Counties and cities are encouraged to develop local housing assistance plans that provide funding for preservation of assisted housing or assisted housing developments.
 - Not more than 25 percent of funds made available in each county and eligible city may be used for manufactured housing.
 - Monroe County's exemption from income-restrictions relating to the use of set-aside funds in the local government assistance trust fund is extended from July 1, 2008 to July 1, 2013, so that awards may be made to residents with incomes no higher than 120 percent of the area median income, and applied retroactively.
 - SHIP funds may be used for preconstruction activities. When preconstruction due diligence activities prove that preservation is not feasible, the costs for those activities are program costs and not administrative costs.
 - Counties and cities may award construction, rehabilitation, or repair grants as part of disaster recovery, emergency repairs, or to remedy access or health and safety issues.
 - Program funds expended for an ineligible activity must be repaid to the Local Housing Assistance Trust Fund and SHIP funds may not be used.
- Amend § 420.9076 relating to the adoption of affordable housing incentive strategies, to allow a local governing body that also serves as a local planning agency to appoint a designee to the local affordable housing advisory committee. The committee's evaluation of the local housing assistance plan and its report on the evaluation must be submitted to the corporation.
- Repeal § 420.9078 providing statutory requirements for the Florida Housing Finance Corporation's distribution of funds, if any, which remain in the Local Government Housing Assistance Trust Fund, after all appropriations have been made.
- Amend § 1001.43 to expand the purposes for which a district school board in an area of critical state concern may use specified properties and surplus lands to include affordable housing for essential services personnel, as defined by local affordable housing eligibility requirements.

Effective date: Upon becoming a law.

HB 0485 - Fast Track Economic Stimulus for Small Businesses

The bill creates the Florida New Markets Development Program (NMDP) to provide state tax credits for investments in low-income communities. Tax credits allocated may be used to offset corporate income or insurance premium tax liabilities. The program is designed to make the state more attractive to national investors who are deciding where to invest funds raised under the federal New Markets Tax Credits program by creating a state NMDP similar to the federal program.

The bill provides that there is no credit for the first two years after the original date of investment, and the credit provided in the third year after investment is 7% of the investment amount. The credit provided between the fourth and seventh year after the investment is equal to 8% of the investment amount. Over seven years, this credit totals 39% of the original investment amount. The federal program also provides credits totaling 39% of the investment over a seven year period. Therefore, a company with a qualified investment for both the federal and state program would receive 78% of the purchase price of the investment in tax credits.

An entity could qualify for the state program and not qualify for the federal program. If a taxpayer's state tax liability exceeds their tax credit, then the tax credit may be carried forward for future taxable years, however all tax credits expire December 31, 2022. The tax credits are allocated on a first-come, first-serve basis.

Effective Date: July 1, 2009

SB 0494 - Water Conservation

This bill amends § 373.62 revising the requirements for automatic landscape irrigation systems to include technology that will interrupt or inhibit the system during periods of sufficient moisture. It requires that licensed contractors inspect these systems to ensure that they are in compliance before completing additional work on the systems. The bill also expands the requirements of this section to apply to any person who operates an automatic landscape irrigation system.

This bill also directs the DEP to create a model ordinance by January 15, 2010, for adoption by local governments no later than October 1, 2010. The ordinance shall assess penalties for violations of this section to both operators of non-conforming automatic landscape irrigation systems and licensed contractors who do not comply with this section. It provides for regular maintenance of broken systems without assessing penalties to either operators or licensed contractors when fixed within a reasonable time. It provides that funds raised through penalties be dispersed for water-conservation activities and for administration and enforcement.

The bill provides for variance from day or days-of-the-week watering restrictions (but not time-of-day restrictions) for any residential, commercial, or recreational user within a monitoring entity's jurisdiction having a soil moisture sensor control system if the monitoring entity certifies that:

- 1) Each soil moisture sensor control system installed within its jurisdiction will have multiple soil sensors that conform to different soil types and slopes in order to optimize water use for each user, adjust irrigation schedules based on soil moisture requirements, and be installed by a licensed contractor.
- 2) It has the ability to monitor the status of each individual user's system and to remotely modify the system settings for irrigation cycles and run times.
- 3) It will electronically post and update a list of active users of soil moisture sensor control systems within its jurisdiction on a monthly basis and provide Internet access to such listing and the monitoring database to the water management district and the local government.
- 4) It shall provide notice to a user of noncompliant activity within 48 hours after such activity and, if the user does not take corrective action within 48 hours after such notice, it will remove the posted notice and remove the user from the active users list.
- 5) It shall post a notice at each parcel that has installed a compliant soil moisture sensor control system in plain view from the nearest roadway stating: "Irrigating with Smart Irrigation Controller," with the address of the parcel, and shall remove the notice if the user is no longer being monitored by the monitoring entity.

The bill now provides that a professional engineer or a professional landscape architect must perform an annual maintenance review of all soil moisture sensor control systems within the monitoring entity's jurisdiction and certify to the monitoring entity that systems are properly operating. As amended, the bill does not require individual property owners to install a soil moisture sensor control system.

Effective Date: July 1, 2009

HB 0707 - Management of Wastewater

This bill requires the DEP to investigate wastewater facilities within one mile of an affected beach where a health advisory has been issued to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The bill also requires the Department of Health to notify the municipality or county in which the affected beach is located of the health advisory. Upon completion of its investigation or discovery of an incident at a wastewater treatment facility, the DEP must then notify the municipality or county of the results of the investigation.

A House amendment provides that the DEP may assign its responsibilities and functions to any multicounty independent special district created by the Legislature to include municipal services and improvements to the same extent and under the same conditions.

Effective Date: July 1, 2009

SB 0712 - Special Districts / Commodities / Contractual Services

This bill creates § 189.4221 to authorize special districts to purchase commodities and contractual services using the purchasing agreements of other special districts, counties, and municipalities if:

- The purchasing agreements of other special districts, counties, and municipalities are procured pursuant to competitive bids, requests for proposals, or competitive negotiations;
- The purchasing agreements of other special districts, counties, and municipalities are otherwise in compliance with general law; and
- The purchasing agreement of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the purchasing special district.

Landscape architectural services, surveying and mapping services, and architectural and engineering services are excluded. With regard to the boundaries of districts, and required reports (§ 189.418 requires that amendments or modifications to the document by which the district was created be filed within 30 days), the boundaries of a district are deemed to include an area that has been annexed for the 4-year period specified in § 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement.

Effective Date: July 1, 2009

HB 0821 - Community Development Districts

Community development districts (CDD) are local units of special purpose government that are empowered to exercise limited powers to facilitate the delivery of urban community development services in concert with private developers. They are, in effect, a means by which private entities secure development capital through bond sales repaid by assessments for public improvements and community facilities. In 2004, the Legislature passed CS/CS/SB 2984 which established that the only CDDs eligible to use the provisions of § 192.012(4), are those in which the district was already in existence on the effective date of the subsection, and was located within a development that consists of multiple developments of regional impact and a Florida Quality Development. These situations applied uniquely to The Villages and a development called The Meadow in Pasco County.

This bill revises deed restriction enforcement rulemaking authority of boards of directors of CDDs in a manner potentially expanding their powers over property whether within or outside the CDD's geographic limits. Authority over areas outside the CDD's geographic limits is subject to an interlocal agreement or consent of the county or municipality. Deed restrictions

subject to enforcement by CDDs would include both compliance mechanisms and enforcement remedies. The bill also amends § 190.046 revising the procedures to amend CDD boundaries and the procedures to merge CDDs. The bill creates specified procedures for Minor Boundary Amendments, Major Boundary Amendments, and CDD Mergers.

The bill creates a new definition in § 190.003 for "compact, urban, mixed-use district" which means a district located within a municipality and within a community redevelopment area that consists of a maximum of 75 acres, and has development entitlements of at least 400,000 square feet of retail development and 500 residential units.

The bill also provides that property owners outside the boundary of the district shall elect an advisor to the district board, who has the responsibilities to review enforcement actions proposed outside the district and make recommendations on those proposals. Whenever an interlocal agreement is entered into, a district board advisor seat shall be created for one elected landowner whose property is within the jurisdiction of the government entity but not within the boundaries of the district.

Effective Date: July 1, 2009

HB 1021 - Department of Transportation

The bill is the omnibus transportation bill for the year which addresses many issues related to the Department of Transportation (DOT). In summary, the bill:

- Provides that if a utility facility was initially installed to exclusively serve the DOT, its tenants, or both, the DOT shall bear the costs of removing or relocating that utility facility. However, the DOT is not responsible for bearing the cost of removing or relocating any subsequent additions to that facility for the purpose of serving others. § 337.403(1)(d). If the utility by agreement conveys, subordinates, or relinquishes a compensable property right to the authority to accommodate the acquisition or use of the right-of-way by the authority, and the agreement does not address future responsibility for relocation, the authority shall bear such costs. § 337.403(1)(e).
- Requires better integrates airport planning and adjacent land use in the local government comprehensive planning process. § 163.3177(6)(a).
- Exempts certain seaport-related projects from development-of-regional-impact (DRI) review: Facilities determined by the DCA and applicable local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities. § 163.3178(3).
- Defines transportation concurrency "backlog" and authorizes authorities to issue bonds with maturity dates no later than 40 years and to exceed the 25 percent tax increment financing rate upon agreement of all affected taxing authorities. § 163.3182.
- Authorizes DOT to award stipends to unsuccessful design-build bidders for state-funded construction and maintenance contracts, and to retain the right to use those designs. § 337.11.
- Requires, before beginning any work under a construction or maintenance contract, that the contractor maintain a copy of the payment and performance bond at its principal place

- Includes maintenance contractors in the process used by construction contractors to arbitrate contract disputes. § 337.185.
- Authorizes the installation of public pay telephones and accompanying advertising within certain rights-of-way. § 337.408.
- Requires all new or replacement electronic toll collection systems to be interoperable with DOT's electronic toll collection system. § 338.01.
- Provides for variable rate tolling and payment methods on high-occupancy toll lanes or express lanes. DOT may continue to collect tolls after the discharge of any bond indebtedness, and may use any remaining toll revenue for the construction, maintenance, or improvement of any road on the State Highway System. Does not apply to the Turnpike. §338.166.
- Eliminates the requirement to maintain a uniform toll rate structure on the Turnpike system. § 338.231.
- Increases from \$100 million to \$250 million, the maximum dollar amount for projects, which may be added to DOT's work program when funded by other governmental entities. DOT may enter into agreements under this with any county that has a population of 150,000 or fewer for high priority projects. § 339.12.
- Reinstates the Small County Resurfacing Assistance Program in 2012 and removes certain eligibility criteria relating to ad valorem tax rates. § 339.2816.
- Adopts new signage and permit requirements. § 479.07.
- Abolishes the non-functioning Tampa Bay Commuter Transit Authority. § 343.92.
- Requires a study of the I-95 corridor by DOT, the Department of Environmental Protection, The Division of Emergency Management, The Office of Tourism, Trade and Economic Development, the Regional Planning Councils, and the Metropolitan Planning Organizations.
- Adds to the definition of prohibited racing activities. § 316.191.

Effective Date: July 1, 2009

SB 1078 – Water Management Districts / Limitation of Liability

This bill expands the limitation of liability of a water management district (WMD) with respect to areas made available to the public for recreational purposes without charge, to include district lands and water areas. The bill provides that a WMD retains the limitation of liability for certain temporary commercial activities.

The bill provides that the limitation of liability of a WMD applies regardless of whether the person accessing the park area, district lands, or water areas is an invitee, licensee, or trespasser, and regardless of whether the person was engaged in a recreational activity at the time of an accident. The limitation of liability also applies to these areas regardless of whether they were made available to the public at the time of the accident. The bill also specifies that a private landowner who provides an easement to a WMD for purposes of providing access through

private land to lands or water areas that a WMD has made available for recreational purposes, is covered by liability protection.

Effective Date: July 1, 2009

HB 1205 - Charter County Transit System Surtax

The Charter County Transit System Surtax authorizes certain charter counties to levy a maximum one percent sales surtax subject to a referendum. Permitted uses of the revenues include financing the development, construction and operation of fixed guideway rapid transit systems, bus systems, roads and bridges. The charter county may deposit the surtax revenues into a trust fund, remit the revenues to an expressway or transportation authority, or apply them directly to permitted uses. The proceeds also may be distributed by interlocal agreement to municipalities or an expressway or transportation authority.

This bill renames the Charter County *Transit* System Surtax as the “Charter County Transportation System Surtax.” The bill extends eligibility to levy the surtax to 13 additional charter counties by removing an existing provision requiring charter adoption prior to January 1, 1984. Additionally, the bill requires a charter county that has entered into interlocal agreements for distribution of transit system surtax proceeds with one or more of its municipalities to revise these interlocal agreements no less than every five years to include municipalities created since the prior agreements were executed.

Effective Date: July 1, 2009

HB 1423 - Relating to Fish and Wildlife Conservation Commission

This is the omnibus bill for the year which addresses many issues under the jurisdiction of the Fish and Wildlife Conservation Commission. The bill was amended late in the session adding some DEP responsibilities, allowing local law enforcement to share forfeiture proceeds when assisting FWCC, and adding the Florida Coral Reef Protection Act. The bill provides:

- The duty to conserve and improve state-owned lands includes the preservation and regeneration of seagrass, which is deemed essential to the oceans, gulfs, estuaries, and shorelines of the state. A person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve - with the exception of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves - commits a noncriminal infraction.
- The placement of information markers, by counties, municipalities, or other governmental entities on inland lakes and their associated canals are exempt from permitting and no longer are required to be 50 feet from the normal shoreline.
- Municipalities and counties have the authority to establish the boating-restricted areas by ordinance, such as:
 1. An ordinance establishing an idle speed, no wake area, if the area is:
 - a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility;

- b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility; or
 - c. Inside or within 300 feet of any lock structure.
 - 2. An ordinance establishing a slow speed, minimum wake area if the area is:
 - a. Within 300 feet of any bridge fender system;
 - b. Within 300 feet of any bridge span presenting vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet;
 - c. On a creek, stream, canal, or similar linear waterway if less than 75 feet in width; or
 - d. On a lake or pond of less than 10 acres.
 - 3. An ordinance establishing a vessel-exclusion zone if:
 - a. Designated as a public bathing beach or swim area; or
 - b. Within 300 feet of a dam, spillway, or flood control structure. The commission must review any such ordinance to determine by substantial competent evidence that the ordinance is necessary to protect public safety.
- No county or municipality may enact, continue in effect, or enforce any ordinance or local regulation:
 - 1. Establishing a vessel or associated equipment performance or other safety standard;
 - 2. Relating to the design, manufacture, installation, or use of any marine sanitation device on any vessel;
 - 3. Regulating any vessel upon the Florida Intracoastal Waterway;
 - 4. Discriminating against personal watercraft or airboats;
 - 5. Regulating the anchoring of vessels other than live-aboard vessels outside mooring fields; or
 - 6. Regulating engine or exhaust noise.
- Enforcement of §327.70 may be by municipal police officers (navigation rules, interference with navigation, required lights and shapes, marine sanitation, display of decals and number, livery vessels, etc.).
- The Commission has the power to enforce the Florida Aquatic Weed Control Act.
- Any state, county, or municipal law enforcement agency that enforces or assists the commission in enforcing laws relating to illegally taken wildlife, freshwater fish, and saltwater fish which results in a forfeiture of property is entitled to receive all or a share of such property.
- The Commission, in consultation with the DEP, is directed to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields. A county or municipality selected for participation in the pilot program may regulate by ordinance the anchoring of vessels outside of a mooring field.
- Adds the Florida Coral Reef Protection Act (from SB 1004) which enables the DEP to:

- Recover both compensatory damages and civil penalties for injuries to coral reefs from responsible parties
- Use habitat equivalency analysis as a method to calculate damages; Require the responsible party to notify the department within 24 hours of running aground, and to remove the vessel within 72 hours
- Delegate enforcement authority to other state agencies or coastal counties with coral reefs within their jurisdictions
- Deposit funds recovered for damages to coral reefs into the Ecosystem Management and Restoration Trust Fund to be used for the rehabilitation and preservation of coral reefs; and
- Enter into settlement agreements with third parties to fund coral reef restoration and mitigation from funds paid by responsible parties.

Effective Date: July 1, 2009

SB 2080 – Relating to Water Resources

This bill was initially filed to direct the Southwest Florida Water Management District to implement the West-Central Florida Water Restoration Action Plan (WRAP), the District's regional environmental restoration and water resource sustainability program for the Southern Water Use Caution Area. The WRAP includes the Central West Coast Surface Water Enhancement Initiative with the following components: the Dona Bay-Cow Pen Slough; the Shell Creek Watershed; and the Upper Myakka River-Flatford Swamp. The WRAP also includes the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative.

As one of few vehicles for amendment, it was broadened late in the Session to include the following provisions:

- Basin board members may not serve more than 180 days after the end of their expired terms. The bill eliminates the Oklawaha River Basin Advisory Council within the St. Johns River Water Management District. § 371.0693
- In the first year of the Governor's term, the Governor shall appoint four members to the governing board of the Southwest Florida Water Management District and three members to each of the other governing boards. In the fourth year of the term, the Governor shall appoint three members to the Southwest Florida Water Management District and two members to each of the other governing boards. § 373.073
- District governing boards must delegate to the executive director all of its authority to take final action on permit applications under part II or part IV and petitions for variances or waivers of permitting requirements except for denials of such actions. The executive directors may execute such delegated authority through staff members. Such process shall expressly prohibit any member of a governing board from intervening in any manner during application review. The governing board, a basin board, a committee, or an advisory board may conduct meetings by means of communications media technology. §337.079

- Adds requirements for the licensure of water well contractors including proof of experience and references. § 373.323
- To encourage participation in alternative water supply development by private-rural-land owners with modest near-term water demands but substantially increasing demands after the 20-year planning period, water management districts and the DEP may grant permits for up to 50 years where such landowners make extraordinary contributions of lands or construction funding. A permit for a term of at least 25 years shall be approved for a renewable energy generating facility or the cultivation of agricultural products on lands of 1,000 acres or more for use in the production of renewable energy. § 373.236
- The total annual debt service for district revenue bonds may not exceed 20 percent of the annual ad valorem tax revenues unless approved by the Joint Legislative Budget Commission, which is also authorized to review the financial soundness of a water management district. § 373.584
- Adds the “Florida Friendly Landscaping” bill language. Each water management district may develop its own model or use one in the manual entitled “Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions” to be developed by the DEP. A deed restriction or covenant or local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on their land or create any conflicting requirement. Each water management district must use Florida-friendly landscaping on public property owned by the district where facilities are constructed after June 30, 2009, and must develop a 5-year program for phasing in landscaping for properties on which facilities were constructed prior to that date. These requirements also apply to other state agencies under the purview of the Department of Management Services.

Effective Date: July 1, 2009

SB 7031- Economic Development

This bill amends several sections of Florida Statutes with the intent of fostering economic development. Among other things, the bill:

- Adds alternative and renewable energy to the Innovation Incentive Program in OTTED. For these energy projects, the matching fund requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones. The criteria required for an incentive award for alternative and renewable energy were amended with some being added (availability of funds, investment in rural areas, feasibility, new technology, efficiency and long term potential) and some deleted (jobs, use of in-state products). Award agreements must include a wage requirement, reinvestment, internships, reporting, and an amendment process.
- Removes outdated Standard Industrial Classification (SIC) codes from Florida Statute and replaces them with the North American Industry Classification System (NAICS) codes, the federal standard since 1997.
- Extends, from 90 days to 180 days, the number of tax exempt days provided by the decals issued by boat dealers in sales to nonresidents. Extension decals will cost \$425.

- For the Rural Job Tax Credit Program, changes "qualified area" to a county that has a population of fewer than 75,000 persons or any county that has a population of 125,000 (from 100,000) within a Rural Area of Critical Economic Concern (RACEC).
- Creates the economic development incentive application process in §288.061. Enterprise Florida will review the applications, and recommend approval or disapproval to OTTED, which makes the final determination.
- Adds telecommunications facilities, and broadband facilities to eligible projects under the Rural Infrastructure Fund. If an application for funding is for a catalyst site, grants may be awarded for up to 40 percent of the total infrastructure project cost and matching requirement may be waived. A "catalyst site" is a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations.
- Provides legislative intent for the Rural Economic Development Initiative (REDI) recognizing that rural communities and regions face extraordinary challenges to significantly improve their economies, in terms of personal income, job creation, average wages, and strong tax bases, so the Legislature intends to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities. Provides that each RACEC may designate catalyst projects, provided they are specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, and confirmed by OTTED.
- Amends Brownfield redevelopment bonus refunds to include within eligible businesses the investment of \$500,000 in brownfield areas that do not require site cleanup. Adds to criteria a resolution adopted by the governing board of the county or municipality in which the project will be located recommending that certain types of businesses be approved.
- Amends the Florida Opportunity Fund the ability to invest in businesses and infrastructure projects. Adds that the Fund may not use its original legislative appropriation of \$29.5 million for direct investments, including loans, in businesses or infrastructure projects, or for any purpose not specified in chapter 2007-189, Laws of Florida.

Effective Date: July 1, 2009

HB 7053 – Rural Agricultural Industrial Centers

This bill creates an alternate comprehensive plan amendment process for certain rural agricultural industry centers that may lead to greater economic development opportunities in the communities where they are located. The term "rural agricultural industrial center" is defined as a developed parcel of land in an unincorporated area with an operating agricultural industrial facility that:

- Employs at least 200 full-time employees;
- Is used for processing and preparing for transport farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel;

- May include contiguous land not used for the cultivation of crops but on which activities are conducted that are essential to the operation of the facility; and
- Is located in or within 10 miles of a Rural Area of Critical Economic State Concern (RACEC).

The bill establishes procedures for a landowner to apply for an amendment to the local comprehensive plan to expand the uses or facilities of an agricultural industrial center, and requires the local government to amend its comprehensive plan within 6 months if the application meets the statutory requirements. There is a rebuttable presumption that such an amendment does not promote urban sprawl. The bill does not apply in rural areas with an optional sector plan or in a rural land stewardship area, or to plan amendments associated with an inland port terminal or affiliated port development. The bill also makes it clear that it does not extend any benefits of a designation as a Rural Area of Critical Economic Concern to any lands that are not so designated.

Effective Date: July 1, 2009

HB 7157 - Real Property Used for Conservation Purposes

This bill implements newly-created Section 3(f) of Article VII of the State Constitution (Taxation and Budget Reform Commission, 2008), which provides that:

There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

The bill provides a complete exemption from ad valorem taxes to land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes. A conservation purpose includes retention of the substantial natural value of land, including woodlands, wetlands, water courses, ponds, streams, natural open spaces; and habitat for fish, plants, or wildlife; or for water quality enhancement or water recharge. The bill also provides an exemption equal to 50% of the land's assessed value to land that is dedicated in perpetuity for conservation purposes which is used for "allowed commercial uses." If less than 40 acres, the newly created Acquisition and Restoration Council must make eligibility determinations giving consideration to the following: natural sinkholes; a natural spring serving a water recharge or production function; a unique geological feature; habitat for endangered or threatened species; nursery habitat for marine and estuarine species; protection or restoration of vulnerable coastal areas; natural shoreline habitat; or the retention of natural open space in otherwise densely built-up areas.

Buildings, structures, and other improvements on land receiving the exemption and land area immediately surrounding the buildings, structures, and improvements must be assessed separately unless auxiliary to the use of the land for conservation purposes. Water management

districts with jurisdiction have a third-party right of enforcement for any easement that is not enforceable by a federal or state agency, county, or municipality.

The legal title holder to entitled land must before March 1 of each year, file an application for assessment under this section with the county property appraiser. The failure to file an application constitutes a waiver of assessment for that year, although the owner may subsequently petition the value adjustment board requesting that the assessment be granted. The landowner must also notify the property appraiser promptly if the land becomes ineligible for this assessment. If the property owner fails to notify the property appraiser and it is determined that for any year within the preceding 10 years the land was not eligible for assessment, the owner is subject to taxes avoided as a result of such failure plus 15 percent interest per year, plus a penalty of 50 percent of the taxes avoided.

A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement of an annual application after an initial application is made and the exemption granted. In such case, if the property owner fails to notify the property appraiser that the land is no longer eligible, the owner is subject to taxes avoided as a result of such failure plus 18 percent interest per year, plus a penalty of 100 percent of the taxes avoided.

Beginning in the 2010-2011 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties as a result of implementing this constitutional amendment. On or before November 15 of each year, each fiscally constrained county may apply to the Department of Revenue to participate in the distribution of the appropriation.

Effective Date: Upon becoming a law, and shall apply to property tax assessments made on or after January 1, 2010.

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We will gladly provide you with any additional information or background requested on any issue. Please contact us at your convenience with any questions or comments you may have.

Thank you.

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

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Council Retreat 2009

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\_\_\_\_\_ Item

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Emerging Regional Issues

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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

May 28, 2009

Mr. Stan Cann  
 District One Secretary  
 Florida Department of Transportation  
 Post Office Box 1249  
 Bartow, FL 33831

Dear Secretary Cann:

This letter is to express support of the Southwest Florida Regional Planning Council for four-laning State Road 80 between LaBelle and US 27 as a top priority for the region. These capacity improvements to this Strategic Intermodal System facility are especially important to implementation of economic transition plans related to the acquisition of U.S. Sugar assets by the State of Florida and consideration of inland port facilities in Glades and Hendry Counties.

The Council reiterated its support of SR 80 improvements at its meeting on May 21, 2009 consistent with previously approved resolutions and/or actions relating to the U.S. Sugar acquisition, potential for inland port facilities, hurricane evacuation planning, and regional economic development efforts including long term transportation planning.

Capacity improvements to SR 80 and corridor planning to connect this region to other parts of the state are vital to economic development efforts in the Heartland Rural Area of Critical Economic Concern.

Thank you for your consideration.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL



James Humphrey  
 Chairman

JH/ng

cc: Water Management District Governing Board  
 Secretary Michael Sole, Florida Dept. of Environmental Protection  
 Stephanie C. Kopelousos, FDOT Secretary  
 Johnny Limbaugh, FDOT Southwest Area Office  
 Representative Denise Grimsley, 77<sup>th</sup> District  
 Senator JD Alexander, 17<sup>th</sup> District  
 Senator Dave Aronberg, 27<sup>th</sup> District