SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Thursday, May 20, 2010 at 9:00 am

Southwest Florida Regional Planning Council
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 APRIL 15, 2010** **Page 7**
3. **CONSENT AGENDA** **Page 18**
   a) Intergovernmental Coordination and Review **Page 21**
   b) Financial Statement for April 30, 2010 & Grant Activity Status Sheets **Page 26**
   c) City of Fort Myers Comprehensive Plan Amendments (DCA 10-1) **Page 46**
   d) City of Fort Myers Comprehensive Plan Amendments (DCA 10-2) **Page 71**
   e) City of Cape Coral Comprehensive Plan Amendments (DCA 10-1) **Page 92**
   f) Alico Interchange DRI – Development Order Review **Page 161**
   g) Miromar Lakes DRI – NOPC **Page 216**
   h) North Port Gardens DRI – Sufficiency Response Extension **Page 220**
   i) The Fountains DRI – Sufficiency Response Extension **Page 224**
   j) Big Cypress DRI – Sufficiency Response Extension **Page 228**
   k) Hendry County Small Quantity Generator's (SQG's) Hazardous Waste Assessment, Notification, and Verification Program **Page 232**
   l) Glades & Hendry Joint TD Planning Grant **Page 235**

4. **HARBORVIEW SUBSTANTIAL DEVIATION DRI – STAFF ASSESSMENT CONTINUANCE** **Page 242**

MEMBERS: Please bring your Harborview Staff Assessment Report from the March Meeting.

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, 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 #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email dkooi@swfrpc.org.

5. ADMINISTRATIVE ISSUES **Page 289**
a) Lower West Coast Watersheds Implementation Committee – **Mr. James Beever** **Page 291**
- Fertilizer Bill
- Deepwater Horizon Oil Spill
b) SWFRPC Budget Committee Report – **Ms. Laura Holquist** **Page 313**
c) SWFRPC FY 2010/11 Annual Budget – **Ms. Laura Holquist** **Page 319**

6. REGIONAL ISSUES **Page 336**
a) Alternative Transportation Presentation – **Ms. Lauren Lane, FDOT** **Page 337**
b) Other Regional Issues – **Mr. Ken Heatherington** **Page 339**
- Legislative Issues Update

7. PUBLIC COMMENTS
8. DIRECTOR'S COMMENTS
9. STATE AGENCIES COMMENTS/REPORTS
10. COUNCIL ATTORNEY'S COMMENTS
11. COUNCIL MEMBERS' COMMENTS
12. ADJOURN

NEXT SWFRPC MEETING DATE
June 17, 2010

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

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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

BEBR - 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
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
APRIL 15, 2010

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **April 15, 2010** at the Southwest Florida Regional Planning Council – 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Mick Denham** called the meeting to order at **9:01 a.m. Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore

Collier County: Councilman Charles Kiester, Commissioner Frank Halas, Mr. Bob Mulhere

Glades County: Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Dr. Edward Elkowitz

Hendry County: Commissioner Karson Turner, Commissioner Tristan Chapman, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Commissioner Tammy Hall, Mayor Mick Denham, Councilman Forrest Banks, Councilman Tom Babcock, Mr. Paul Pass, Councilman John Spear

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

Ex-Officio Members: Ms. Dianne Davies – SWFWMD, Mr. Jon Iglehart – FDEP, Mr. Phil Flood – SFWMD

MEMBERS ABSENT

Charlotte County: Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann

Glades County: Councilman Michael Brantley

Hendry County: Mayor Paul Puletti, Mayor Mali Chamness

Lee County: Mayor John Sullivan, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Mr. David Farley

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

AGENDA ITEM #1
AGENDA

Commissioner Halas moved and Mr. Pass seconded to approve the agenda as presented. The motion carried unanimously.

AGENDA ITEM #2
MINUTES OF MARCH 18, 2010

Mr. Mulhere moved and Commissioner Halas seconded to approve the minutes of March 18, 2010 as presented. The motion carried unanimously.

AGENDA ITEM #3
CONSENT AGENDA

Commissioner Thaxton moved and Commissioner Turner seconded to approve the consent agenda as presented: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for March 31, 2010; Agenda Item #3(c) City of Sarasota Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(d) City of Bonita Springs Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(e) Hendry County Comprehensive Plan Amendments (DCA 10-2); and Agenda Item #3(f) Sarasota Care Center East DRI - Abandonment. The motion carried unanimously.

AGENDA ITEM #4(a)
Lower West Coast Watersheds Implementation Committee – Mr. Jim Beever

Mr. Beever reviewed the item as presented.

Commissioner Judah asked to hear from the SFWMD in regards to the previous request from Lee County for additional funding in order to allow the collection of data.

Mr. Flood explained that the last word that he has heard on the issue was that it has been reviewed and approved by District staff and it is sitting over in SFWMD's Executive Office awaiting their decision on whether or not it is one of their priorities for the use of the funds. District's staff has worked closely with the CHNEP staff and has resolved all issues and concerns and has recommended it for funding.

Commissioner Judah thanked the SFWMD for their efforts, because it now allows Lee County to coordinate with the CHNEP and continue with the collection of the data. Mr. Flood emphasized that it hasn't been officially funded, it is up to the SFWMD's Executive Office, but SFWMD's staff did recommend that it be funded.

Commissioner Judah asked to hear from either Mr. Beever or Ms. Donley on the timing for the funding. Ms. Donley explained that it is needed as soon as possible. The CHNEP was originally going to have the contractor roll out their information in June so that we would be able to meet all of EPA's deadlines for the next round of the numeric nutrient criteria. She explained that the contractor is already working on the numeric nutrient criteria north of the SFWMD region, so if the funding is approved then the change can be made to the contract in order to incorporate the SFWMD region and move forward.

Commissioner Judah stated that since this is a regional effort, would a nudge from the Council to request the SFWMD to allow some continuity in the research that is needed in order to provide local data to EPA.

> **Commissioner Judah moved and Dr. Elkowitz seconded that the Council request that the SFWMD provide the funding up to $28,000 in order to allow for the continuation of the collection, the orderly placement of the data, and development of local numeric nutrient standards for the SFWMD's portion.**

Commissioner Chapman stated that since we all know that the phosphorous, nitrogen and nutrients would end up here, but originate from a legacy of nutrients in the soil and are likely to be for many years to come; is it appropriate for that data to include where those nutrients originate. Mr. Beever explained that it does in the watersheds which are encompassed within the CHNEP boundaries, so it extends as far up as the headwaters as the Myakka, Peace and Caloosahatchee Rivers, but he can't say that it goes above Lake Okeechobee because it is outside the CHNEP's boundaries.

Ms. Donley explained that the CHNEP has received matching funds from the SWFWMD.

Commissioner Chapman stated that it is his understanding that there is going to be a third part review conducted in order to make a determination and asked Mr. Beever if it will be a scientific basis on which the numeric nutrients were derived. Mr. Beever replied yes. Commissioner Chapman then asked if the project is funded through to 2011, will there be further public comment. Mr. Beever explained that basically anytime when scientific rules are promulgated by the federal government there are third party peer reviews and that is part of the ongoing process. Originally, they were planning on designating standards for both fresh and estuarine waters and the designation for estuarine waters has been postponed for a year, which is to our benefit because it gives us the opportunity for this data to be properly considered. But for fresh waters, lakes and streams, they are still on a timetable that precedes that.

> **The motion carried unanimously.**

Councilman Zavodnyik referred to the letter addressed to EPA, first page, third paragraph and stated that the first sentence reads "The SWFRPC and SWFRPC staff. . . "he doesn't believe those should be two separate entities. Mr. Beever explained that the sentence meant that staff had put together rule review which then was brought to the committee and then to the Council, but he can avoid that wording in future letters.

AGENDA ITEM #4(b)
SWFRPC Budget Committee Report – Vice Chair Chuck Kiester

Councilman Kiester gave an overview of the Budget Committee meeting of April 8th.

Mr. Karau asked if the Council's reserves have grown over the past eight years. Councilman Kiester replied yes.

Councilman McCormick stated that CDs are very attractive, but when you have a quantity of reserves such as the Council's, he suggested to latter them so they don't all mature at the same time.

AGENDA ITEM #4(c)
SWFRPC Resolution #2010-03 – Resolution of the SWFRPC Requesting Liners in Class III and C&D Landfills of the State – Mr. John Gibbons

Mr. Gibbons gave an overview of the item.

> **Commissioner Judah moved and Mr. Mazzarantani seconded to approve SWFRPC Resolution #2010-03 as presented.**

Dr. Elkowitz stated that he feels that the resolution is adequate for any future landfills, but what is going to be done about the existing landfills.

Councilman Kiester asked how this will differ from Class I landfills. Mr. Gibbons explained that Class I landfills are fairly large landfills which receive municipal solid waste. This resolution actually addressed the C&D, as well as the Class III operations, which indicate that they should be lined. Currently, C&D landfills are not required to be lined unless FDEP requires it.

Councilman Kiester asked why not just have one classification of landfill, Class I, with the requirements of lining and pumping out the leach ate, etc. Mr. Gibbons explained that there is a difference in the monitoring and the closure of those types of structures. The C&D landfill doesn't require the stringent monitoring.

Councilman Kiester stated that he agrees with the resolution; however, he feels that it will place a financial burden on the local municipalities.

Commissioner Judah stated that he feels that the resolution is long overdue with the requirement of having liners in Class III landfills. He then stated that he agrees with Mr. Gibbons with respect to Class I landfills, which have a 30 year closure requirement, you don't want to impose those types of burden requirements on Class III; but you can certainly protect the groundwater supplies and encourage municipalities to recycle that material that would otherwise go into Class III landfills.

Dr. Elkowitz asked who monitors the landfills. Mr. Gibbons replied FDEP.

Chair Denham noted that this issue is covered in SB570. Mr. Gibbons explained that SB570 is going to require a lot of stringent benchmarks, such as recycling at the local level, local jurisdictions will be required to monitor what goes into the landfill and it will require the industry to report back to the counties. At this junction, SB570 will also require airports to do source separation. FDEP is going to be the implementing agency and by 2020, FDEP is required to ensure that 75% of the waste is to be recycled.

Councilman McCormick stated that he sees waste management as being an enterprise fund and it does reach the citizens as a user fee, but in this case an increase in the fee might lead to a very desirable reduction in waste; so he feels that this is a very positive step forward and he supports the resolution.

Dr. Elkowitz asked if FDEP is the agency which allows the landfills to be built, he then asked about the landfills in the flood zones. Mr. Gibbons replied that FDEP is the permitting agency for landfills. Mr. Iglehart explained that FDEP's department heads receives applications. FDEP doesn't determine where the landfill goes; they just review and evaluate applications for projects. FDEP has to have reasonable assurance that they are not going to have an impact to the groundwater or surface water of the project. He then stated that when FDEP moves forward with the recycling program he believes that all landfills will be required to be lined, because that is the way that the legislature is going. The question comes for the recycling centers, and what do we do with the recycling center areas as we begin to manage our wastes in order to recycle 75% the gross weight of all waste within the next 15 years. FDEP has already had some issues with one of the recycling centers in Fort Myers with putting asbestos material through it.

The motion carried with one opposed.

AGENDA ITEM #5(a)
Regional Water Supply Plan 2010 Update – Ms. Diane Davies, SWFWMD

Ms. Davies gave a PowerPoint presentation on SWFWMD's Regional Water Supply Plan 2010 Update. She noted that comments are due on July 16th; comments can be submitted via SWFWMD's webpage, email, paper response or by attending the public meetings. Completion goal is November 2010 and then Governing Board approval in December 2010.

Chair Denham requested that Ms. Davies' presentation be placed on the Council's website.

Mr. Mulhere asked if there will be someone appointed to provide "human" technical assistance. Ms. Davies explained yes, all of the planners are assigned to specific counties and municipalities within and have been coordinating closely with the local governments in the recent 10 Year Water Supply Work Plans and continue to coordinate very closely.

Mr. Mulhere explained that he has some concerns with the population projections and how those projections are obtained. Ms. Davies explained that on the District's demographics webpage it lists the calculation that the District uses for functional population, which incorporates seasonal population into the year-round resident population and the District has demographers continually working on it and it is based on mid-range BEBR.

Commissioner Thaxton noted that conservation was missing from the report, even though he knows that it is not totally absent from the District's thinking being that he has been engaged with many of the board members, but he feels that it is indicative that there was no mention of conservation in the water supply planning introduction. There have been so many jurisdictions throughout the country that have been concentrating on conservation and have been able to by-pass hundreds and hundreds of millions of dollars in capital improvement projects for new source initiatives simply by concerting on how to use the water that is presently available. We don't seem to be putting the dollar value on the conservation efforts and there truly is dollar value probably equivalent to the same capital dollars. So his message to the District would be that conservation needs to be one of the first things that needs to be discussed when discussing future water source planning. The District also needs to make available a lot of its funding sources that is presently only available for new source initiatives to conservation efforts. Ms. Davies explained that a lot of the District's funding is available for conservation, maybe not the water supply and resource development funding, but the cooperative funding and the basin initiative funding is available.

Councilman McCormick stated that the City of Punta Gorda has a problem with the quality of water and he would like to see that stressed also because it impacts on how they get their funding. Ms. Davies explained that the District is funding a project for the City of Punta Gorda for water supply.

Commissioner Duffy stated that Charlotte County has a very high conservation rate.

AGENDA ITEM #5(b)
2010 SFWMD Environmental Report – Mr. Phil Flood, SFWMD

Mr. Flood gave a PowerPoint presentation on the following projects:

1. Kissimmee River Restoration
2. Comprehensive Everglades Restoration Plan (CERP)
3. Picayune Strand
4. C-43 West (Caloosahatchee River) Reservoir
5. C-43 Water Quality Treatment and Testing Facility
6. Lakeside Ranch STA
7. River of Grass Land Acquisition

Chair Denham requested that Mr. Flood's presentation be placed on the Council's website.

Mr. Heatherington stated that a federal judge was deciding Wednesday on whether or not EPA is in contempt on the Clean Water Act, does this impact the acquisition of US Sugar. Mr. Flood explained that the District has been trying to operate within the letter of existing legislation, so the District will have to review the ruling. The District is also in the middle of their budget and there is a huge reduction in ad valorum and state funding, so there are big decisions to be made by the Governing Board.

Councilman McCormick asked how everything gets coordinated with the Inland Port presentations.

Commissioner Butch Jones gave a history overview of the pollution to Lake Okeechobee and government agencies purchasing prime real estate land in Glades County which takes it off the tax rolls. He then asked for consideration for both Glades and Hendry Counties for the lands that have been taken off of their tax rolls and keep them more apprised of some of the things that are greatly affecting them and their financial stability.

Commissioner Judah stated that it is his understanding that with the relationship and partnership between the SFWMD and Lee County in the purchase of the Bowman Tract (1,700 acres) that only 1,300 acres will be used for storm water treatment, with the remaining land being used for potential economic development. Mr. Flood replied that is correct, there is over 1,300 acres that will be utilized out of the 1,700 and the remainder, which is the strip along SR80 as well as the strip along the Caloosahatchee River, that there were discussions of perhaps putting those lands back on the tax rolls in order to make those lands along the river available for recreation. Commissioner Judah stated that hopefully it will provide the balance of the economic development potential that Glades County needs and also the storm water treatment that the ecology of the Caloosahatchee River needs.

Commissioner Judah then stated that Lee County also reviewed the discharge from the wastewater treatment plants and it amounted to approximately 270 pounds of total nitrogen per day, but when you look at the total nitrogen that is coming down the Caloosahatchee River, east of the Franklin Locks, it is close to 24,000 pounds per day. So we know where even the District has done their analysis of where the nitrogen is coming from, east of the Franklin Locks (Lake Okeechobee), so that is why we need to have those storm water treatment areas in order cleanse and filter out the nitrogen and phosphorus. He then asked Mr. Flood if Algenol Biofuels would be a potential applicant for analysis, treatment, or testing that is being conducted to take nitrogen out of the water at the Bowman Tract. Mr. Flood replied that the District would be interested if Algenol had the proper technology. He explained that the Bowman Tract is intended to be a testing facility.

Commissioner Turner thanked the District for their efforts on the STA-5 project; however, he would like to see the site more exposed to the public because there are public facilities in the works. He then referred to the C-43 project and noted that there is constant bantering back-n-forth and then asked who can be contacted and what can be done to have the C-43 project move forward and have construction begin. Mr. Flood explained that the next big step with the C-43 project is getting the reservoir authorized through the Water Bill in Congress and from his

understanding that may happen next year, it is something that Congress does every other year and once it has been authorized then the District can go after the construction funds. He explained that Lee County is up in Washington every congressional session with the District pushing for C-43 funding.

Chair Denham asked if there is anything that the Council can do to help with the C-43 project. Mr. Flood explained that the Council could always send letters of support, but Congress isn't considering anything this year.

AGENDA ITEM #5(c)
Water Harvesting and Reuse for Sustainable Green Living Presentation – Mr. Jack Burden, Raindrop Cisterns, Inc.

Mr. Burden gave a PowerPoint presentation on various cistern systems.

Mr. Heatherington thanked both Mr. Burden and Mr. Jason Utley of staff for being part of the Council's October 17th presentation at the Charlotte Harbor Convention & Event Center entitled "Green Region Expo." He also noted that he had spoken with Mr. Burden about making the Council's building a cistern project facility in the future. Staff is also currently working with Johnson Engineering in conducting a greenhouse reduction inventory for the Council's building in order to find out if we can implement some of the things that Mr. Burden has mentioned; however, it is difficult with an older building to do a retrofit, but we are trying to be as green as we can be.

Chair Denham requested that Mr. Burden's presentation be placed on the Council's website.

Commissioner Thaxton stated that the SWFWMD has very strict guidelines with runoffs, treatment, etc. and the Englewood project is a new way of doing storm water treatment. The District has been very cooperative with Sarasota County in partnering in not only getting the project permitted, but also monitoring the project so that we can determine the new coefficients for the runoffs with this more advanced treatment and compare it with the more traditional. Also, it is going to be the key to redevelopment in our urban areas. With the new storm water rules, redeveloping a site that was first developed prior to 1975 was almost impossible unless you went to the newer techniques. He then noted that a cistern system was installed within one of Sarasota's Park buildings and the cistern provides all of the water for flushing toilets. He explained that the county hasn't had quite as good of luck in partnering with FDEP on some of their standards; because FDEP made the county put on front of all of toilets and urinals "Please do not drink the water, it is not potable."

Mr. Burden explained that he appreciates the opportunity to explore the different things within Sarasota County, because we have the products and technology to make it so that we can shrink or eliminate storm water ponds. We can incentivize developers and community planners to be able to utilize these processes so that storm water management doesn't have to be a ball and chain, it can be seen as a new way to encourage stewardship and new way to help people understand whether they like it or not, they are an important part of the watershed.

Mr. Iglehart referred to the slide that stated that approximately 27% of household water is used for toilet flushing; the utilities use the water delivery to determine the rates for the water take off also. He then asked Mr. Burden if he is working with the utilities. Mr. Burden replied yes, this is an ongoing dialog that he has been having and it depends on which water utility that you speak with as to the greater understanding. Rain water harvesting is creating a surplus supply for utilities that is helping stave off these capital improvements and these other future costs. He believes that there has been a great focus, in some cases, on lost revenue from bringing in rain water after the meter, but that is water that still has to be treated by the waste water facilities. There are many stakeholders to the water process and certainly to the water capture process, so we are having dialogs on how to handle that process. We can do baseline costing for storm water treatment or per capita costing , based on national averages or even state averages to what kind of uses occurs on different kinds of properties. These are the types of discussions and dialogs that need to occur in order to mainstream these processes.

Councilman Babcock stated that when Mr. Burden mentioned the water-energy connection, what he immediately thought of was solar panels. Mr. Burden stated that actually within one of the graphs that were in the presentation was from a group called southface.org and in that report "Water to Watts" it discusses how 40% of homes energy usage is from heating water, so if we can talk about coupling and incentivizing solar technology with rain water collection we are taking a huge bite out of the "residential energy apple."

Councilman Kiester explained that Marco Island has been moving from septic systems to central sewer and recently they have been converting the old septic tanks into cisterns. He then explained that one resident has a cistern system made out of an old septic tank and uses a vacuum valve system which is connected to his irrigation system.

AGENDA ITEM #5(d)
Other Regional Issues

Mr. Heatherington gave a legislative overview.

Commissioner Chapman stated that he works with a company called Recycling and Development and the CEO, which is a nationally known expert on energy, sent him information which indicated that solar came in "dead last" in terms of cost versus efficiency of all the forms of energy that you can generate. He said that he would be happy to share that information with anyone that is interested. He then stated that he has not been supportive of FPL bringing in any kind of solar initiative, but when you have the least efficient and most costly that is a bad combination.

AGENDA ITEM #6
PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #7
DIRECTOR'S COMMENTS

Mr. Heatherington announced the following:

- 2009 Annual Report
- April 2010 Economic Views
- City/Council Manager and Planning Directors Roundtable Meeting scheduled for Thursday, July 15th
- "Where Do We Grow" Symposium at the Lee County BOCC on Friday, April 16th
- "Transit Oriented Development" Competition Awards Ceremony on May 7th
- Energy Technologies Topic for May 20th Council Meeting along with the Council's FY10/11 Annual Budget and possibly the Continuance of the Harborview DRI Staff Assessment

AGENDA ITEM #8
STATE AGENCIES COMMENTS/REPORTS

SFWMD – Mr. Flood thanked all of the local governments for passing their resolutions in acknowledging April at Water Conservation month.

AGENDA ITEM #9
COUNCIL ATTORNEY'S COMMENTS

Ms. Donley thanked the Council for the letters of support for the reauthorization for the CHNEP, it is going to the floor of the House today for discussion so hopefully it will move forward and the CHNEP will be reauthorized.

AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS

No members had any comments at this time.

AGENDA ITEM #11
ADJOURN

The meeting adjourned at 11:05 a.m.

_____
Commissioner Karson Turner, Secretary

The meeting was duly advertised in the April 2, 2010 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 36, Number 13.

Agenda Item

3

Consent Agenda

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3

CONSENT AGENDA

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

Approve administrative action on clearinghouse review items.

Agenda Item #3(b) – Financial Statement for April 30, 2010 & Grant Activity Sheets

Approve the financial statement for April 30, 2010 and the grant activity sheets as presented.

Agenda Item #3(c) – City of Fort Myers Comprehensive Plan Amendments (DCA 10-1)

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

Agenda Item #3(d) – City of Fort Myers Comprehensive Plan Amendments (DCA 10-2)

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

Agenda Item #3(e) – City of Cape Coral Comprehensive Plan Amendments (DCA 10-1)

Review and approve staff's July comments. Authorize staff to forward comments to the Department of Community Affairs and City of Cape Coral.

Agenda Item #3(f) – Alico Interchange DRI – Development Order Review

Approve the development order as presented.

Agenda Item #3(g) – Miromar Lakes DRI – NOPC

Notify Lee County, the Florida Department of Community Affairs and the applicants of the Southwest Florida Regional Planning Council's recommendations, as stated in this agenda item.

Notify Lee County, the Florida Department of Community Affairs and the applicant that, if the applicant addresses the Council's recommendations through the provision of additional information, the proposed changes would not appear to create a substantial deviation. Thus, Council participation at the local public hearing would not be necessary, unless request by Lee County for the purpose of providing technical assistance.

Request that Lee 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.

Agenda Item #3(h) – North Port Gardens DRI – Sufficiency Response Extension

Approve the request for sufficiency extension.

Agenda Item #3(i) – The Fountains DRI – Sufficiency Response Extension

Approve the request for sufficiency extension.

Agenda Item #3(j) – Big Cypress DRI – Sufficiency Response Extension

Approve the request for sufficiency extension.

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

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

Agenda Item #3(l) – Glades & Hendry Joint TD Planning Grant

Review and approve the Planning Grant Application for Fiscal Year 2010-2011 for Glades and Hendry Counties and authorize the Chairman to execute Resolution 2010-04.

RECOMMENDED ACTION: Approve consent agenda as presented.

5/2010

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 April 1, 2010 and ending April 30, 2010.

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.

5/2010

ICR Council - 2010

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2010-15	Mr. Ed Garrett, P.G.	FDEP - Bureau of Mines & Mineral Reg.	Collier County	FDEP Permit Modification #1332L for production enhancement through well completion with lateral well bores (LWBs) for the BreitBurn Florida LLC at Raccoon Point Field, Pad 5 in Collier County, Florida.			Regionally Significant and Consistent
2010-16	Mr. George Ussery	Lakeport Water Association, Inc.	Glades County	Lakeport Water Association, Inc. - Brighton Seminole Tribe assessment fee to Lakeport Water Association for procurement of water. There will be a 40 year contract to coincide with the capitalization fee. Glades County, Florida.	USDA	$4,100,000.00	Regionally Significant and Inconsistent

Review in Progress

SWFRPC #	First Name	Last Name	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2010-17			Lee County	Lee County Transit - FY 2010 USC 5316 Job Access Reverse Commute (JARC) Grant	Federal Transit Administration	$19,771.00	Review in Progress
2010-18			Lee County	Lee County Transit - FY 2010 USC 5317 New Freedom Grant Program	Federal Transit Administration	$146,069.00	Review in Progress
2010-19			Collier County	Immokalee Water and Sewer District - High Priority Water and Wastewater Construction Projects in Immokalee, Collier County, Florida.			Review in Progress
2010-20			State	NOI to prepare EIS for 5-Year Oil and Gas Leasing Program 2012-2017.			Review in Progress
2010-21			Hendry County	Rock Enterprises, Inc. - USDA - Stormwater Improvements - Levee Construction and Reservoir Enhancements (construct the final 2.5 (+/-) miles of reservoir levee as permitted by South Florida Water Management District in 1983, Permit No. 26-00156-S).	USDA - Rural Development	$1,800,000.00	Review in Progress

Agenda Item

3b

Financial Statement For April 30, 2010 & Grant Activity Sheets

3b

Southwest Florida Regional Planning Council

Executive Director's Summary

Second Quarter ending March FY 2009/2010

As with many state and local governments, the Southwest Florida Regional Planning Council (SWFRPC) continues to face a challenging year. The staff committed to adapt to the times and continues to make the necessary changes in the way we operate and do business.

The goal for FY 2009/2010 was to move forward with a sharp eye and conservative approach. As of March 31, 2010 the overall budget spent was 41.55 % (below the projected 50%). Revenues from prior fiscal year show a positive growth, and expenses have decreased compared to prior year to date Income Statement. The Net Income for the FY 09/10, as compared to second quarter prior year to date Income Statement, has also increased.

- Revenues year to date are at 47% budgeted; ($1,674,910.41) increasing by $19,480.57 from prior year to date.
- Expenses year to date are at 42 % of budgeted ($1,595,146.75) decreasing by $13,280.04 from prior year to date.
- Net Income year to date is $79,763.66, increasing $32,760.01 from prior year to date.
- Reserve balance is $644,000.00, (currently estimated at four months), working towards the goal of six months reserve.

The Budget Committee of the Southwest Florida Regional Planning Council is actively involved in discussion of any significant variance to current budget or prior year budget, as well as indentifying and securing alternate investment sources. As recommended by the Budget Committee, a schedule of grant activity is now included with the monthly financials presented to Council. Quarterly meetings with the staff of the SWFRPC are to continue, and future amendments if applicable will be brought to the Budget Committee for review and recommendation.

The staff of the SWFRPC remains actively involved in the role of planning for growth management, community development, and quality- of -life issues throughout or region. Ongoing activities include: providing technical assistance to local governments; coordinating the reviews of development of Regional Impact; reviews of local plans and plan amendments for consistency; Hurricane Evacuation; Economic Development; Transportation Disadvantage; Local Emergency Planning; Coastal Impact and Salt Marsh Wetland studies; Climate Change; as well as providing administrative support to the CHNEP and MPO.

MONTHLY FINANCIAL CONTENTS
For the month ending April 30, 2010

	Pages
Financial Reports:	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
This page is a comparsion 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.	
Income statement - Comparsion of current year vs. prior year	4
This page is a comparsion 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.	
Explanation of Council's Financial at current month end including:	5
- 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	
Breakdown of actual expenses for the RPC, MPO, NEP including	
- percentages and any amendments requested.	
- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10
Grant Activity	
Net Income Statement with a breakdown of monthly recognized revenue	11
Overall view of all Grants (RPC-MPO-NEP)	12

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
April-10

	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	$ 102,145	$ -	$ -	$ -	$ 102,145
Investments	514,431	-	-	-	514,431
Receivables - grants and contracts	-	473,963	-	-	473,963
Receivables - other	-	-	-	-	-
Due from other funds	-	(274,023)	-	-	(274,023)
Other assets	611	-	-	-	611
Property and equipment, net	-	-	1,619,940	-	1,619,940
Amount to be provided for retirement of general long-term debt	-	-	-	1,312,587	1,312,587
TOTAL ASSETS AND OTHER DEBIT	$ 617,187	$ 199,940	$ 1,619,940	$ 1,312,587	$ 3,749,654
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	$ (472)	$ -	$ -	$ -	$ (472)
Retainage payable	57,754	-	-	-	57,754
Due to other governments	-	-	-	-	-
Due to other funds	(274,023)	-	-	-	(274,023)
Deferred revenue - grants and contracts	-	199,940	-	-	199,940
Accrued compensated absences	-	-	-	71,257	71,257
Notes payable	-	-	-	1,241,329	1,241,329
TOTAL LIABILITIES	(216,741)	199,940	-	1,312,587	1,295,786
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,619,940	-	1,619,940
Fund balance					
Reserved, designated	644,000	-	-	-	644,000
Unreserved, undesignated	189,928	-	-	-	189,928
TOTAL FUND EQUITY AND OTHER CREDIT	833,928	-	1,619,940	-	2,453,868
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	$ 617,187	$ 199,940	$ 1,619,940	$ 1,312,587	$ 3,749,654

SWFRPC
Balance Sheet
April 30, 2010

ASSETS

Current Assets			
Cash - Bank of America Oper.	$	101,945.34	
Cash - FL Local Gov't Pool		503,834.04	
Cash - FL Gov't Pool-Fund B		10,597.06	
Petty Cash		200.00	
Accounts Receivable		286,411.55	
Accounts Receivable-Assessment		37,397.10	
Accounts Receivable-MPO		150,154.83	
Bulk Mail Prepaid Postage		610.73	
Amount t.b.p. for L.T.L.-Leave		71,257.44	
Amount t.b.p. for L.T.Debt		1,241,329.31	
Total Current Assets			2,403,737.40
Property and Equipment			
Property, Furniture & Equip		2,018,567.66	
Accumulated Depreciation		(398,627.57)	
Total Property and Equipment			1,619,940.09
Total Assets			$ 4,023,677.49

LIABILITIES AND CAPITAL

Current Liabilities			
Retainage Payable	$	57,754.23	
Deferred Income		199,940.20	
United way Payable		156.00	
FSA Payable		(808.00)	
Accrued Annual Leave		71,257.44	
Long Term Debt - Bank of Am.		1,241,329.31	
LEPC Contintency Fund		180.44	
Total Current Liabilities			1,569,809.62
Total Liabilities			1,569,809.62
Capital			
Fund Balance-Unrestricted		11,718.67	
Fund Balance-Restricted		644,000.00	
Fund Balance-Fixed Assets		1,619,940.09	
Net Income		178,209.11	
Total Capital			2,453,867.87
Total Liabilities & Capital			$ 4,023,677.49

SWFRPC
Income Statement
Compared with Budget
For the Seven Months Ending April 30, 2010

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	410,784.35	319,931	2,085,936.28	3,839,167	54.33
Expenses					
Salaries Expense	129,850.48	139,805	936,533.75	1,677,662	55.82
FICA Expense	9,651.72	10,167	68,703.88	122,000	56.31
Retirement Expense	16,806.68	13,833	83,914.68	166,000	50.55
Health Insurance Expense	14,848.57	15,000	112,090.79	180,000	62.27
Unemployment Comp. Expense	0.00	1,240	3,850.00	14,879	25.88
Workers Comp. Expense	424.00	500	2,968.00	6,000	49.47
Grant/Consulting Expense	120.00	3,333	16,020.60	40,000	40.05
NEP-Contractual	42,806.22	10,104	143,019.75	121,250	117.95
MPO-Contractual	55,601.93	18,526	163,419.57	222,317	73.51
Audit Services Expense	0.00	3,917	43,116.00	47,000	91.74
Travel Expense	3,119.78	4,000	26,874.31	48,000	55.99
Telephone Expense	741.31	1,058	5,481.53	12,700	43.16
Postage / Shipping Expense	8,477.99	2,417	22,932.53	29,000	79.08
Storage Unit Rental	0.00	19	224.00	224	100.00
Equipment Rental Expense	2,821.45	2,933	19,214.26	35,200	54.59
Insurance Expense	0.00	2,841	21,564.15	34,097	63.24
Repair/Maint. Expense	1,535.00	1,667	9,738.35	20,000	48.69
Printing/Reproduction Expense	0.00	5,875	43,963.93	70,500	62.36
Utilities (Elec, Water, Gar)	1,893.32	2,083	11,119.35	25,000	44.48
Advertising/Legal Notices Exp	127.22	1,071	7,140.81	12,850	55.57
Other Misc. Expense	27.00	292	1,863.91	3,500	53.25
Office Supplies Expense	1,535.49	1,917	11,001.67	23,000	47.83
Computer Related Expense	8,627.18	3,167	23,389.32	38,000	61.55
Publication Expense	68.00	333	770.10	4,000	19.25
Prof. Develop./Dues Expense	413.19	3,250	32,305.73	39,000	82.84
Meetings/Events Expense	62.11	3,667	15,914.74	44,000	36.17
Capitol Outlay Expense	2,300.00	2,250	6,070.02	27,000	22.48
Capitol Outlay - Building	0.00	833	0.00	10,000	0.00
Long Term Debt	10,645.92	10,667	74,521.44	128,000	58.22
Reserve for Operations Expense	0.00	53,166	0.00	637,988	0.00
Total Expenses	312,504.56	319,931	1,907,727.17	3,839,167	49.69
Net Income	$ 98,279.79	0	$ 178,209.11	$ 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

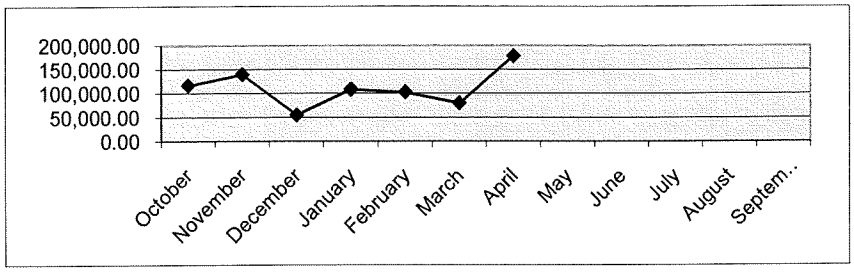
SWFRPC
Income Statement - Two Years
For the Seven Months Ending April 30, 2010

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	410,784.35	362,150.63	2,085,936.28	2,017,580.47
Expenses				
Salaries Expense	129,850.48	167,280.45	936,533.75	964,777.87
FICA Expense	9,651.72	12,597.85	68,703.88	76,292.89
Retirement Expense	16,806.68	13,930.37	83,914.68	89,731.32
Health Insurance Expense	14,848.57	16,431.89	112,090.79	123,376.02
Unemployment Comp. Expe	0.00	0.00	3,850.00	826.54
Workers Comp. Expense	424.00	554.00	2,968.00	3,873.00
Grant/Consulting Expense	120.00	5,850.00	16,020.60	67,820.00
NEP-Contractual	42,806.22	40,955.31	143,019.75	169,146.39
MPO-Contractual	55,601.93	2,850.00	163,419.57	7,550.00
Audit Services Expense	0.00	0.00	43,116.00	45,686.00
Travel Expense	3,119.78	2,751.48	26,874.31	27,796.45
Telephone Expense	741.31	581.46	5,481.53	4,978.31
Postage / Shipping Expense	8,477.99	187.48	22,932.53	18,877.65
Storage Unit Rental	0.00	224.00	224.00	1,792.00
Equipment Rental Expense	2,821.45	1,616.24	19,214.26	20,062.15
Insurance Expense	0.00	0.00	21,564.15	25,766.81
Repair/Maint. Expense	1,535.00	1,095.00	9,738.35	12,597.21
Printing/Reproduction Expen	0.00	1,431.00	43,963.93	31,387.64
Utilities (Elec, Water, Gar)	1,893.32	1,864.59	11,119.35	12,054.54
Advertising/Legal Notices Ex	127.22	1,574.76	7,140.81	8,082.64
Other Misc. Expense	27.00	0.00	1,863.91	1,440.78
Office Supplies Expense	1,535.49	1,982.68	11,001.67	11,067.67
Computer Related Expense	8,627.18	7,222.71	23,389.32	45,842.01
Publication Expense	68.00	256.50	770.10	1,025.53
Prof. Develop./Dues Expens	413.19	35.00	32,305.73	23,897.75
Meetings/Events Expense	62.11	879.42	15,914.74	29,676.29
Capitol Outlay Expense	2,300.00	1,125.00	6,070.02	2,403.00
Long Term Debt	10,645.92	10,645.92	74,521.44	74,521.44
Total Expenses	312,504.56	293,923.11	1,907,727.17	1,902,349.90
Net Income	$ 98,279.79	$ 68,227.52	$ 178,209.11	$ 115,230.57

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	59.59%
The percentage of the RPC Budget spent is	69.71%
The percentage of the MPO Budget spent is	50.08%
The percentage of the NEP Budget spent is	55.19%

For the month ending April 30, 2010 $178,209 is our net income.

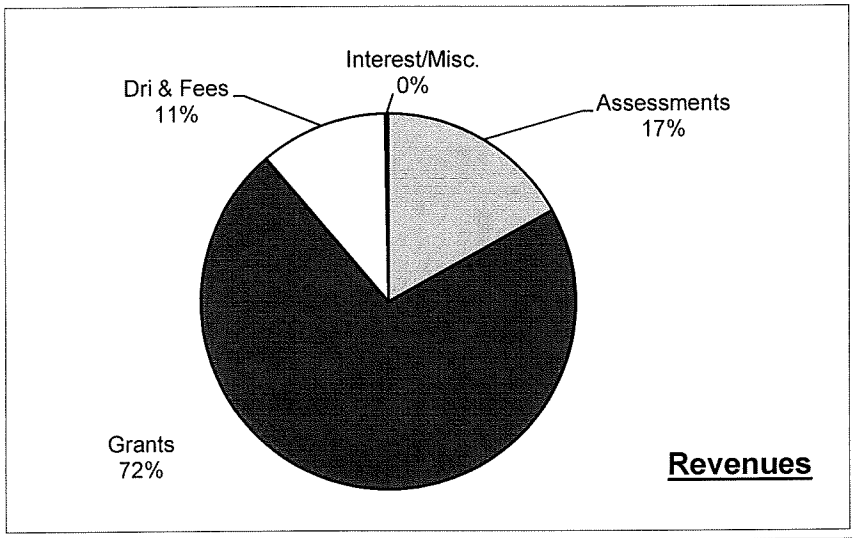


Net Income (unaudited)

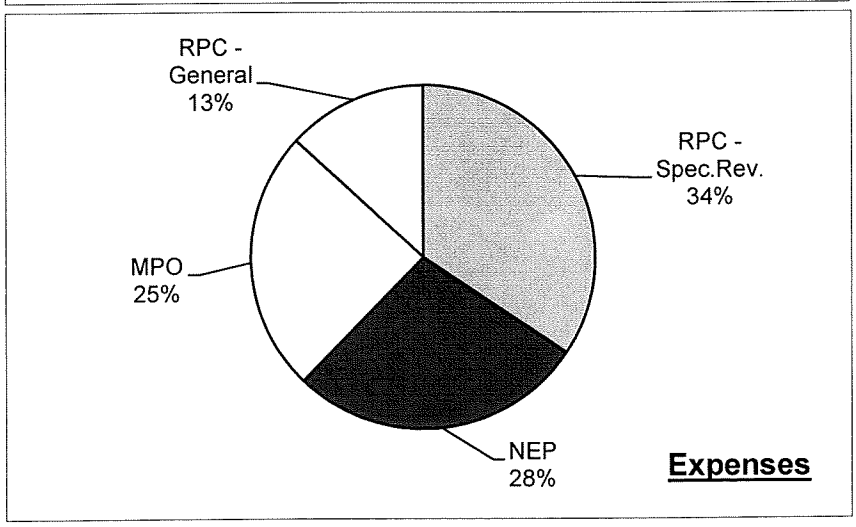
As can be seen in this graph, the net income moves in quarterly cycles.

For the month ending April 30, 2010

Total Revenues	2,085,936
Total Expenses	1,907,727
Net Income	178,209



Revenues	
Assessments	352,914
Grants	1,499,342
Dri & Fees	227,840
Interest/Misc.	5,840
	2,085,936



Expenses	
RPC - Spec.Rev.	655,576
NEP	531,839
MPO	469,130
RPC - General	251,183
	1,907,727

RPC-MPO-NEP Combined
Budget vs. Actual
For the month ending April 30, 2010

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	58.33%	Combined Comments
Revenues								
Membership Dues	352,914	470,552	470,552	0	470,552	117,638	75.00%	
Federal/State/Local Grants	1,499,342	2,333,993	2,500,627	0	2,500,627	1,001,285	59.96%	
Dri/Monitoring Fees	227,840	200,000	200,000	0	200,000	-27,840	113.92%	
Interest And Miscellaneous	5,840	30,000	30,000	0	30,000	24,160	19.47%	
Carry Over Fund Balance		637,988	637,988	0	637,988			
Total Income	2,085,936	3,672,533	3,839,167	0	3,839,167	1,115,243		
Expenditures								
Direct:								
Salaries	936,534	1,677,662	1,677,662	0	1,677,662	741,128	55.82%	
FICA	68,704	122,000	122,000	0	122,000	53,296	56.31%	
Retirement	83,915	166,000	166,000	0	166,000	82,085	50.55%	
Health Insurance	112,091	180,000	180,000	0	180,000	67,909	62.27%	
Workers Compensation	6,818	8,000	20,879	0	20,879	14,061	32.65%	
Total Personnel	1,208,061	2,153,662	2,166,541	0	2,166,541	958,480	55.76%	
Consultant Fees	16,021	40,000	40,000	0	40,000	23,979	40.05%	
NEP Contractual	143,020	121,250	121,250	0	121,250	-21,770	117.95%	
MPO Contractual	163,420	58,683	222,317	0	222,317	58,897	73.51%	
Audit Fees	43,116	47,000	47,000	0	47,000	3,884	91.74%	
Travel	26,874	48,000	48,000	0	48,000	21,126	55.99%	
Telephone	5,482	12,700	12,700	0	12,700	7,218	43.16%	
Postage	22,933	30,000	29,000	0	29,000	6,067	79.08%	
Storage Space Rental	224	3,000	224	0	224	0	100.00%	
Equipment Rental	19,214	35,200	35,200	0	35,200	15,986	54.59%	
Insurance	21,564	35,000	34,097	0	34,097	12,533	63.24%	
Repair/Maintenance	9,738	20,000	20,000	0	20,000	10,262	48.69%	
Printing/Reproduction	43,964	74,500	70,500	0	70,500	26,536	62.36%	
Utilities (Elec, Gas, Water)	11,119	25,000	25,000	0	25,000	13,881	44.48%	
Advertising	7,141	10,050	12,850	0	12,850	5,709	55.57%	
Other Miscelleanous	1,864	2,000	3,500	0	3,500	1,636	53.25%	
Office Supplies	11,002	23,000	23,000	0	23,000	11,998	47.83%	
Computer Related Expenses	23,389	38,000	38,000	0	38,000	14,611	61.55%	
Publications	770	4,000	4,000	0	4,000	3,230	19.25%	
Professional Development	32,306	33,500	39,000	0	39,000	6,694	82.84%	
Meetings/Events	15,915	44,000	44,000	0	44,000	28,085	36.17%	
Capital Outlay-Operations	6,070	38,000	27,000	0	27,000	20,930	22.48%	
Capital Outlay-Building	0	10,000	10,000	0	10,000	10,000	0.00%	
Long Term Debt	74,521	128,000	128,000	0	128,000	53,479	58.22%	
Allocation of Fringe/Indirect		0	0	0	0	0		
Reserve for Operation Expense		637,988	637,988	0	637,988	637,988		
Total Cash Outlays	1,907,727	3,672,533	3,839,167	0	3,839,167	1,931,440	59.59%	
Net Income/(Loss)	178,209	0	0	0	0			

NEP
Budget vs. Actual
For the month ending April 30, 2010

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	58.33%	CHNEP Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	531,839	963,700	963,700		963,700	431,861	55.19%	
Dri/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
Carry Over Fund Balance		0	0		0	0		
Total Income	531,839	963,700	963,700	0	963,700	431,861		
Expenditures								
Direct:								
Salaries	129,655	350,000	350,000		350,000	220,345	37.04%	
FICA	0				0	0		
Retirement	0				0	0		
Health Insurance	0				0	0		
Workers Compensation	0				0	0		
Total Personnel	129,655	350,000	350,000	0	350,000	220,345	37.04%	
Consultant Fees	0				0	0		
NEP Contractual	143,020	121,250	121,250		121,250	-21,770	117.95%	
MPO Contractual	0				0	0		
Audit Fees	0				0	0		
Travel	9,210	15,000	15,000		15,000	5,790	61.40%	
Telephone	251	700	700		700	449	35.85%	
Postage	19,466	20,000	20,000		20,000	534	97.33%	
Storage Space Rental	103	1,000	103		103	0	100.00%	
Equipment Rental	0	200	200		200	200	0.00%	
Insurance	551		897		897	346	61.39%	
Repair/Maintenance	0				0	0		
Printing/Reproduction	43,506	60,000	60,000		60,000	16,494	72.51%	
Utilities (Elec, Gas, Water)	0				0	0		
Advertising	0	550	550		550	550	0.00%	
Other Miscelleanous	0	500	500		500	500	0.00%	
Office Supplies	1,990	3,000	3,000		3,000	1,010	66.35%	
Computer Related Expenses	30	4,000	4,000		4,000	3,970	0.75%	
Publications	25	500	500		500	475	5.00%	
Professional Development	6,526	7,000	7,000		7,000	474	93.22%	
Meetings/Events	11,532	30,000	30,000		30,000	18,468	38.44%	
Capital Outlay-Operations	0	15,000	15,000		15,000	15,000	0.00%	
Capital Outlay-Building	0				0	0		
Long Term Debt					0	0		
Allocation of Fringe/Indirect	165,974	335,000	335,000		335,000	169,026		
Reserve for Operation Expense								
Total Cash Outlays	531,839	963,700	963,700	0	963,700	431,861	55.19%	
Net Income/(Loss)								

MPO
Budget vs. Actual
For the month ending April 30, 2010

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO VARIABLE	58.33%	MPO Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	469,130	770,178	936,812		936,812	467,682	50.08%	
Dri/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
Carry Over Fund Balance		0	0		0	0		
Total Income	469,130	770,178	936,812	0	936,812	467,682		
Expenditures								
Direct:								
Salaries	128,147	300,000	300,000		300,000	171,853	42.72%	
FICA	0				0	0		
Retirement	0				0	0		
Health Insurance	0				0	0		
Workers Compensation	0				0	0		
Total Personnel	128,147	300,000	300,000	0	300,000	171,853	42.72%	
Consultant Fees	0				0	0		
NEP Contractual	0				0	0		
MPO Contractual	163,420	58,683	222,317		222,317	58,897	73.51%	
Audit Fees	0				0	0		
Travel	1,999	8,000	8,000		8,000	6,001	24.98%	
Telephone	440	3,000	3,000		3,000	2,560	14.68%	
Postage	1,852	5,000	5,000		5,000	3,148	37.04%	
Storage Space Rental	0				0	0		
Equipment Rental	0				0	0		
Insurance	0				0	0		
Repair/Maintenance	0				0	0		
Printing/Reproduction	291	6,500	6,500		6,500	6,209	4.47%	
Utilities (Elec, Gas, Water)	0				0	0		
Advertising	5,264	7,500	10,000		10,000	4,736	52.64%	
Other Miscelleanous	0	500	500		500	500	0.00%	
Office Supplies	248	5,000	5,000		5,000	4,752	4.97%	
Computer Related Expenses	0	2,000	2,000		2,000	2,000	0.00%	
Publications	0	1,500	1,500		1,500	1,500	0.00%	
Professional Development	1,093	1,500	2,000		2,000	908	54.63%	
Meetings/Events	-125	2,000	2,000		2,000	2,125	-6.25%	
Capital Outlay-Operations	2,542	3,000	3,000		3,000	458	84.73%	
Capital Outlay-Building	0				0	0		
Long Term Debt	0				0	0		
Allocation of Fringe/Indirect	163,961	365,995	365,995		365,995	202,034		
Reserve for Operation Expense								
Total Cash Outlays	469,130	770,178	936,812	0	936,812	467,682	50.08%	
Net Income/(Loss)								

Regional Planning Council
Budget vs. Actual
For the month ending April 30, 2010

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC VARIABLE	58.33%	RPC Comments
Revenues								
Membership Dues	352,914	470,552	470,552		470,552	117,638	75.00%	
Federal/State/Local Grants	498,373	600,115	600,115		600,115	101,742	83.05%	
Dri/Monitoring Fees	227,840	200,000	200,000		200,000	-27,840	113.92%	
Interest And Miscellaneous	5,840	30,000	30,000		30,000	24,160	19.47%	
Carry Over Fund Balance		637,988	637,988		637,988	637,988	0.00%	
Total Income	1,084,967	1,938,655	1,938,655	0	1,938,655	853,688	55.96%	
Expenditures								
Direct:								
Salaries	678,732	1,027,662	1,027,662		1,027,662	348,930	66.05%	
FICA	68,704	122,000	122,000		122,000	53,296	56.31%	
Retirement	83,915	166,000	166,000		166,000	82,085	50.55%	
Health Insurance	112,091	180,000	180,000		180,000	67,909	62.27%	
Workers Compensation	6,818	8,000	20,879		20,879	14,061	32.65%	
Total Personnel	950,259	1,503,662	1,516,541	0	1,516,541	566,282	62.66%	
Consultant Fees	16,021	40,000	40,000		40,000	23,979	40.05%	
NEP Contractual	0		0		0	0		
MPO Contractual	0		0		0	0		
Audit Fees	43,116	47,000	47,000		47,000	3,884	91.74%	
Travel	15,666	25,000	25,000		25,000	9,334	62.66%	
Telephone	4,790	9,000	9,000		9,000	4,210	53.22%	
Postage	1,614	5,000	4,000		4,000	2,386	40.36%	
Storage Space Rental	121	2,000	121		121	0	100.00%	
Equipment Rental	19,214	35,000	35,000		35,000	15,786	54.90%	
Insurance	21,013	35,000	33,200		33,200	12,187	63.29%	
Repair/Maintenance	9,738	20,000	20,000		20,000	10,262	48.69%	
Printing/Reproduction	167	8,000	4,000		4,000	3,833	4.18%	
Utilities (Elec, Gas, Water)	11,119	25,000	25,000		25,000	13,881	44.48%	
Advertising	1,877	2,000	2,300		2,300	423	81.60%	
Other Miscelleanous	1,864	1,000	2,500		2,500	636	74.56%	
Office Supplies	8,763	15,000	15,000		15,000	6,237	58.42%	
Computer Related Expenses	23,359	32,000	32,000		32,000	8,641	73.00%	
Publications	745	2,000	2,000		2,000	1,255	37.26%	
Professional Development	24,688	25,000	30,000		30,000	5,312	82.29%	
Meetings/Events	4,508	12,000	12,000		12,000	7,492	37.57%	
Capital Outlay-Operations	3,528	20,000	9,000		9,000	5,472	39.20%	
Capital Outlay-Building	0	10,000	10,000		10,000	10,000	0.00%	
Long Term Debt	74,521	128,000	128,000		128,000	53,479	58.22%	
Allocation of Fringe/Indirect	-329,935	-700,995	-700,995		-700,995	-371,060	47.07%	
Reserve for Operation Expense		637,988	637,988		637,988	637,988		
Total Cash Outlays	906,758	1,938,655	1,938,655	0	1,938,655	1,031,897	69.71%	
Net Income/(Loss)	178,209	0	0	0	0			

Regional Planning Council
Budget vs. Actual
For the month ending April 30, 2010

	DCA	HMEP/SQG/ EMERG	Economic Developmt.	Huricane 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	352,914		352,914	352,914
Federal/State/Local Grants	128,491	56,046	41,398	22,472	38,648		211,319	498,373			0	498,373
Dri/Monitoring Fees						227,840		227,840			0	227,840
Interest And Miscellaneous								0	5,840		5,840	5,840
Carry Over Fund Balance								0			0	0
Total Income	128,491	56,046	41,398	22,472	38,648	227,840	211,319	726,214	358,754	0	358,754	1,084,967
Expenditures												
Direct:												
Salaries	56,780	6,687	17,230	9,857	16,843	96,220	74,430	278,048	239,274	161,411	400,684	678,732
FICA	0	0	0	0	0	0	0	0	0	68,704	68,704	68,704
Retirement	0	0	0	0	0	0	0	0	0	83,915	83,915	83,915
Health Insurance	0	0	0	0	0	0	0	0	0	112,091	112,091	112,091
Workers Compensation	0	0	0	0	0	0	0	0	0	6,818	6,818	6,818
Total Personnel	56,780	6,687	17,230	9,857	16,843	96,220	74,430	278,048	239,274	432,938	672,211	950,259
Consultant Fees	0	4,950	0	0	0	0	2,101	7,051	8,970	0	8,970	16,021
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	43,116	0	43,116	43,116
Travel	1,119	4,649	0	0	0	61	1,092	6,920	8,745	0	8,745	15,666
Telephone	0	0	0	0	0	0	0	0	4,790	0	4,790	4,790
Postage	28	66	74	0	193	47	123	530	1,084	0	1,084	1,614
Storage Space Rental	0	0	0	0	0	0	0	0	121	0	121	121
Equipment Rental	0	0	0	0	0	0	0	0	19,214	0	19,214	19,214
Insurance	0	0	0	0	0	0	0	0	21,013	0	21,013	21,013
Repair/Maintenance	0	0	0	0	0	0	0	0	9,738	0	9,738	9,738
Printing/Reproduction	1	6	1	0	21	12	12	53	115	0	115	167
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0	11,119	0	11,119	11,119
Advertising	67	0	0	0	1,086	0	50	1,203	674	0	674	1,877
Other Miscelleanous	0	0	0	0	0	0	1,320	1,320	544	0	544	1,864
Office Supplies	0	5	0	0	0	0	578	583	8,180	0	8,180	8,763
Computer Related Expenses	0	0	0	0	0	0	1,299	1,299	22,060	0	22,060	23,359
Publications	68	0	0	0	0	0	101	169	576	0	576	745
Professional Development	540	30	2,000	0	0	0	20	2,590	22,098	0	22,098	24,688
Meetings/Events	0	200	27	0	0	0	3,354	3,581	928	0	928	4,508
Capital Outlay-Operations	0	0	0	0	0	0	3,528	3,528	0	0	0	3,528
Capital Outlay-Building	0	0	0	0	0	0	0	0	0	0	0	0
Long Term Debt							0		74,521	0	74,521	74,521
Allocation of Fringe/Indirect	72,682	8,545	22,066	12,615	21,536	123,252	88,006	348,702	-678,637		-678,637	-329,935
Reserve for Operation Expense												
Total Cash Outlays	131,285	25,138	41,398	22,472	39,678	219,592	176,013	655,576	-181,755	432,938	251,183	906,758
Net Income/(Loss)												178,209

Southwest Florida Regional Planning Council
For the month ending April 30, 2010

Net Income/Loss Statement

	Prior Period	Amended Budget	Current Period	Current Period as % of Rev/Exp	% Change from Prior Period	% of Budget
Revenue						
DCA - GENERAL	95,695		120,652			
DCA - TITLE III	7,839		7,839			
SALT MARSH LANDS	19,624		28,973			
WETLANDS	85,211		100,767			
ECONOMIC DEVELOP.	34,877		41,398			
HMEP-PLANNING	18,000		18,000			
HMEP-TRAINING	34,546		34,546			
SQG	3,500		3,500			
TD GLADES/HENDRY	14,467		17,694			
TD LEE	18,829		20,953			
HURRICANE EVACUATION	17,626		22,472			
RTIC REVIEW	8,136		19,611			
COML - EDICS	16,500		16,500			
TRANSIT ORIENTED DEV.						
CLIMATE VULNERABILITY	30,586		31,868			
CLIMATE RESILIENCY						
PEOPLE, PROSPERITY & PRESERVATION	13,600		13,600			
TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)	**419,036**	**600,115**	**498,373**	**23.9%**	**18.9%**	**83.0%**
DRIs/NOPCs - DRI MON.	209,729	200,000	227,840	10.9%	8.6%	113.9%
ASSESSMENTS & MISC INC.	241,248	500,552	358,754	17.2%	48.7%	71.7%
CHNEP	434,471	963,700	531,839	25.5%	22.4%	55.2%
MPO	370,426	936,812	469,130	22.5%	26.6%	50.1%
Total Revenue	**1,674,910**	**3,201,179**	**2,085,936**	**100.0%**	**24.5%**	**65.2%**
Operating Expenses (all 3 entities-RPC,MPO,NEP)						
Salaries and Fringe (all personnel)	1,036,480	2,166,541	1,208,061	63.3%	16.6%	55.8%
Consultant Fees	15,901	40,000	16,021	0.8%	0.8%	40.1%
NEP Contractual	100,214	121,250	143,020	7.5%	42.7%	118.0%
MPO Contractual	107,818	222,317	163,420	8.6%	51.6%	73.5%
Audit Fees	43,116	47,000	43,116	2.3%	0.0%	91.7%
Travel	23,755	48,000	26,874	1.4%	13.1%	56.0%
Telephone	4,740	12,700	5,482	0.3%	15.6%	43.2%
Postage	14,455	29,000	22,933	1.2%	58.6%	79.1%
Storage Unit Rental	224	224	224	0.0%	0.0%	100.0%
Equipment Rental	16,393	35,200	19,214	1.0%	17.2%	54.6%
Insurance	21,564	34,097	21,564	1.1%	0.0%	63.2%
Repair/Maintenance	8,203	20,000	9,738	0.5%	18.7%	48.7%
Printing/Reproduction	43,964	70,500	43,964	2.3%	0.0%	62.4%
Utilities (Gas,Water, Garb.)	9,150	25,000	11,119	0.6%	21.5%	44.5%
Advertising	7,014	12,850	7,141	0.4%	1.8%	55.6%
Other Miscellaneous	1,837	3,500	1,864	0.1%	1.5%	53.3%
Office Supplies	9,466	23,000	11,002	0.6%	16.2%	47.8%
Computer Related Exps.	14,762	38,000	23,389	1.2%	58.4%	61.6%
Publications	702	4,000	770	0.0%	9.7%	19.3%
Professional Development	31,893	39,000	32,306	1.7%	1.3%	82.8%
Meetings/Events	15,853	44,000	15,915	0.8%	0.4%	36.2%
Capital Outlay-Operations	3,770	27,000	6,070	0.3%	61.0%	22.5%
Capital Outlay-Building	0	10,000	0	0.0%	-	-
Long Term Debt	63,876	128,000	74,521	3.9%	16.7%	58.2%
Total Operating Expenses	**1,595,150**	**3,201,179**	**1,907,727**	**100.0%**	**19.6%**	**59.6%**
Net Income or (loss)	**79,760**	**0**	**178,209**			

OVERALL VIEW OF ESTABLISHED ACTIVE GRANTS INCLUDING MPO AND CHNEP

Agency /	Contract #	PROJECT NAME	CDFA/ CSFA	GRANT PERIOD	FEDERAL	STATE	OTHER or MATCH	TOTAL	TOTAL SPENT	BALANCE
DCA	10-DR-BS-13-00-21-009	DCA - GENERAL	52-006	7/1/09 - 6/30/10		221,640		221,640	183,981	37,659
DCA	10-CP-07-13-00-21-021	DCA - TITLE III	52-006	7/1/09 - 6/30/10		40,909		40,909	43,703	-2,794
EPA	CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	28,973	270,752
EPA	CD96484907	WETLANDS	66-456	10/1/07 - 12/31/10	470,494			470,494	293,788	176,706
EDA	04-83-06028 (w/match)	ECONOMIC DEVELOP.	11-300	1/1/08 - 12/30/10	169,189		72,510	241,699	130,826	110,873
DEM	09-DT-04-13-00-21-300	HMEP-PLANNING	20-703	10/1/09 - 09/30/10	18,000			18,000	9,674	8,326
DEM	09-DT-04-13-00-21-300	HMEP-TRAINING	20-703	10/1/09 - 09/30/10	34,546			34,546	14,848	19,698
GLADES	HW440	SQG	N/A	10/1/09 - 09/30/10			3,500	3,500	617	2,883
TD	APJ53	TD GLADES/HENDRY	55-002	7/1/09 - 6/30/10		35,106		35,106	24,309	10,797
TD	APJ60	TD LEE	55-002	7/1/09 - 6/30/10		29,576		29,576	30,606	-1,030
DCA THRU NERPC	07-HS-32-13-00-21-355	HURRICANE EVACUATION	97-039	3/07 - 06/10		264,225		264,225	249,823	14,402
COLLIER	PO # 4500105936	COLLIER LMS	N/A	2009			20,000	20,000	34,489	-14,489
GLADES	GLADES EMERG.MGMT.	GLADES LMS	N/A	10/08 - 12/09			27,000	27,000	27,081	-81
NERPC	PO # 142	RTIC REVIEW	N/A	8/31/09 - 6/30/10			20,228	20,228	4,626	15,602
NERPC	PO # 194	COML - EDICS	N/A	11/09 - 09/10			16,500	16,500	877	15,623
LEE	PO # 204388	TRANSIT ORIENTED DEV.	N/A	12/09 - 04/10			10,000	10,000	7,767	2,233
LEE	PO # 204715	CLIMATE VULNERABILITY	N/A	01/10 - 03/10			20,000	20,000	13,894	6,106
LEE	PO # 204716	CLIMATE RESILIENCY	N/A	01/10 - 09/10			30,000	30,000	1,168	28,832
LOCAL	GCCF GRANT # 20092864 PLUS CHARGES	PEOPLE, PROSPERITY & PRESERVATION	N/A	10/1/09 - 12/31/09			10,000 3,600	13,600	9,496	4,104
EPA	CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/10	952,700			952,700	531,839	420,861
FHA/US DOT THRU FDOT	416340-1-14-01-0261 (46)	MPO	20-205	7/1/09 - 6/30/10	1,279,962		158,053	1,438,015	854,394	583,621

OTHER LOCAL AND/OR FEE BASED PROJECTS:

FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			227,840	227,840	219,592	8,248
LOCAL ASSESSMENTS & MISC INC.	UNFUNDED/LOCAL/INDIRECT	N/A	Fiscal Year			476,392	476,392	246,555	229,837

The above figures are each grant from ***inception*** to date. The total spent is that amount over the ***life*** of the grant.

Not all grants are aligned with our fiscal year. Some are multi-year, some are annual grants, but on a different fiscal year then that of the SWFRPC as indicated in the 'GRANT PERIOD' column.

SWFRPC Upcoming Opportunities

Name of Project	Funding Source	Due Date, Total Requested & Inkind or Match	Details & Date Grant Submitted	Lead
HUD Sustainable Communities Planning Grant	HUD	Grant will be due in June 2010/20% In-kind Match	Grant application scheduled to be released in May. SWFRPC called and registered to "intent to apply".	Jennifer/Nichole/Liz
Partners for Fish and Wildlife Program	USFWS		Technical Assistance	CHNEP
U.S. EPA , Headquarters Wetlands Program Development Grant	USEPA	June 2010, match required, CHNEP or partners may be able to supply in-kind	Basic research, implements CHNEP's CCMP	Liz
Coastal Partners Initative	FDEP	October 2010, requires match, but in-kind volunteer hours are eligible, up to $50,000	Grassroots restoration, education	Liz
Gulf of Mexico Program	US EPA	June 2010,		Liz
NOAA Coastal and Marine Habitat Restoration National and Regional Partnership Grants	NOAA	Sep-10		Liz
EPA STAR	US EPA	Jul-10		Liz
EPA Region 4 WPDG	US EPA	June or July 2010	not released yet	LIz

SWFRPC CURRENTLY WORKING ON									
Name of Project	**SWFRPC Mission Implemented**	**Funding Source**	**$$ requested for RPC staff**	**Total Request**	**Inkind or Match**	**Total value of project**	**Date Grant Submitted**	**Project Award Date/Length of Grant**	**Lead**
Resource Conservation Challenge Competitive Grant	SWFRPC	EPA			$0	$75,000		TBA	John Gibbons
IECGP Radio Interoperability Training	SWFRPC	DEM				$16,000		TBA	Dave H.
IECGP and/or Incident Command Exercises	SWFRPC	DEM				$40,000		TBA	Dave H.

SWFRPC GRANTS SUBMITTED									
Name of Project	**SWFRPC Mission Implemented**	**Funding Source**	**$$ requested for RPC staff**	**Total Request**	**Inkind or Match**	**Total value of project**	**Date Grant Submitted**	**Project Award Date/Length of Grant**	**Lead**
Sustainable Broadband Adoption	SWFRPC	NARC/NTIA	$240,732	$400,000	$38,940	$4,056,544	3/15/2010	6/10 - 8/10 & 18 months	Jennifer/Nichole
Source Reduction Assistance Grant	SWFRPC	EPA	$27,000		$0	$65,000	2/2/2010	TBA	John Gibbons
Mapping Sustainability Indicators in the Western Everglades Using Geospatial and Information Technologies	CHNEP CCMP, SWFRPC SSRP	NSF	$51,562	?	?	?	Feb-10	TBA/3 years	Liz/ partnership with FGCU/RPC would be sub-contractor
North Spreader Eco-System Management Area	SWFRPC, FSU		$2,500 per quarter			$10,000.00		June 2010/2 years	Dave Hutchinson
Conceptual Ecological Models of the Effects of Climate Change on the Southwest Florida Coast	CHNEP	EPA	$0	up to $75,000 in technical asistance	~$5,000 to $15,000	~$90,000	$40,277.00	one year, Oct. 1, 2010 or sooner	Liz
Coastal Shoreline Stewardship, Education and Outreach	CHNEP	FDEP	$0	$29,980.00	$31,848.00	$61,828.00		recommended for funding, should know for sure by July 1, 2010	Liz

SWFRPC GRANTS AWARDED									
Name of Project	**SWFRPC Mission Implemented**	**Funding Source**	**$$ requested for RPC staff**	**Total Award**	**In-kind or Match**	**Total value of project**	**Date Grant Submitted**	**Project Award Date/Length of Grant**	**Lead**
Development of Regional Climate Change Indicators and Monitoring Plan	SWFRPC Climate & Energy Committee CHNEP Climate Ready Estuary	U.S. EPA	N/A	$75,000		$75,000+			Liz
Development of Climate Change Model Ordinances, Comprehensive Plan language and possibly resolutions	SWFRPC Climate & Energy Committee CHNEP Climate Ready Estuary	U.S. EPA	N/A	~$75,000	N/A				Liz
Climate Change Vulnerability Assessment and Adaptation Opportunities for Salt Marsh Types in Southwest Florida	SWFRPC Climate & Energy Committee CHNEP Climate Ready Estuary	U.S. EPA Region 4	$299,725.00	$299,725.00	$140,000 (from Lee County)	$439,725.00		10/1/2009	Liz

Agenda Item

3c

City of Fort Myers Comprehensive Plan Amendments (DCA 10-1)

3c

3c

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF FT. MYERS

The Council staff has reviewed proposed amendment to the City of Ft. Myers Comprehensive Plan (DCA 10-1). The amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A site location map is provided as Attachment III.

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

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

A summary of the results of the review follows:

Proposed	Factors of Regional Significance			
Amendment	Location	Magnitude	Character	Consistent
09-TA-05 (Map L and Map L-1)	no	no	yes	1. regionally significant 2. procedural 3. consistent with SRPP
09-MA-05 (Keystone Creek LLC and C-Hack LLC)	yes	no	no	1. not regionally significant 2. consistent with SRPP
09-MA-06 (Airside Plaza)	no	no	yes	1. regionally significant 2. procedural 3. consistent with SRPP

09-TA-01 (1828 Evens Avenue)	no	no	no	1. not regionally significant 2. procedural 3. consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and City of Ft. Myers.

05/10

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to Developments of Regional Impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

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

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

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b)]

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

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

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

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

Attachment II

SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW

1. **Local Government Name:**

   City of Ft. Myers

2. **Amendment Number:**

   DCA 10-1

3. **Did the RPC prepare the Plan Amendment: (YES) (NO)**

   No

4. **Date DCA Notified RPC that Amendment Package was Complete, if Applicable:**

   April 12, 2010

5. **Date Amendment Review must be Completed and Transmitted to DCA:**

   May 12, 2010

6. **Date the Review was Transmitted to DCA:**

   May 7, 2010

7. **Description of the Amendment:**

   City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
   This requested City initiated amendment proposes to update Map L - Wetlands and Map L1 - Uplands of the Conservation and Coastal Management Element in the City's Comprehensive Plan. The change reflects the most resent wetland boundary delineations from the South Florida Water Management District (SFWMD). The current maps utilized in the Comprehensive Plan contain data from the 2000 Florida Land Use and Cover Classification System (FLUCCS). The amendment revised maps to incorporate the wetland and upland delineations from the most recent 2004 FLUCCS data. Overall, the change increased the amount of wetlands and decreased the amount of uplands found within the City.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This requested City initiated amendment is to change the City's Comprehensive Plan Future Land Use Map (FLUM) pursuant to a Developer Agreement dated January 16, 2007 and amended on May 4, 2009 that was entered into by the City and the landowners, Keystone Creek, LLC and C-Hack, LLC. The subject parcels are located just east of I-75 on the north side of SR 82. The requested amendment will change the land use designation on the subject property from a mix of low density residential and general commercial to a more up to date designation. The new Intensive Commercial land use designation is intended to provide more intensive commercial opportunities with less square footage in the area and serve customers driving on SR 82 towards Lehigh Acres.

In 2007, the subject property was the subject of a Comprehensive Plan amendment request (07-MA-05). The City Council found that the request was consistent with the Comprehensive Plan and transmitted to DCA. DCA issued its ORC report that found no objections to the requested amendment. However, prior to final adoption of the amendment, the land owners withdrew the request due to a potential acquisition of portions of the site by the Lee County Conservation 20/20 program. The Conservation 20/20 program acquisition is still under consideration by Lee County and the land owners have coordinated with City staff to reinitiate the amendment request pursuant to the Developers Agreement. As of March 2010, Lee County has only proposed to purchase Parcel 5 a small triangular-shaped area (see the attached maps) identified in this amendment. As of May 2010, Lee County has acquired 517 acres to the west of subject parcels in this request and has not purchased any of the lands subject to this request.

According to the City staff report, in April 2009, City Council approved an amendment to the Developer Agreement that: (1) identified the location of drainage parcels for the SR 82 improvements that was mutually acceptable to the City, FDOT, SFWMD and the landowners; (2) reduced the amount of anticipated development vested for concurrency and impact fee purposes; and (3) reduced the proportionate share payment to be made by the landowners to reflect the lower level of anticipated development.

Specifically, this amendment will change the land use designation on the subject site from Low Density Single Family (A), General Commercial (B-1) and Mixed Use (MU) to Intensive Commercial (B-2). If approved, the amendment is expected to: (a) facilitate the terms and conditions of the amended Developer Agreement for traffic mitigation on SR 82; (b) reconfigure the land uses on the subject site to place the more intensive commercial uses on the portions fronting SR 82; and (c) assign the subject parcels a land use designation more consistent with the City's vision for development along the SR 82 corridor.

City No. 09-MA-06 (Airside Plaza)
This requested City initiated amendment removed a single parcel of land from the City's Comprehensive Plan FLUM. The subject parcel is located on Daniels Parkway and contains 125.42± acres. On July 20, 2009, the City Council adopted Ordinance No. 3514 contracting the City's territorial limits to remove the subject property. The vacant site, known as Airside

Plaza, is owned by Waterman-Pinnacle, Inc., and was the site selected for the proposed Boston Red Sox Spring Training Facility that will be constructed by Lee County and is scheduled to be occupied in 2012. The subject parcel was never assigned a future land use designation on the City's FLUM and had been regulated by the Lee County future land use regulations while it was within the City limits. The amendment request is limited to City limits contraction and will not involve a change in the City's future land use districts.

City No. 09-TA-01 (1828 Evens Avenue)
This requested applicant initiated text amendment it the City's Comprehensive Plan Future Land Use Element (FLUE), Action 5.2.7 would allow the continuation of Light Industrial uses within existing warehouse buildings depicted on Map C-2 of the FLUE. Action 5.2.7 currently contains site-specific provisions that impact the applicant's property located at 1828 Evens Avenue. The subject lands were the subject of a previous Comprehensive Plan amendment, adopted under Ordinance No. 3455 that replaced time limits and conditions on the site's existing Light Industrial uses. City staff has coordinated with the applicant to prepare a text amendment that is consistent with the Comprehensive Plan and corrects "glitches" in the Action caused by the previous amendment.

If approved, the amendment request will: (1) allow existing Light Industrial land uses and structures to remain on the subject site; (2) clarify ambiguous language added under the previous amendment regarding the former I-1 parcels in the Downtown Redevelopment Area. Vacant properties may not be developed with Light Industrial uses and fall under the land use classification of Urban Center. Developed sites that fail to maintain their business licenses for a current, light industrial use will lose the ability to renew their licenses once expired, and will fall under the land use designation of Urban Center. The affect of the regulation will allow this 2.2 acre historically industrial site to be redeveloped with commercial uses appropriate to the uses in the present day neighborhood.

8. Is the Amendment consistent with the Strategic Regional Policy Plan:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This amendment request updates the City's Conservation and Coastal Management Element with the most current data with respect to wetlands and uplands located within the City. Based on the new data, the City has now identified more wetlands within the City limits and somewhat less uplands. Council staff reviewed the proposed changes and finds that they make Map L and Map L1 more accurate and provided for an improve Comprehensive Plan. Council staff finds that the requested amendment is regional in nature because it impacts important regional resources, is procedural because it improves the Comprehensive Plan's base information and therefore is consistent with the Strategic Regional Policy Plan (SRPP).

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This amendment request provides for a land use designation change that reflects the City's vision of development along the SR 82 corridor. It provides for a more intense use of the subject lands given the project proposed for the site was reduced to a sub-DRI size in a previous Developer Agreement. The requested change is not of sufficient size, location or

character to be regionally significant and because the proposed development is providing infill into the urban development area of the City where existing infrastructure exists, Council staff has found the requested change not to be regionally significant and consistent with the SRPP.

City No. 09-MA-06 (Airside Plaza)
This requested amendment proposes to amend the City's FLUM to accommodate the Airside Plaza site's de-annexation from the City. The proposed site was de-annexed to Lee County to allow for the provision of a new baseball facility for the Boston Red Sox. The project underwent DRI review give its size, location and character. Because of these factors Council staff finds that the request was regionally significant. Because the map amendment was due to the removal of the City jurisdiction of the subject site, the proposed amendment was determined by Council staff to be procedural and due to the fact that the resultant project that was approved for the site underwent DRI review and approval, Council staff finds that the proposed change is consistent with the SRPP.

City No. 09-TA-01 (1828 Evens Avenue)
The requested text amendment to the FLUE provides for the retention of an existing light industrial land use in the City. The proposed change to Action 5.2.7 in the City's Comprehensive Plan corrects a glitch in the Plan and allows for continued economic activities in the City to continue. It also addresses future situations so that the glitch is not repeated. Based on the small size of the site subject to this request, Council staff finds that this requested change is not regionally significant, is procedural in nature and is consistent with the SRPP.

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
Natural Resources Element
Natural Resource Protection

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

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

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

Action 8: Working with the various entities and utilizing the following Criteria and Guidelines, create a non regulatory gaps planning map of land needed for recreation, hunting/fishing, flood control, forestry activities, etc.; to provide support for future populations and to protect existing ecosystems. Potential gaps may include lands which are not included in any current conservation areas within approved development or lands which may be

within private ownership and may be potentially proposed for future agricultural or urban intensification, which would preclude their environmental value.

Action 9: Working with the various acquisitions programs identified in the Plan and working with Local Governments and private landowners, develop a strategy to protect gaps lands identified in the above action, using the Tools outlined in this plan.

Action 12: Working with the various entities, encourage the establishment of management funding at the time of acquisition and refine existing Management Strategies to insure that the lands acquired are maintained in the natural condition that led to their preservation status. Management strategies should include provisions for fire management.

Livable Communities

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

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

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

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

Action 9: Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)

Natural Resources Element

Livable Communities

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

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

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

Economic Development

Economic Infrastructure

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

Strategy: Maintain the physical infrastructure to meet growth demands.

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

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

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

City No. 09-MA-06 (Airside Plaza)
Livable Communities

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

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

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

Economic Development
Economic Infrastructure

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

Strategy: Maintain the physical infrastructure to meet growth demands.

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

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

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

City No. 09-TA-01 (1828 Evens Avenue)
Livable Communities

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

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

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

Economic Development
Economic Infrastructure

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

Strategy: Maintain the physical infrastructure to meet growth demands.

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

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

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

10. The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This proposed amendment will provide more accurate information concerning the wetlands and uplands located within the City. This will help in the future conservation and management of these important natural resources. The updated information will positively impact the Six Mile Cypress Preserve in the City due to the fact that the surrounding wetlands will be better identified, interconnected and managed through the City's future development activities in the area. The Six Mile Cypress Preserve is an extreme important regional natural resource which impacts the Estero Bay Aquatic Preserve.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This proposed amendment will have some impacts on the regional transportation network and the Six Mile Cypress Preserve due to its location. The proposed development was reduced in size via a Developer Agreement and the future impacts of the project will be handled through the City's permitting and concurrency processes. Because the proposed development is below DRI size, the impacts generated from the proposed project are determined not to be regionally significant.

City No. 09-MA-06 (Airside Plaza)
This amendment is being requested in order to remove a parcel of land from the City due to a de-annexation. The resultant development had impacts on regional resources and infrastructure, but was reviewed as a DRI in Lee County. The impacts to the regional resources and infrastructure caused by the new baseball facilities were mitigated via the DRI review process.

City No. 09-TA-01 (1828 Evens Avenue)
This amendment changed the text in the City's Comprehensive Plan as it related specifically to 2.2 acre parcel. The amendment did not significantly impact regional resources or infrastructure.

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This amendment procedurally improved the wetland and upland data base found within the City's Comprehensive Plan. There are no extra-jurisdictional impacts from the requested change that would be inconsistent with the Comprehensive Plan of the affected government.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This amendment provides for a change in land use designation for a previously approved development. The proposed project was reduced in size and the proposed changes facilitates for the new development concept. As proposed the project is not of sufficient size, location or character to produce regionally significant impacts. While there will be some extra-jurisdictional impacts from the requested change, they will not be regional in nature nor will they be inconsistent with the Comprehensive Plan of the affected government.

City No. 09-MA-06 (Airside Plaza)
This amendment provides for a FLUM amendment due to the de-annexation of a parcel of land from the City. The proposed amendment is procedural in nature and there are no extra-jurisdictional impacts from the requested change that would be inconsistent with the Comprehensive Plan of the affected government.

City No. 09-TA-01 (1828 Evens Avenue)
This amendment provides a text change to correct a glitch to allow an existing light industrial land use. The proposed change brings the existing development into consistency with the Comprehensive Plan of the affected government.

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This amendment updates maps found in the City's Comprehensive Plan. The more accurate data provides for an improved implementation of the Goals, objectives and policies of the Plan. As proposed, the amendment is compatible with the local Plan. There are no military bases associated with the requested amendment.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This amendment provides for a proposed commercial development. The proposed project and land use map designation that provides for the development is compatible with the local Plan. There are no military bases associated with the requested amendment.

City No. 09-MA-06 (Airside Plaza)
This amendment facilitates the de-annexation of a parcel of land from the City to Lee County. The amendment allows the County to provide for the Boston Red Sox baseball facilities. The project went through the DRI process and was found consistent with the County's Plan. The proposed project and existing land use map designations that provides for the development is compatible with the local Plan. There are no military bases associated with the requested amendment.

City No. 09-TA-01 (1828 Evens Avenue)
This amendment provided for the correction of a glitch in the City's Plan which allowed an existing light industrial land use to continue. The proposed text change provides for existing development and facilitates compatibility with the local Plan. There are no military bases associated with the requested amendment.

13. **Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:**

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This amendment refines the location and amount of wetlands and uplands in the City. The new information provides the City with the information to better provide for wetland protection thereby improving the protection of groundwater recharge and the availability of the water supply in the future. The data base of the City's Comprehensive Plan will be improved and additional protection of regional resources and facilities identified in the SRPP will result.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This amendment provides a land use designation the will allow for the development of a commercial development in the City. The proposed change will not have significant impacts on groundwater recharge or water supply availability. The proposed project that will result from this amendment will not have significant impacts on regional resources or facilities that are identified in the SRPP.

City No. 09-MA-06 (Airside Plaza)
This amendment provides for the de-annexation of a parcel of land from the City. The proposed change will not have any impacts on groundwater recharge or water supply availability. The proposed project that will result from this amendment was reviewed as a DRI and significant impacts on regional resources and facilities that are identified in the SRPP were mitigated through the DRI process.

City No. 09-TA-01 (1828 Evens Avenue)
This amendment provides for a text change that will remove a glitch from the City's Comprehensive Plan. There will be no significant impacts on regional resources or facilities that are identified in the SRPP.

14. Affordable housing issues and designation of adequate sites for affordable housing:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This amendment will have no impact on affordable housing issues or the designation of sites for affordable housing.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This amendment will provide land use designations that will allow a commercial development on SR 82. The proposed project will have impact the need for affordable housing. Due to the current state of the regional economy and the existing supply of affordable housing in Lehigh Acres, affordable housing supply will not be

City No. 09-MA-06 (Airside Plaza)
This amendment provided for the de-annexation of the site that will be used for the Boston Red Sox baseball facilities. The affordable housing issues that will result from the proposed development were addressed through the DRI review process.

City No. 09-TA-01 (1828 Evens Avenue)
The proposed project that will result from this amendment will not have significant impacts on regional resources or facilities that are identified in the SRPP.

15. Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This requested amendment will increase the amount of wetlands within the City by better defining the wetland lines. The increased amount wetlands that will result from this amendment will help increase ground water resources in the City. There are no springs located within the site that require protection.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This requested amendment will better use the subject site by reducing the amount of development and locating the proposed commercial land uses better on the property. Groundwater resources on the site will be minimally impacted by the future development in that the future development will be served by existing infrastructure. There are no springs located within the site that require protection.

City No. 09-MA-06 (Airside Plaza)

This requested amendment is procedural in nature in that the action is removing a de-annexed parcel of land is being removed from the City's FLUM. Groundwater resources located on the site will be minimally impacted by the future development in that the future development will be served by existing infrastructure. There are no springs located within the site that require protection.

City No. 09-TA-01 (1828 Evens Avenue)
This requested amendment is procedural in nature in that the action is correcting a glitch from the City's Comprehensive Plan in order to allow an existing developed parcel to continue its current operation. Groundwater resources located on the site will not be impacted any more than it is currently being impacted, which is minimally since the site is presently being served by existing infrastructure. There are no springs located within the site that require protection.

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This requested amendment is procedurally updating the City's Comprehensive Plan to provide for newer wetland data to be added. The amendment will have no impact on the regional transportation corridors and facilities and will not negatively impact any City roadways, airports, public transportation systems, high speed rail facilities, or intermodal facilities. The City does not have any seaports that require consideration.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This requested amendment will change land use designations on the City's FLUM to allow for a smaller size but more intensive commercial project on SR 82, which is part of the regional roadway network. However, since the project does not have the size, location or character to have significant regional impacts, the requested changes to the City's Comprehensive Plan will not negatively impact the City roadways, airports, public transportation systems, high speed rail facilities, or intermodal facilities. The City does not have any seaports that require consideration.

City No. 09-MA-06 (Airside Plaza)
This requested amendment procedurally removes a de-annexed parcel from the City's Comprehensive Plan. The amendment has allowed the County to provide a new baseball facility to be located on Daniels Parkway, which is part of the regional roadway network. The impacts from the new facility have been reviewed and mitigated through the DRI process and have mitigated the impacts on the regional transportation corridors and facilities and will not negatively impact any City roadways, airports, public transportation systems, high speed rail facilities, or intermodal facilities. The City does not have any seaports that require consideration.

City No. 09-TA-01 (1828 Evens Avenue)
This requested amendment is procedurally updating the City's Comprehensive Plan to remove a glitch that will allow an existing light industrial land use to remain in business. The amendment will have no additional impacts on the regional transportation corridors and facilities and will not negatively impact any City roadways, airports, public transportation systems, high speed rail facilities, or intermodal facilities. The City does not have any seaports that require consideration.

17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This requested amendment will have no impacts on the adequacy or compatibility with emergency preparedness plans and local mitigation strategies currently being utilized by the City. In addition, the requested amendment will have no impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, or hazard mitigation.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This requested amendment will allow a commercial development in the City. The development will not substantially impact the adequacy or compatibility with emergency preparedness plans and local mitigation strategies currently being utilized by the City. In addition, the requested amendment will have minimal impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, or hazard mitigation.

City No. 09-MA-06 (Airside Plaza)
This requested amendment is procedural and will allow a de-annexed parcel of land to be removed from the City's FLUM. The parcel will be utilized by Lee County for the Boston Red Sox new baseball facility. The project that will be placed on the site by the County was reviewed as a DRI and will actually improve adequacy and compatibility with emergency preparedness plans and local mitigation strategies that are currently being utilized by the City and County. In addition, the requested amendment will increase the availability of hurricane shelters, maintenance of county hurricane clearance times, and provision of hazard mitigation.

City No. 09-TA-01 (1828 Evens Avenue)
This requested amendment provides for an existing light industrial land use and will have no impacts on the adequacy or compatibility with emergency preparedness plans and local mitigation strategies currently being utilized by the City. In addition, the requested amendment will have no impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, or hazard mitigation.

18. Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:

City No. 09-TA-05 (Map L - Wetlands and Map L1 - Uplands)
This requested amendment will not create any negative extra-jurisdiction impacts.

City No. 09-MA-05 (Keystone Creek LLC and C-Hack LLC)
This proposed amendment will provide for an updated plan for a commercial development which will have some extra-jurisdiction impacts on the transportation network and Six Mile Cypress Slough. However, the project is not of sufficient size, location or character to have substantial impacts on these regional resources and infrastructure. The City and State permitting agencies will provide for mitigation for the impacts generated from the future development.

City No. 09-MA-06 (Airside Plaza)
This requested amendment is a procedural action that removes a de-annexed parcel from the City's FLUM. The parcel will be developed by Lee County. The proposed development has gone through the DRI review process and all extra-jurisdiction impacts on regional resources have been adequately mitigated.

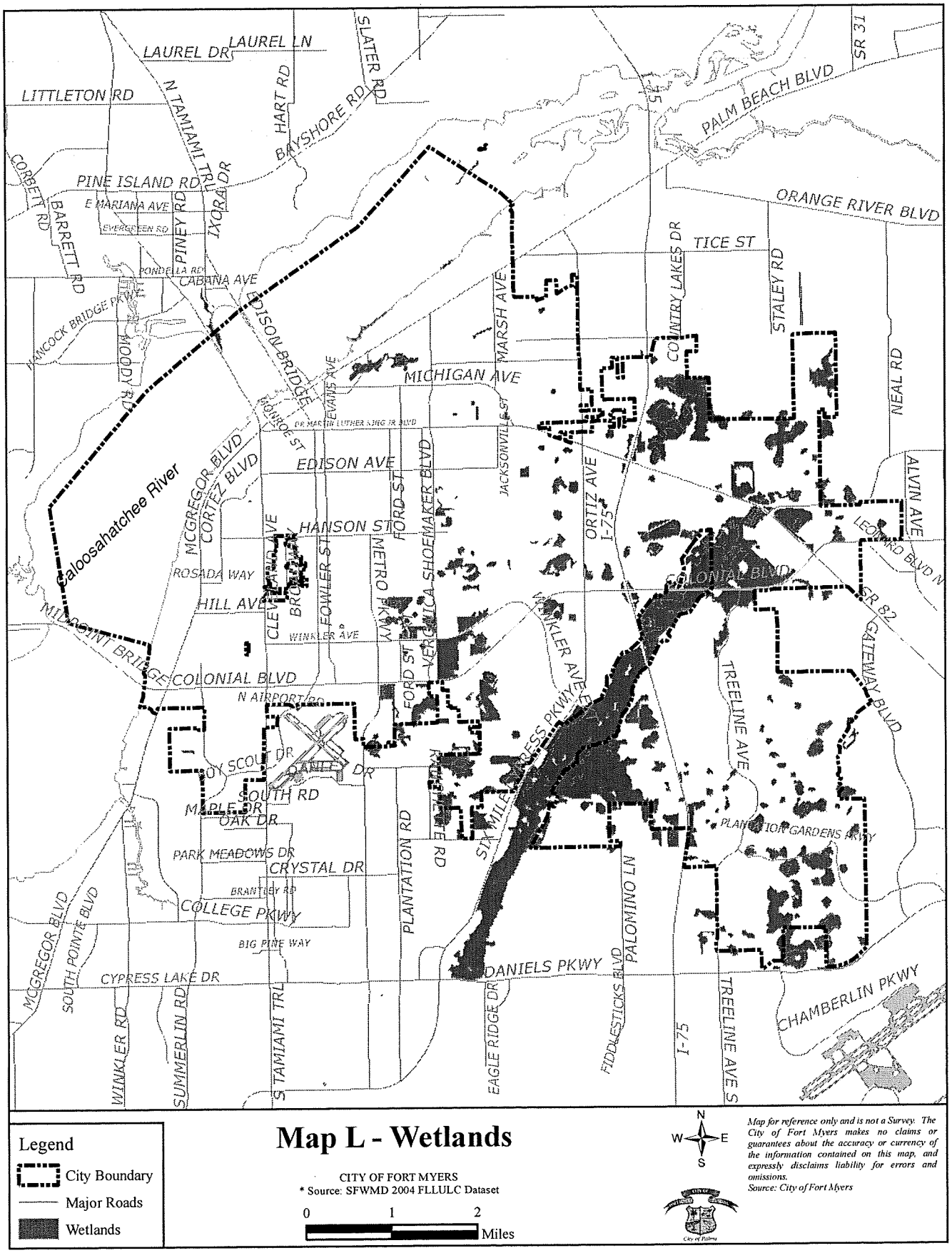
City No. 09-TA-01 (1828 Evens Avenue)
This requested amendment will not create any negative extra-jurisdiction impacts.

Attachment III

Maps

City of Fort Myers
DCA 10-1

Proposed Map L



Legend

- City Boundary
- Major Roads
- Wetlands

Map L - Wetlands

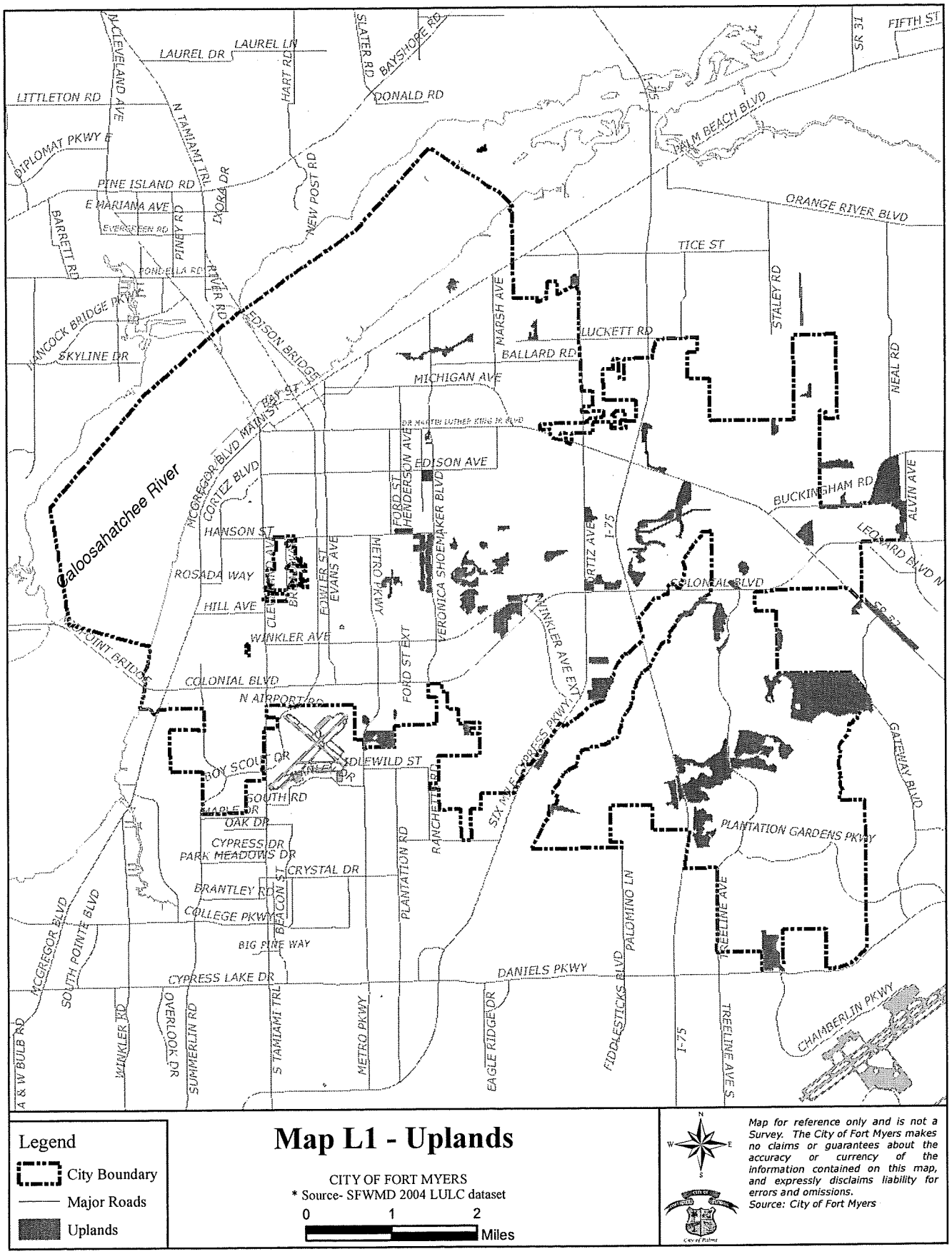
CITY OF FORT MYERS
* Source: SFWMD 2004 FLLULC Dataset

0 1 2 Miles

N W E S

Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers

Proposed Map L-1



Legend

- City Boundary
- Major Roads
- Uplands

Map L1 - Uplands

CITY OF FORT MYERS

* Source- SFWMD 2004 LULC dataset

0 1 2 Miles

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Source: City of Fort Myers

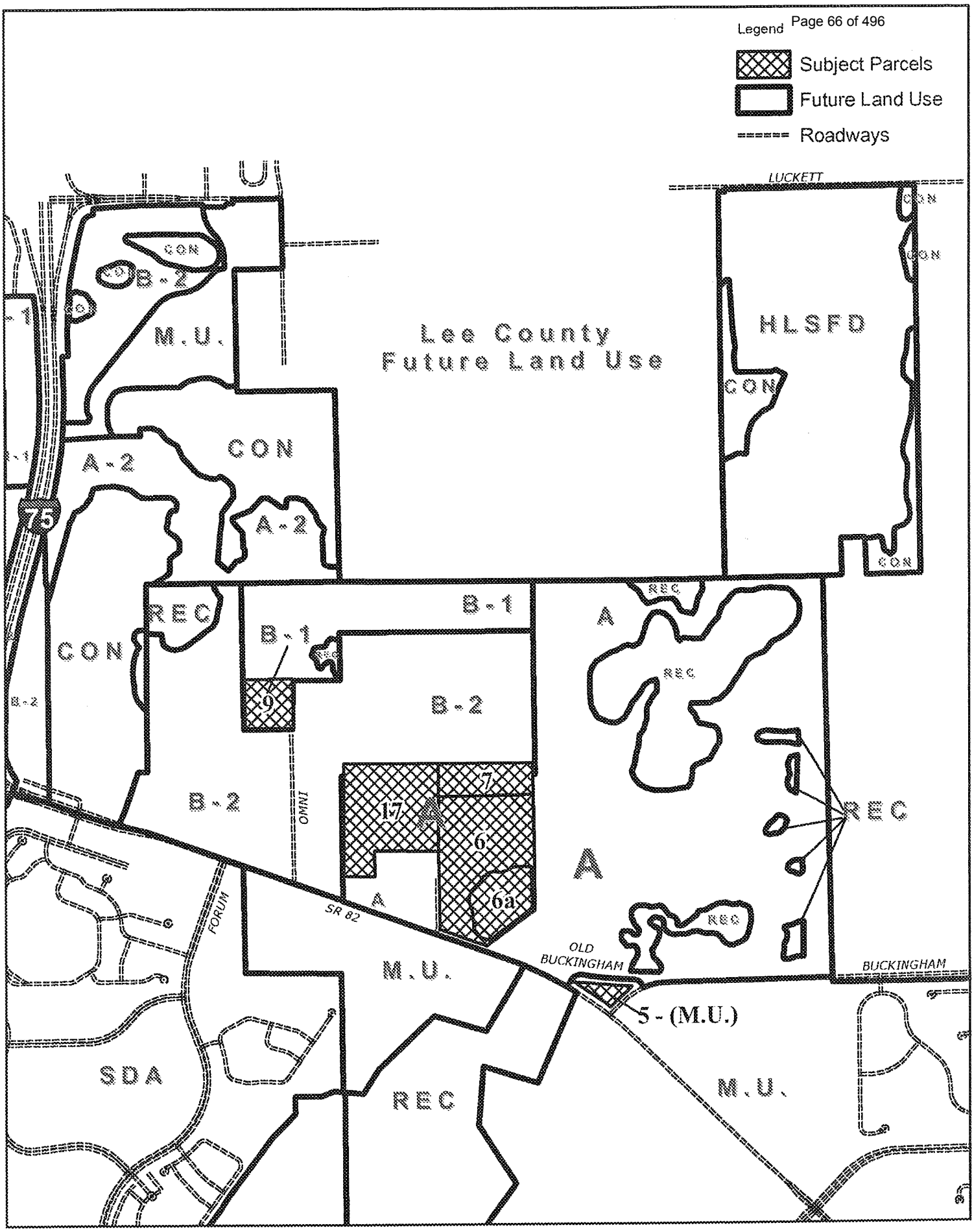

EXHIBIT A: Current Future Land Use

CITY OF FORT MYERS
FUTURE LAND USE MAP AMENDMENT
09-MA-05

0 1,000 2,000 Feet

Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers

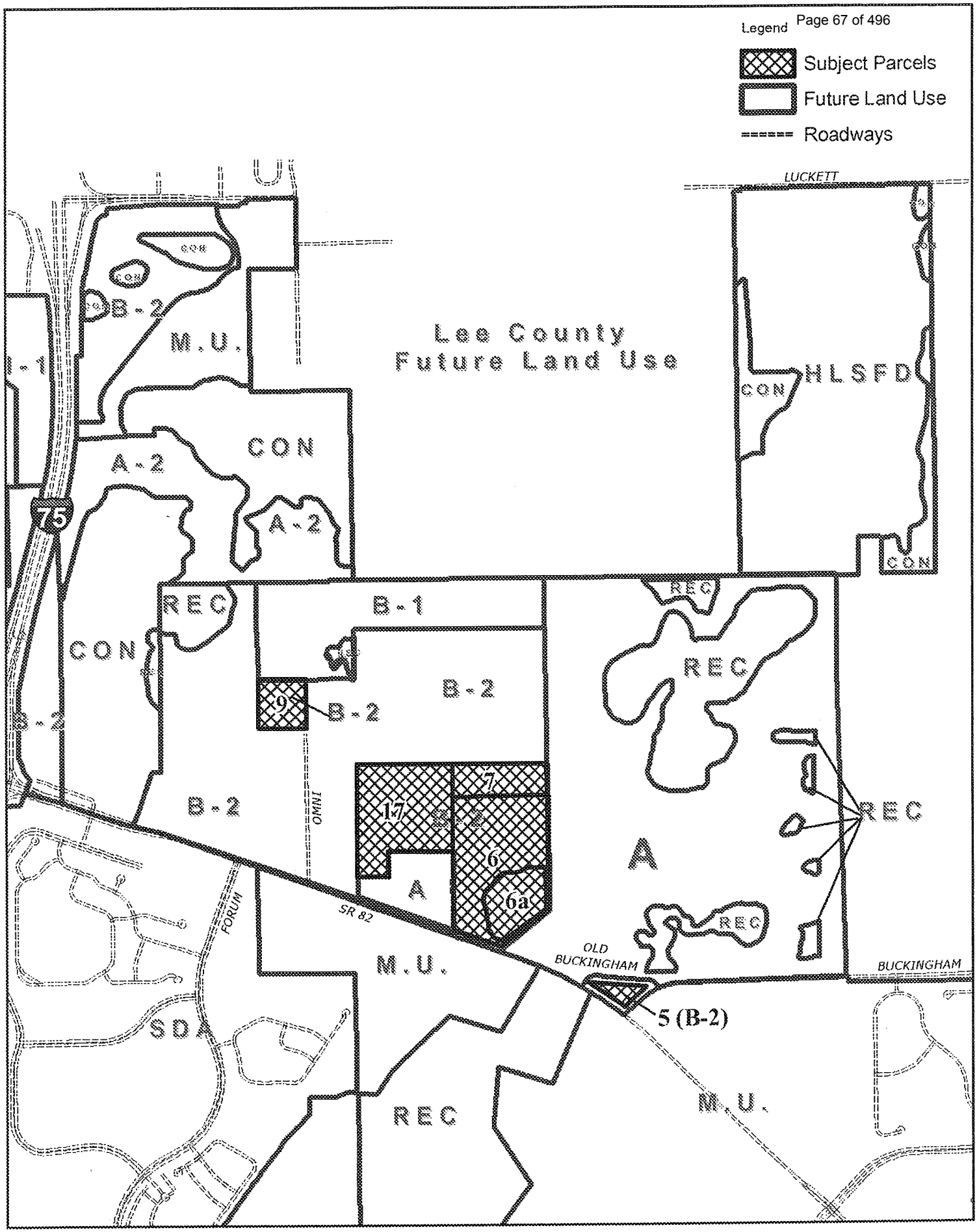

EXHIBIT B: Proposed Future Land Use

CITY OF FORT MYERS
FUTURE LAND USE MAP AMENDMENT
09-MA-05

0 1,100 2,200 Feet

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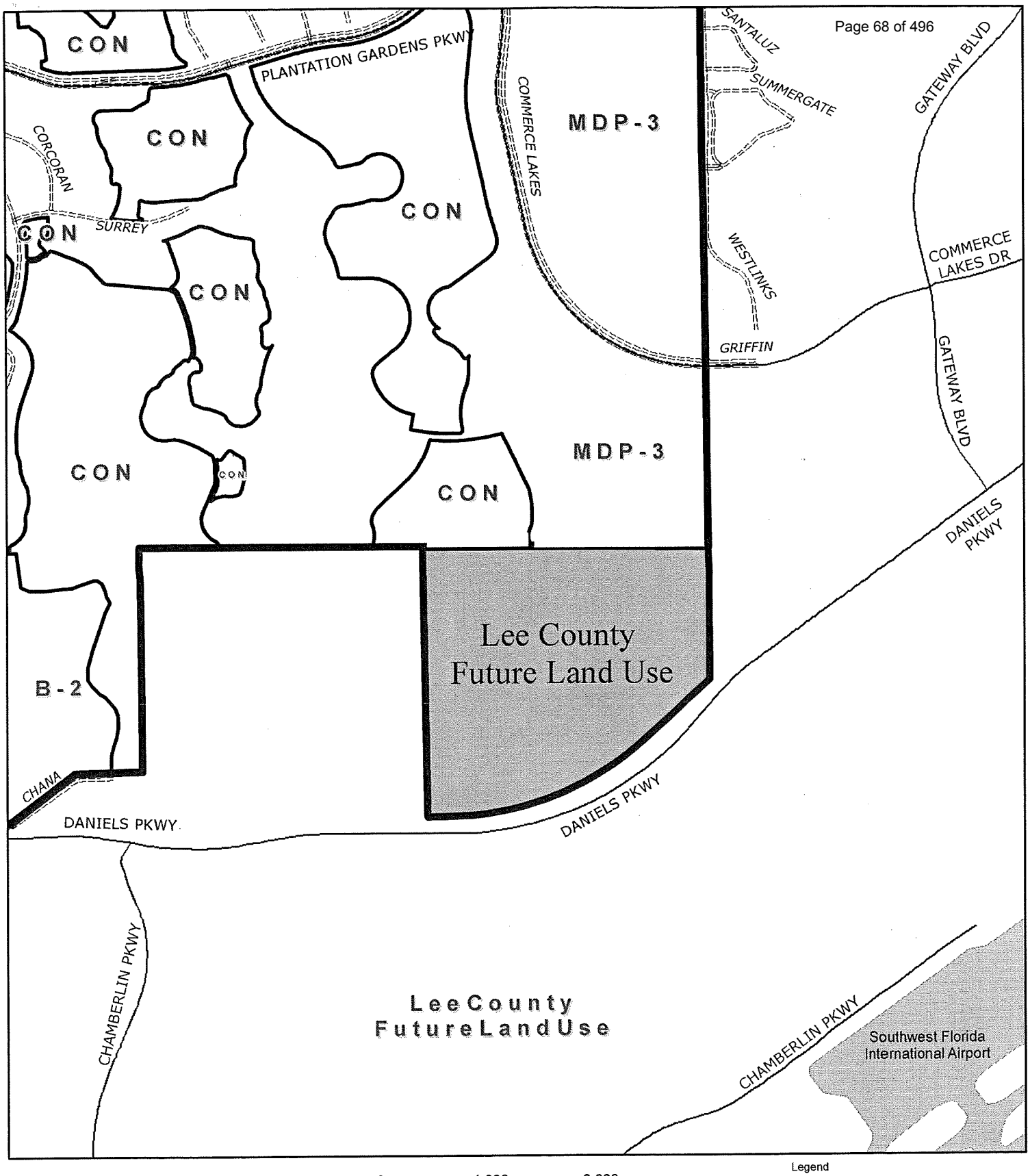
Source: City of Fort Myers



0 1,000 2,000 Feet

Legend

- Future Land Use
- City Boundary
- Major County Roads
- Roadways

EXHIBIT A: Current Future Land Use

CITY OF FORT MYERS
FUTURE LAND USE MAP AMENDMENT
09-MA-06

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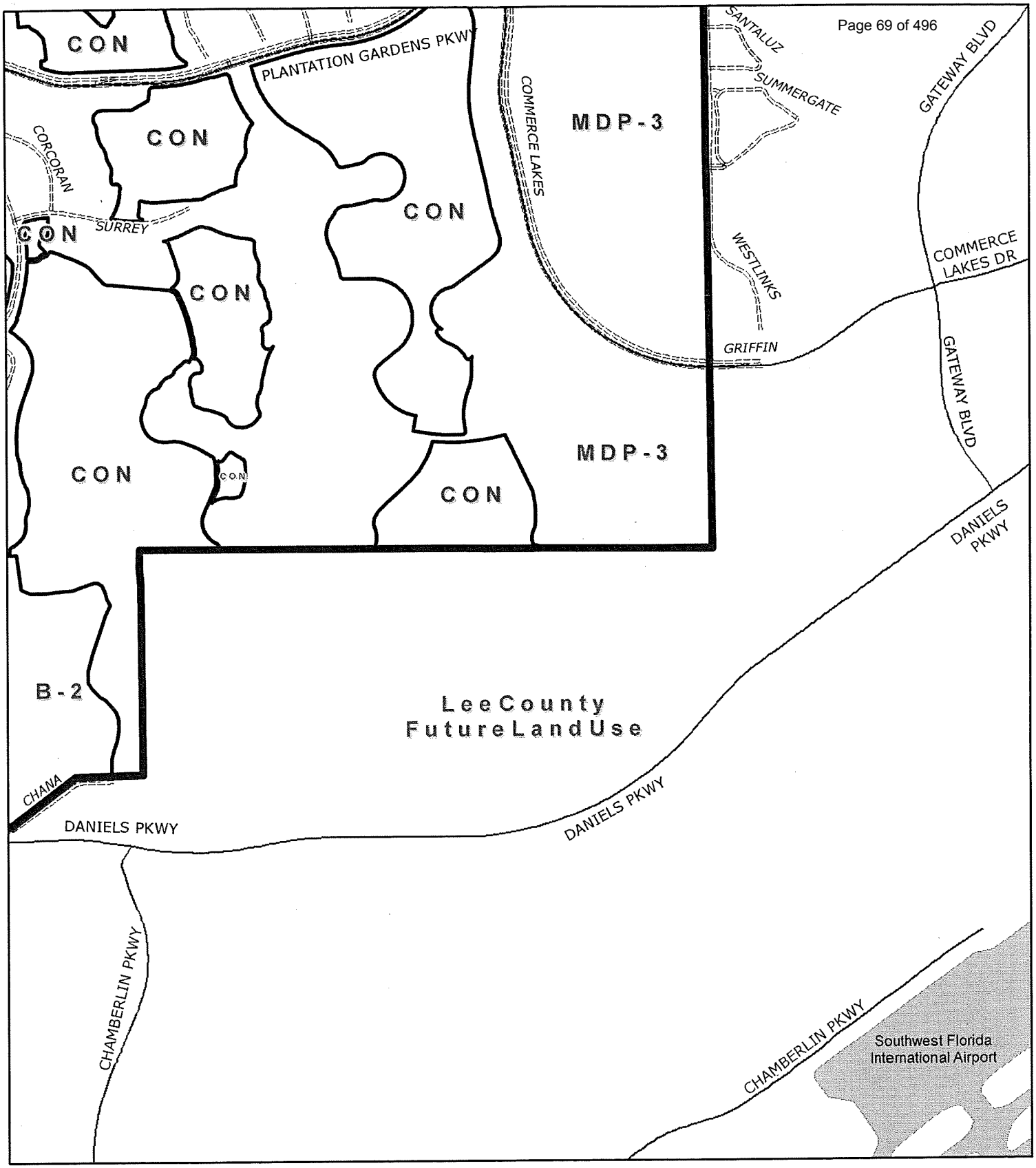
Source: City of Fort Myers



0 1,000 2,000 Feet

Legend

- Future Land Use
- City Boundary
- Roadways
- Major County Roads

EXHIBIT B: Proposed Future Land Use

CITY OF FORT MYERS
FUTURE LAND USE MAP AMENDMENT
09-MA-06

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Source: City of Fort Myers

Agenda Item

3d

City of Fort Myers Comprehensive Plan Amendments (DCA 10-2)

3d

3d

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF FT. MYERS

The Council staff has reviewed proposed amendment to the City of Ft. Myers Comprehensive Plan (DCA 10-2). The amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A site location map is provided as Attachment III.

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

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

A summary of the results of the review follows:

Proposed	Factors of Regional Significance			
Amendment	Location	Magnitude	Character	Consistent
09-TA-06 (Future Land Use Element Rewrite)	no	no	yes	1. regionally significant 2. procedural 3. consistent with SRPP
09-MA-07 (Future Land Use Map Update)	no	no	yes	1. regionally significant 2. procedural 3. consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and City of Ft. Myers.

05/10

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to Developments of Regional Impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

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

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

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b)]

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

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

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

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

Attachment II

SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW

1. **Local Government Name:**

   City of Fort Myers

2. **Amendment Number:**

   DCA 10-2

3. **Did the RPC prepare the Plan Amendment: (YES) (NO)**

   No

4. **Date DCA Notified RPC that Amendment Package was Complete, if Applicable:**

   April 12, 2010

5. **Date Amendment Review must be Completed and Transmitted to DCA:**

   May 12, 2010

6. **Date the Review was Transmitted to DCA:**

   May 10, 2010

7. **Description of the Amendment:**

   09-TA-06/09-MA-07
   This requested amendment is a City initiated text and map change to the City's Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). Since the 1980s, the city has utilized a single map system where the City's zoning and land use designations were shown on one map and used to regulate land development within the City. Due to the single map system, any change or increase in development rights for any parcel of land in the City required a public hearing process for either a Comprehensive Plan Amendment to the FLUM or a Planned Unit Development (PUD) Application, both processes taking approximately a year to complete.

   In 2005, the City completed the Evaluation and Appraisal Report (EAR) at which time it was recommended by DCA that the City divide the two processes and create a separate zoning

map and a separate FLUM. In 2008, the City adopted a separate zoning map. This requested change is to complete the separation of the two processes by creating a separate FLUM.

The existing FLUM contains 28 Future Land Use designations, some of which were specifically created for individual projects. The proposed rewrite of the FLUE reduces the number of classifications from 26 to 10. The new designations were created from combining several similar land uses into one use. For example, the City's five single-family residential designations have been reduced to one designation. Additionally, some of the special land use designations for individual projects have either been included in a combined land use designation or eliminated.

In the City, redevelopment is a major concern. It is the desire of the City to redevelop long-time existing commercial corridors. These redevelopment efforts often take the form of expansion of existing businesses. All of the commercial corridors in the City contain blocks that are split, with commercial land use designations on the front half of the block and a residential designation on the rear half of the block. In the past, this split block format has forced a business owner to go through a Comprehensive Plan amendment in order to expand the business. In this requested amendment, the City staff has requested numerous changes along the commercial corridors so that the parcels located behind the existing commercial land uses can be expanded without having to go through a major Comprehensive Plan amendment process. This change will also enable properties with developable square footage that have been reduced due to road widening projects have the ability to expand without going through the Comprehensive Plan amendment process.

In addition, the City is requesting to eliminate the Mixed Use land use designation. These land uses under the proposed changes have been assigned to an appropriate commercial designation. In the future, parcels that were previously designated Mixed Use will no longer be required to go through a PUD application process.

Finally, the land use regulations imbedded with the land use designations found within the City's Comprehensive Plan have been removed and will only be located in the City's Land Development Code (LDC).

8. **Is the Amendment consistent with the Strategic Regional Policy Plan:**
Council staff supports the City's efforts to separate the Comprehensive Plan and zoning processes. Zoning is a legal tool used by Cities and Counties to implement their Comprehensive Plans and works best separate processes. Council staff agrees with the EAR findings identified by DCA that the City should undertake this amendment in order to separate the processes and provide more efficient and effective land use review and approval processes. Most local governments have these processes separated for good reason and Council staff believes that the actions by the City in this request will be very beneficial for property owners located within the City as they move into the future and require changes to implement their vision for future development. Council staff finds that the proposed text and map changes proposed in this amendment is regional in scope due to the interactions between the changes to the surrounding jurisdictions; procedural in that the City is making changes to the land use process as directed by DCA; and consistent with the Strategic Regional Policy

Plan in providing for more a more effective method to provide for the desired development form in the region.

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

Economic Development
Economic Infrastructure

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

Strategy: Continually improve the educational system to produce an educated and trained work force.

Action 1: Use the economic advisory committees to assist in the exchange of information between the educational system and the business community about business needs.

Action 2: Use the economic advisory committees to advise educational institutions to increase upper division and graduate level studies through programs appropriate to regional needs.

Action 3: Review proposed development impacts on and opportunities to provide needed educational facilities and services.

Strategy: Maintain the physical infrastructure to meet growth demands.

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

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

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

Action 4: Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.

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

Action 1: Map or assist in mapping the appropriate distribution of urban uses for growth.

Action 2: Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

Action 3: Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

Action 4: Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

Action 5: Review proposed development for increased densities and infill in suitable urban areas.

10. **The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:**
The requested amendments to the City's Comprehensive Plan will make future land use changes in the City more effective and efficient. These changes are procedural in nature and will not negatively impact regional resources or facilities that identified in the Strategic Regional Policy Plan.

11. **Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:**
The proposed text and map changes proposed by the City in this amendment will not have extra-jurisdictional impacts. All land uses in the City will essentially remain the same and only the land use designations descriptions on those lands will change in order to make the text and map more effective and efficient. Other than minor adjustments, residential land uses will remain residential, commercial land uses will remain commercial and industrial uses will remain industrial. Only the descriptions have been changed in the Comprehensive Plan and the regulatory aspects of the Comprehensive Plan land used designations have been moved to the LDC. The separation of the processes is consistent with the surrounding jurisdictions.

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. **Compatibility among local plans including, but not limited to, land use and compatibility with military bases:**
The requested changes to the City's Comprehensive Plan will provide a more effective and efficient review and implementation process and provide for a better overall development review and planning process, which is supported by the Strategic Regional Policy Plan. There are no military bases located with the City of Fort Myers.

13. **Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:**
The requested changes to the City's Comprehensive Plan will not substantially impact regional resources and facilities including groundwater recharge or water supply that are identified in the Strategic Regional Policy Plan.

14. **Affordable housing issues and designation of adequate sites for affordable housing:**
The requested changes to the City's Comprehensive Plan will not substantially impact the need or provision of affordable housing that is identified in the Strategic Regional Policy Plan.

15. **Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:**
The requested changes to the City's Comprehensive Plan will not substantially impact regional resources and facilities including protection of spring and groundwater resources and recharge potential that are identified in the Strategic Regional Policy Plan.

16. **Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:**
The requested changes to the City's Comprehensive Plan will not substantially impact regional resources and facilities including regional transportation corridors and facilities including roadways, airports, public transportation systems, high speed rail facilities, and intermodal facilities that are identified in the Strategic Regional Policy Plan. There are no seaports in the City of Fort Myers.

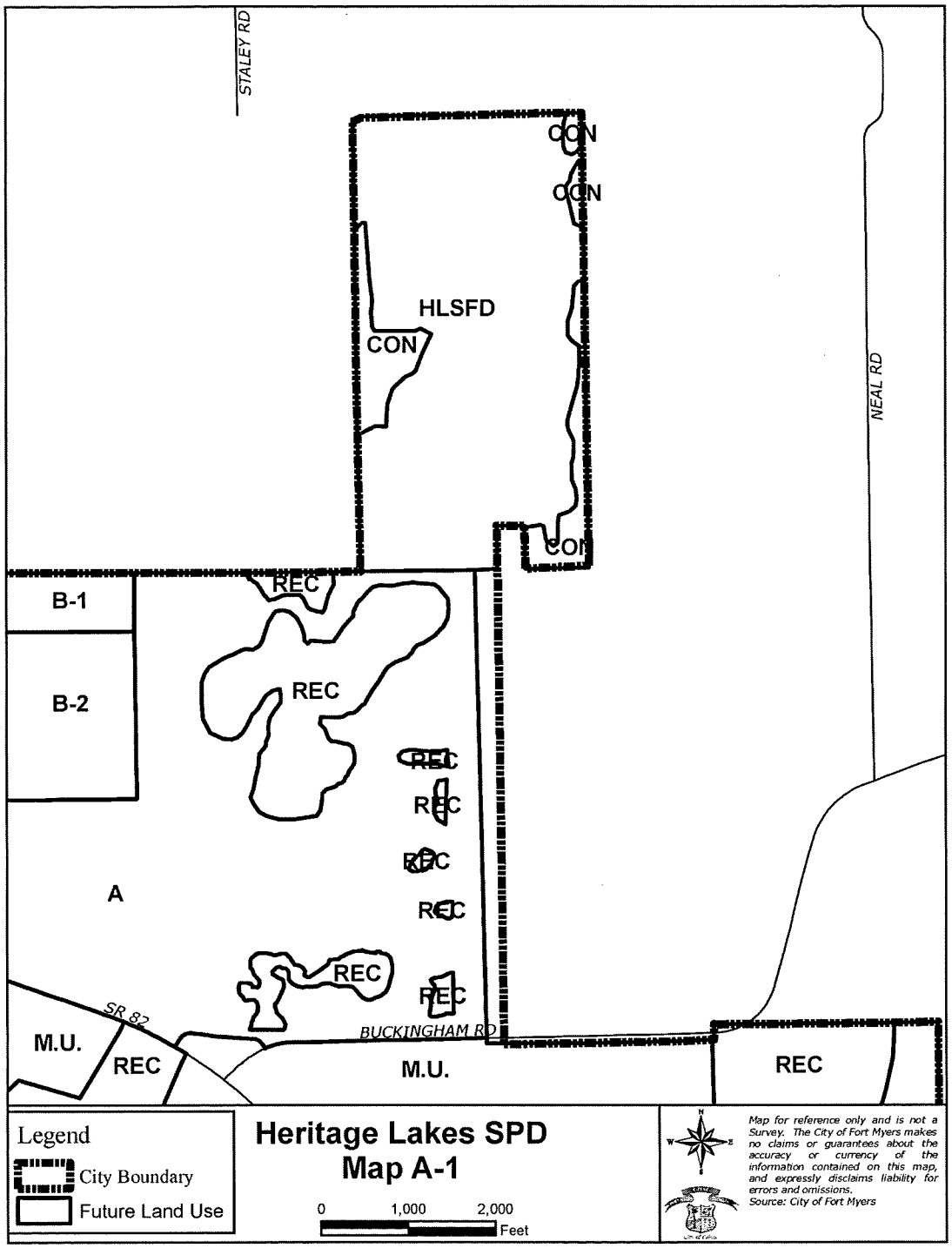
17. **Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:**
The requested changes to the City's Comprehensive Plan will not substantially impact regional resources and facilities including emergency preparedness plans and local mitigation strategies, impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation that are identified in the Strategic Regional Policy Plan.

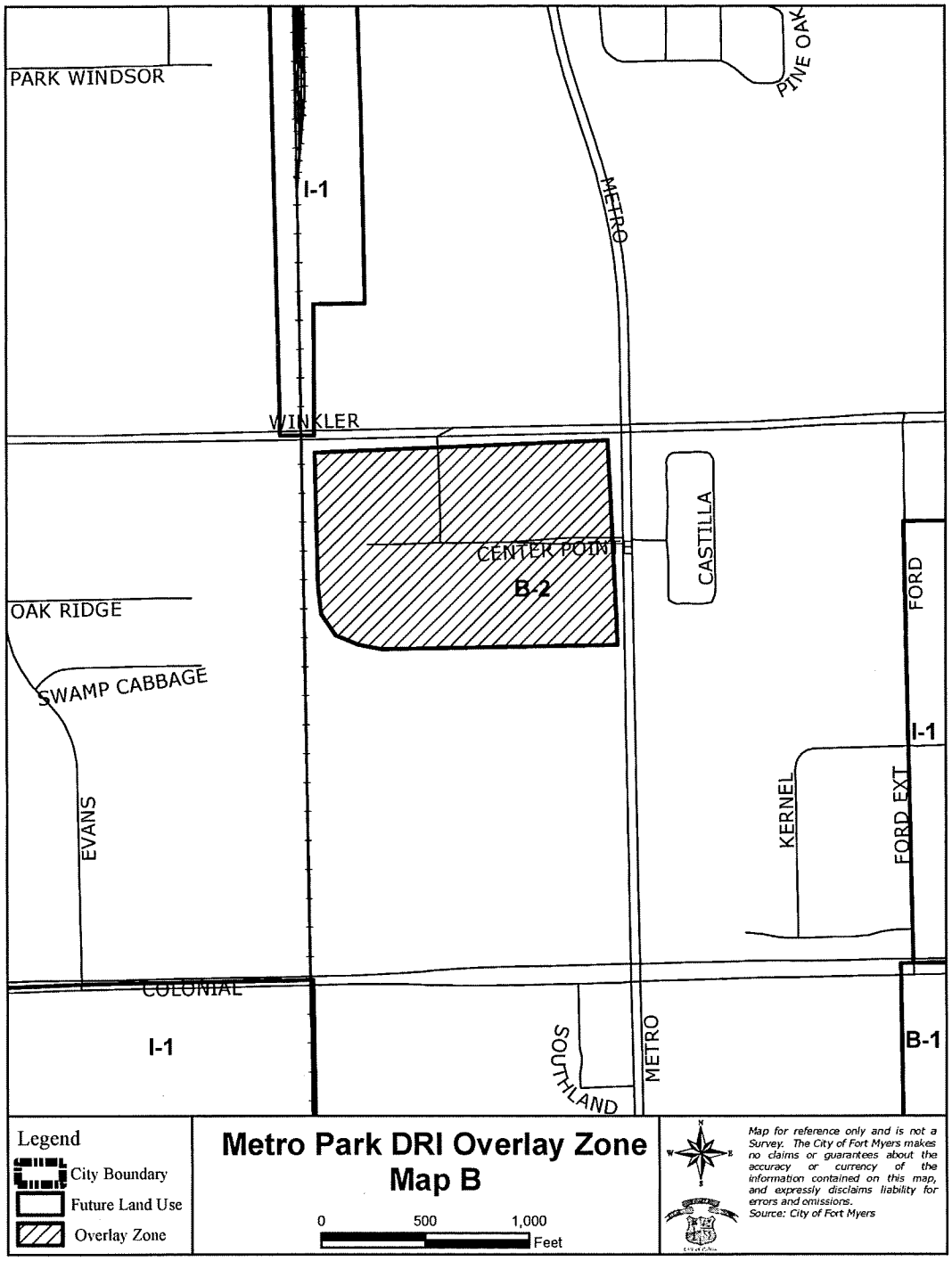
18. **Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:**
The requested changes to the City's Comprehensive Plan will not substantially impact regional resources and facilities and will not produce extra-jurisdiction impacts.

Attachment III

Maps

City of Fort Myers
DCA 10-2


STALEY RD
NEAL RD
CON
CON
HLSFD
CON
CON
B-1
B-2
REC
REC
REC
REC
REC
REC
REC
REC
A
SR 82
BUCKINGHAM RD
M.U.
REC
M.U.
REC
Legend
City Boundary
Future Land Use
Heritage Lakes SPD
Map A-1
0
1,000
2,000
Feet
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers


PARK WINDSOR
I-1
PINE OAK
METRO
WINKLER
CENTER POINTE
B-2
CASTILLA
FORD
OAK RIDGE
SWAMP CABBAGE
I-1
EVANS
KERNEL
FORD EXT
COLONIAL
I-1
SOUTHLAND
METRO
B-1
Legend
City Boundary
Future Land Use
Overlay Zone
Metro Park DRI Overlay Zone
Map B
0
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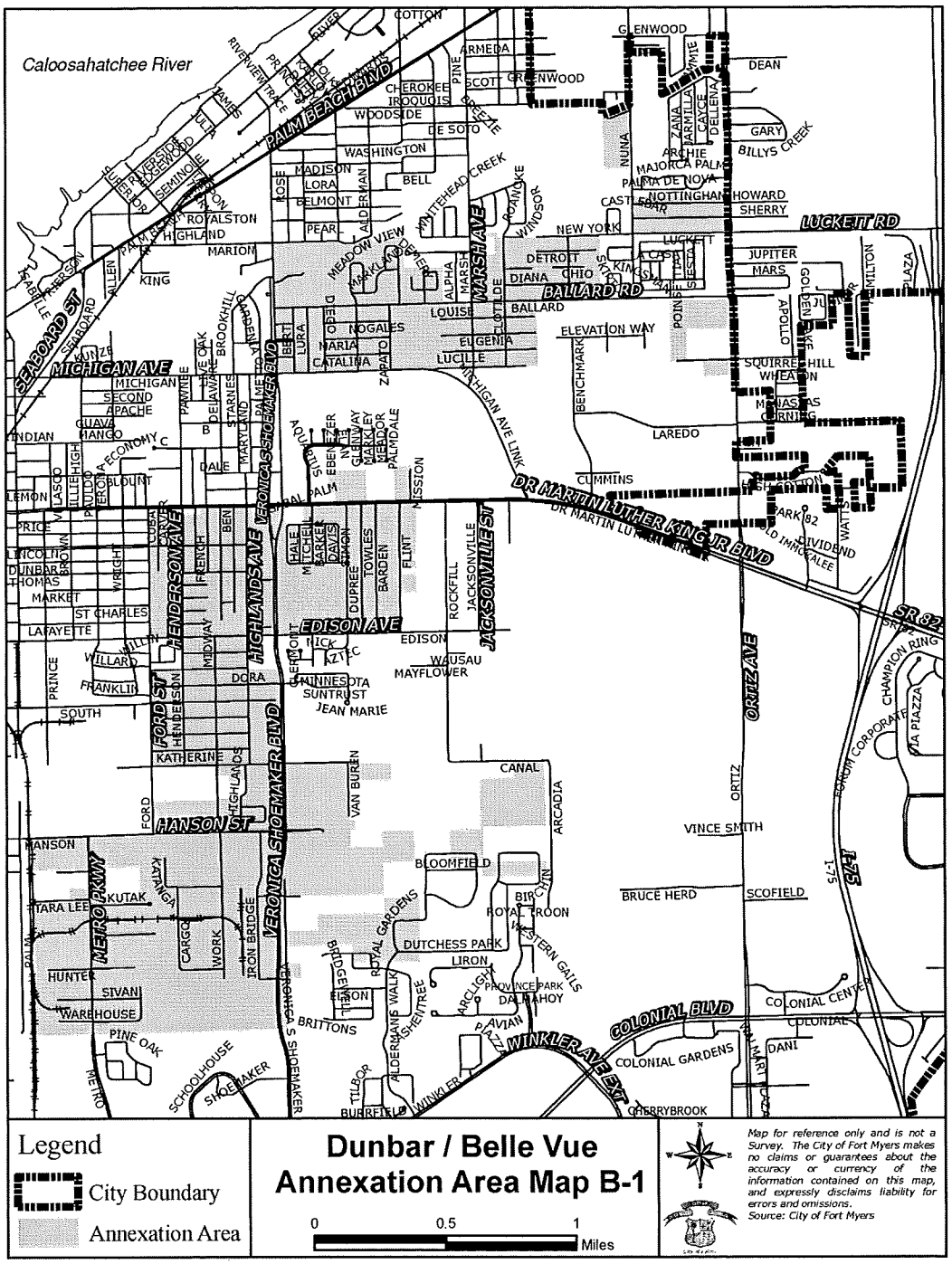
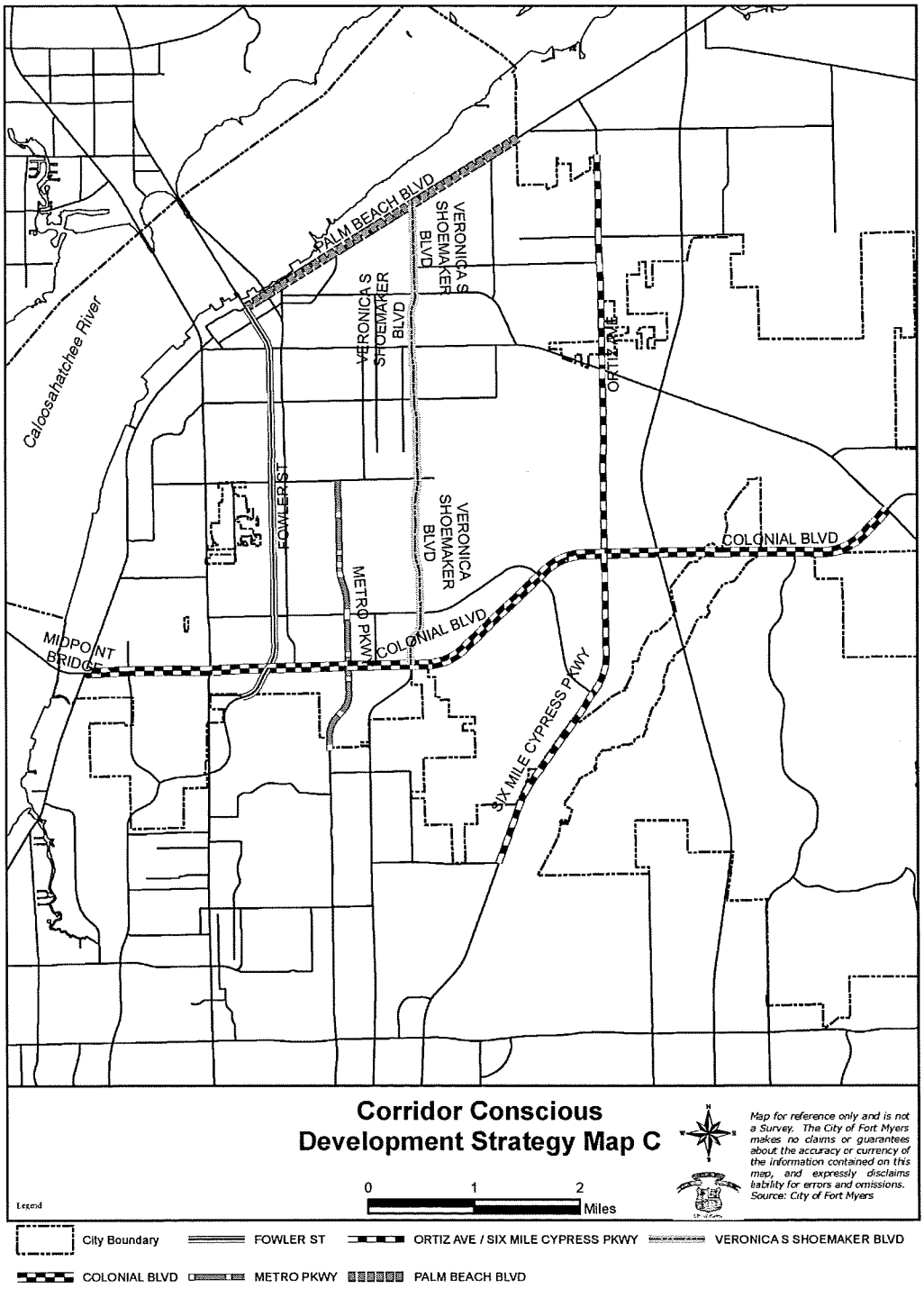
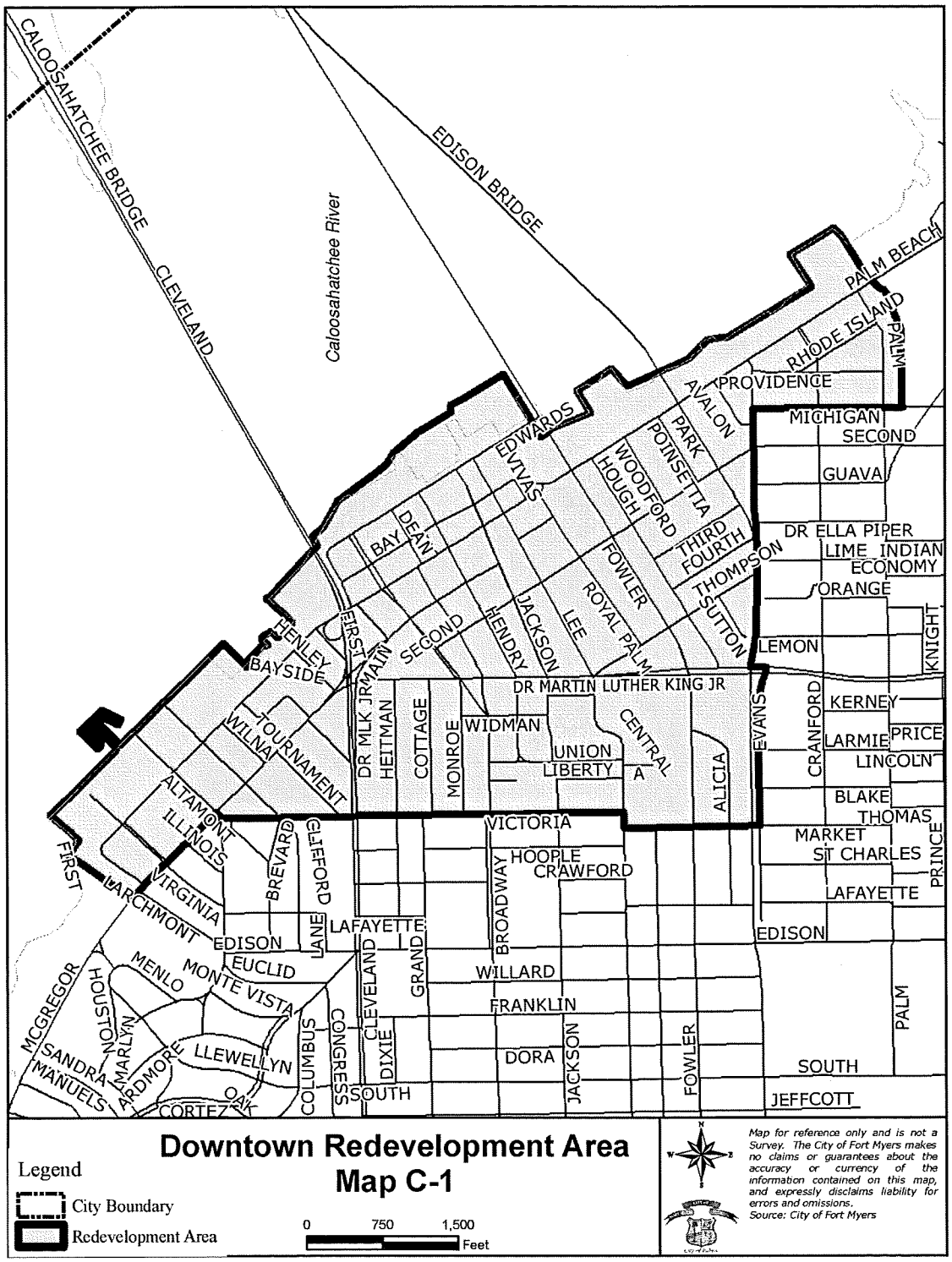
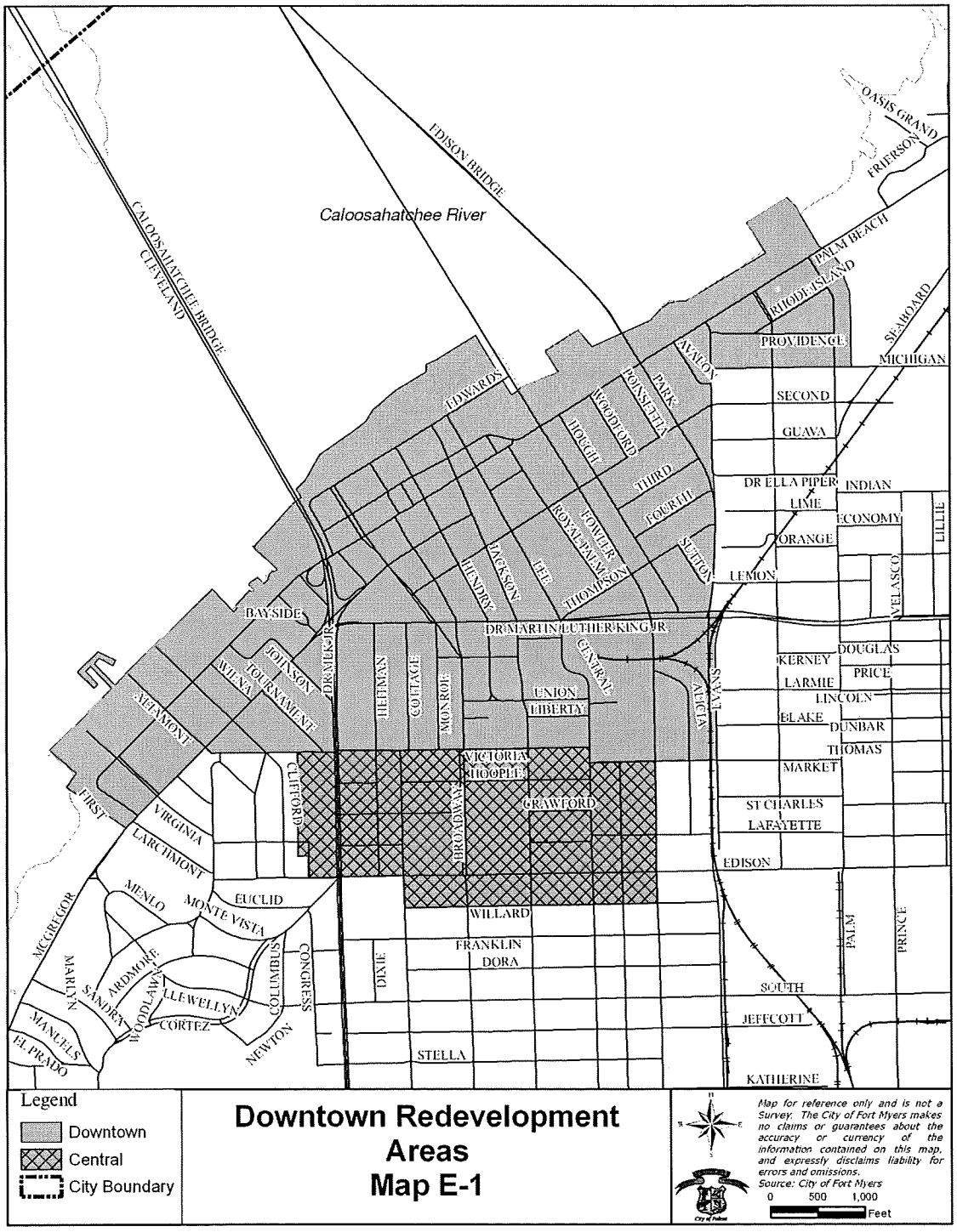
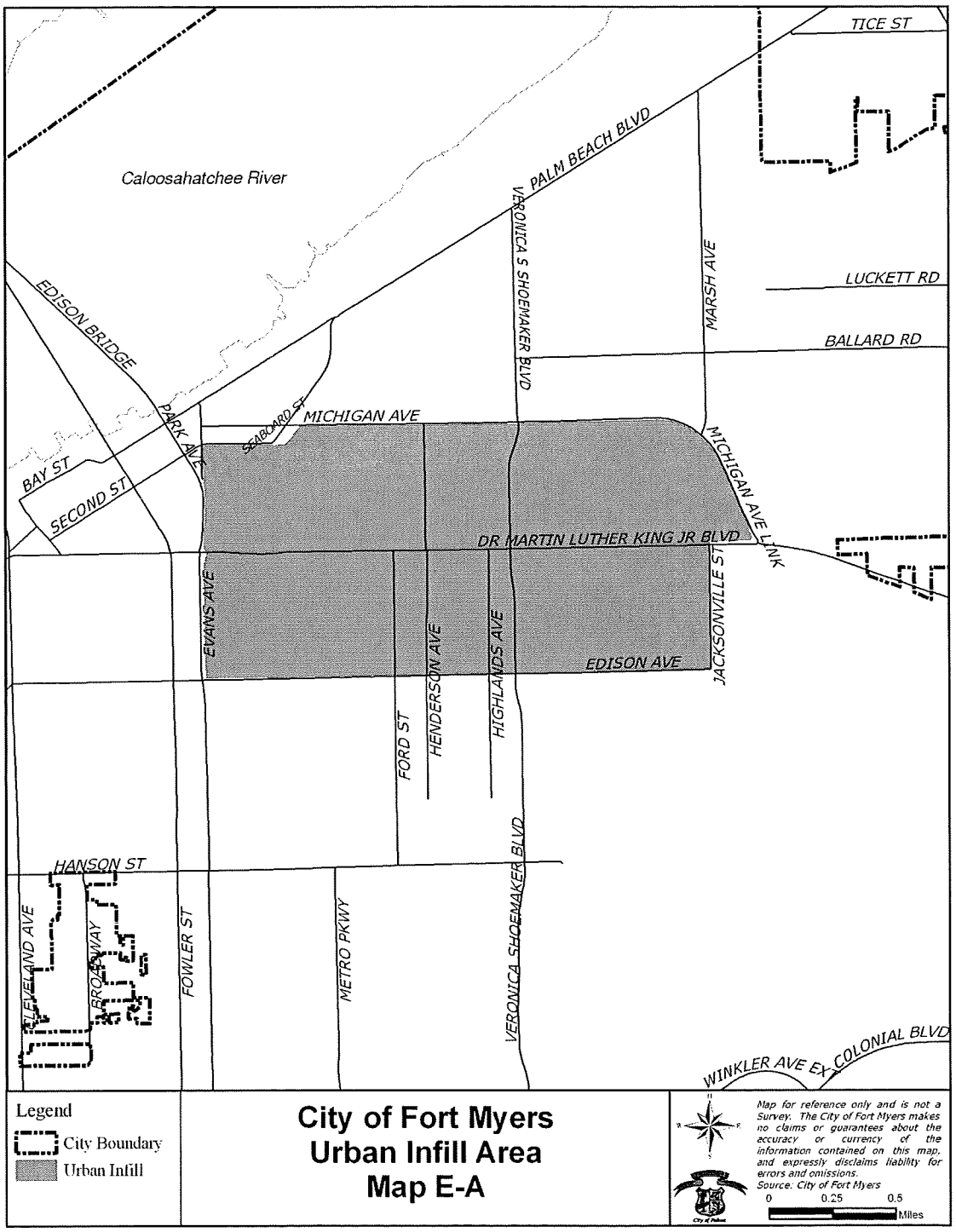

Caloosahatchee River
PALM BEACH BLVD
SEABOARD ST
MICHIGAN AVE
HENDERSON AVE
HIGHLAND AVE
VERONICA SHOEMAKER BLVD
EDISON AVE
JACKSONVILLE ST
MARSH AVE
BALLARD RD
LUCKETT RD
DR MARTIN LUTHER KING JR BLVD
SR 82
ORTIZ AVE
FORD ST
HANSON ST
METRO PKWY
COLONIAL BLVD
WINKLER AVE EXT
I-75
Legend
City Boundary
Annexation Area
Dunbar / Belle Vue
Annexation Area Map B-1
0
0.5
1
Miles
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers


PALM BEACH BLVD
VERONICA S SHOEMAKER BLVD
VERONICA S SHOEMAKER BLVD
VERONICA SHOEMAKER BLVD
Caloosahatchee River
FOWLER ST
METRO PKWY
COLONIAL BLVD
COLONIAL BLVD
MIDPOINT BRIDGE
SIX MILE CYPRESS PKWY
Corridor Conscious
Development Strategy Map C
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions. Source: City of Fort Myers
0
1
2
Miles
Legend
City Boundary
FOWLER ST
ORTIZ AVE / SIX MILE CYPRESS PKWY
VERONICA S SHOEMAKER BLVD
COLONIAL BLVD
METRO PKWY
PALM BEACH BLVD


CALOOSAHATCHEE BRIDGE
CLEVELAND
Caloosahatchee River
EDISON BRIDGE
PALM BEACH
RHODE ISLAND
PALM
PROVIDENCE
AVALON
PARK
POINSETTIA
WOODFORD
HOUGH
EDWARDS
EVANS
MICHIGAN
SECOND
GUAVA
DR ELLA PIPER
LIME
INDIAN
ECONOMY
ORANGE
THIRD
FOURTH
THOMPSON
SUTTON
FOWLER
ROYAL PALM
LEE
JACKSON
HENDRY
BAY
DEAN
FIRST
SECOND
MAIN
HENLEY
BAYSIDE
LEMON
KNIGHT
DR MARTIN LUTHER KING JR
DR MLK JR
HEITMAN
COTTAGE
MONROE
WIDMAN
UNION
LIBERTY
CENTRAL
A
ALICIA
EVANS
CRANFORD
KERNEY
LARMIE
PRICE
LINCOLN
BLAKE
THOMAS
TOURNAMENT
WILNA
ALTAMONT
ILLINOIS
VIRGINIA
LARCHMONT
FIRST
BREVARD
GLIFFORD
VICTORIA
HOOPLE
CRAWFORD
BROADWAY
MARKET
ST CHARLES
PRINCE
LAFAYETTE
EDISON
LANE
LAFAYETTE
EDISON
EUCLID
MENLO
MONTE VISTA
GRAND
WILLARD
FRANKLIN
MCGREGOR
HOUSTON
MARLYN
ARDMORE
LLEWELLYN
SANDRA
MANUELS
OAK
CORTEZ
COLUMBUS
CONGRESS
CLEVELAND
DIXIE
SOUTH
DORA
JACKSON
FOWLER
PALM
SOUTH
JEFFCOTT
Downtown Redevelopment Area
Map C-1
Legend
City Boundary
Redevelopment Area
0
750
1,500
Feet
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers

* Parcels formerly designated Light Industrial (I-1) as of April 30, 2003 (Action 5.2.7)


Caloosahatchee River
EDISON BRIDGE
CALOOSAHATCHEE BRIDGE
CLEVELAND
OASIS GRAND
FRIERSON
PALM BEACH
RHODE ISLAND
SEABOARD
MICHIGAN
PROVIDENCE
AVALON
PARK
POINSETTA
WOODFORD
HOUGH
SECOND
GUAVA
THIRD
FOURTH
DR ELLA PIPER
INDIAN
LIME
ECONOMY
LILLIE
ORANGE
FOWLER
ROYAL PALM
THOMPSON
SCHTON
LEMON
VELASCO
EDWARDS
JACKSON
HENDRY
ELI
BAYSIDE
DR MARTIN LUTHER KING JR
DR MLK JR
JOHNSON
TOURNAMENT
WILNA
VELMONT
HILLMAN
COTTAGE
MON ROE
UNION
LIBERTY
CENTRAL
SAVAL
ALICIA
KERNEY
DOUGLAS
PRICE
LARMIE
LINCOLN
BLAKE
DUNBAR
THOMAS
MARKET
VICTORIA
HOOPER
GRAWFORD
BROADWAY
CLIFFORD
FIRST
VIRGINIA
LARCHMONT
ST CHARLES
LAFAYETTE
EDISON
MENLO
EUCLID
MONTE VISTA
MCGREGOR
WILLARD
FRANKLIN
DORA
DIXIE
CONGRESS
COLUMBUS
MARLYN
ARDMORE
SANDRA
WOODLAWN
LLEWELLYN
CORTEZ
NEWTON
MANUELS
EL PRADO
STELLA
SOUTH
JEFFCOTT
KATHERINE
PALM
PRINCE
Legend
Downtown
Central
City Boundary
Downtown Redevelopment Areas
Map E-1
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers
0 500 1,000
Feet


TICE ST
Caloosahatchee River
PALM BEACH BLVD
VERONICA S SHOEMAKER BLVD
MARSH AVE
LUCKETT RD
BALLARD RD
EDISON BRIDGE
PARK AVE
SEABOARD ST
MICHIGAN AVE
BAY ST
SECOND ST
MICHIGAN AVE LINK
DR MARTIN LUTHER KING JR BLVD
EVANS AVE
HENDERSON AVE
HIGHLANDS AVE
JACKSONVILLE ST
EDISON AVE
FORD ST
HANSON ST
CLEVELAND AVE
BROADWAY
FOWLER ST
METRO PKWY
VERONICA SHOEMAKER BLVD
WINKLER AVE EX
COLONIAL BLVD
Legend
City Boundary
Urban Infill
City of Fort Myers
Urban Infill Area
Map E-A
Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers
0 0.25 0.5
Miles

Legend

CHHA*

Downtown Coastal High Hazard Area (CHHA) Map E-2

Map for reference only and is not a Survey. The City of Fort Myers makes no claims or guarantees about the accuracy or currency of the information contained on this map, and expressly disclaims liability for errors and omissions.
Source: City of Fort Myers

0 500 1,000 Feet

* Coastal High Hazard Area for downtown area only.
Citywide CHHA is represented on Map L-2 in the Conservation and Coastal Management Element.

Agenda Item

3e

City of Cape Coral Comprehensive Plan Amendments (DCA 10-1)

3e

3e

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF CAPE CORAL

The Council staff has reviewed amendments to the City of Cape Coral Comprehensive Plan (DCA 10-1). The amendments were reviewed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps are found in Attachment III.

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

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

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			
	Location	Magnitude	Character	Consistent
LU 10-0013 (Ord. 7-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0004 (Ord. 8-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0010 (Ord. 10-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP

LU 10-0002 (Ord. 11-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0012 (Ord. 12-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0006 (Ord. 13-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0003 (Ord. 14-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0005 (Ord. 15-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0009 (Ord. 16-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0016 (Ord. 17-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0015 (Ord. 19-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0011 (Ord. 20-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP

LU 10-0014 (Ord. 21-10)	yes	no	yes	(1) regionally significant (2) not consistent with SRPP
LU 10-0023 (Ord. 22-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0030 (Ord. 24-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0017 (Ord. 25-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0022 (Ord. 26-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0021 (Ord. 27-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0019 (Ord. 30-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0010 (Ord. 31-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0025 (Ord. 32-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP

LU 10-0026 (Ord. 35-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
LU 10-0020 (Ord. 36-10)	no	no	no	(1) regionally significant (2) procedural (3) not consistent with SRPP
LU 10-0029 (Ord. 37-10)	no	no	no	(1) not regionally significant (2) consistent with SRPP
TXT 10-0001, 10-0002 (Ord. 9-08)	no	no	no	(1) not regionally significant (2) consistent with SRPP

RECOMMENDED ACTION: Review and approve staff July comments. Authorize staff to forward comments to the Department of Community Affairs and City of Cape Coral.

5/10

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

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

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

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b)]

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

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

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

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

Attachment II

SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW

1. **Local Government Name:**

   City of Cape Coral

2. **Amendment Number:**

   DCA 10-1

3. **Did the RPC prepare the Plan Amendment: (YES) (NO)**

   No

4. **Date DCA Notified RPC that Amendment Package was Complete, if Applicable:**

   April 22, 2010

5. **Date Amendment Review must be Completed and Transmitted to DCA:**

   May 22, 2010

6. **Date the Review was Transmitted to DCA:**

   May 12, 2010

7. **Description of the Amendments:**

   LU 10-0013 (Ord. 7-10)
   This amendment is a privately initiated large-scale Future Land Use Map (FLUM) change on approximately 67.01 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located on Burnt Store Road North. The applicant desires to develop a mixed use development.

   LU 10-0004 (Ord. 8-10)
   This amendment is a City initiated large-scale FLUM change on approximately 36.03 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located in the general vicinity of East Gator Circle and DeNavarra Parkway.

LU 10-0010 (Ord. 10-10)
This amendment is a City initiated large-scale FLUM change on approximately 26.24 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located at the intersection of Chiquita Boulevard and Diplomat Parkway.

LU 10-0002 (Ord. 11-10)
This amendment is a City initiated large-scale FLUM change on approximately 7.67 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located at the intersection of Nelson Road and Wilmington Parkway.

LU 10-0012 (Ord. 12-10)
This amendment is a City initiated large-scale FLUM change from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC) on approximately 22.34 acres; from Public Facilities (PF) to Commercial Activity Center (CAC) for approximately 5.10 acres; and from Public Facilities to Single-Family Residential (SF) for approximately 50.53 acres. The total area for the proposed amendment is approximately 77.97 acres. The subject site is located near the intersection of El Dorado Boulevard and Tropicana Parkway.

LU 10-0006 (Ord. 13-10)
This amendment is a City initiated large-scale FLUM change on approximately 27.27 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located at the intersection of El Dorado Boulevard and Diplomat Parkway.

LU 10-0003 (Ord. 14-10)
This amendment is a City initiated large-scale FLUM change from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC) on approximately 15.74 acres and from Commercial Activity Center, Type C (CAC-C) to Commercial Activity Center (CAC) for approximately 36.80 acres. The total area for the proposed amendment is approximately 52.54 acres. The subject site is located at the intersection of Nelson Road and Tropicana Parkway.

LU 10-0005 (Ord. 15-10)
This amendment is a City initiated large-scale FLUM change from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC) on approximately 68.20 acres and from Single-Family Single-Family/Multi-Family Residential by PDP (SM) to Commercial/Profession (CP) for approximately 23.41 acres. The total area for the proposed amendment is approximately 91.61 acres. The subject site is located on Diplomat Parkway between Nelson Road and Santa Barbara Boulevard.

LU 10-0009 (Ord. 16-10)
This amendment is a City initiated small-scale FLUM change on approximately 8.32 acres from Public Facilities to Single-Family/Multi-Family Residential by PDP (SM). The subject site is located north of Gulfstream Parkway and west of Burnt Store Road, in the general vicinity of the intersection of NW 16th Terrace and NW 34th Avenue.

LU 10-0016 (Ord. 17-10)
This amendment is a City initiated large-scale FLUM change on approximately 33.67 acres from Single-Family/Multi-Family Residential by PDP (SM) to Commercial Activity Center (CAC). The subject site is located on the northeast quadrant of North Gator Circle and NE Connection Avenue.

LU 10-0015 (Ord. 19-10)
This amendment is a City initiated large-scale FLUM change from Public Facilities (PF) to Single-Family Residential (SF) for approximately 347.50 acres; Public Facilities (PF) to Commercial Activity Center (CAC) for approximately 175.49 acres; Public Facilities (PF) to Low Density Residential II (LDR-II) for 77.42 acres; Public Facilities (PF) to Multi-Family Residential (MF) for 12.31 acres; from Parks and Recreation (PK) to Single-Family (SF) and Multi-Family by PDP (SM) for approximately 12.10 acres; and from Parks and Recreation (PK) to Single-Family Residential (SF) for approximately 6.59 acres. The total area for the proposed amendment is approximately 631.41 acres. The subject site is located on Burnt Store Road North.

LU 10-0011 (Ord. 20-10)
This amendment is a City initiated small-scale FLUM change on approximately 6.98 acres from Single-Family and Multifamily by PDP (SM) to Commercial Activity Center (CAC). These properties are located in the general vicinity of the intersection of Gulfstream Parkway and Burnt Store Road North.

LU 10-0014 (Ord. 21-10)
This amendment is a City initiated large-scale FLUM change from Open Lands and Wetlands (County Land Use Designations) to Commercial Activity Center (CAC) on approximately 72.86 acres and from Open Lands and Wetlands (County Land Use Designations) to Mixed Use Preserve, Class III, Type D (MUP III-D) for approximately 193.36 acres. The total area for the proposed amendment is approximately 266.22 acres. The subject site is located on Burnt Store Road North.

LU 10-0023 (Ord. 22-10)
This amendment is a City initiated large-scale FLUM change from Single-Family Residential (SF) to Commercial Activity Center (CAC) on approximately 6.01 acres; from Multi-Family Residential (MF) to Commercial Activity Center (CAC) on approximately 10.74 acres; from Single-Family and Multi-Family by PDP (SM) to Single-Family Residential (SF) for approximately 11.55 acres; and from Multi-Family Residential (MF) to Commercial /Professional (CP) for approximately 6.07 acres. The total area for the proposed amendment

is approximately 34.38 acres. The subject site is located on Chiquita Boulevard south of Veteran Parkway.

LU 10-0030 (Ord. 24-10)

This amendment is a City initiated large-scale FLUM change from Single-Family Residential (SF) to Commercial/Professional (CP) for approximately 2.41 acres and from Multi-Family Residential (MF) to Commercial Activity Center (CAC) for approximately 20.53 acres. The total area for the proposed amendment is approximately 22.94 acres. The subject site is located on Santa Barbara Boulevard, south of Veterans Parkway.

LU 10-0017 (Ord. 25-10)

This amendment is a City initiated large-scale FLUM change from Single-Family and Multi-Family by PDP (SM) to Commercial/Professional (CP) for approximately 12.55 acres and Commercial Activity Center (CAC) for approximately 12.29 acres. The total area for the proposed amendment is approximately 24.84 acres. The subject site is located in the general vicinity of Burnt Store Road North and Yucatan Parkway West.

LU 10-0022 (Ord. 26-10)

This amendment is a City initiated large-scale FLUM change from Single-Family Residential (SM) to CAC for 40.25 acres and Single-Family and Multi-Family by PDP (SM) to Commercial/Professional (CP) for 3.97 acres. The total area for the proposed amendment is approximately 44.23 acres. The subject site is located on Veterans Parkway north of Chiquita Boulevard.

LU 10-0021 (Ord. 27-10)

This amendment is a City initiated large-scale FLUM change from Single-Family Residential (SM) to Commercial Activity Center (CAC) for approximately 24.51 acres. The subject property is located near the intersection of Veterans Parkway and Surfside Boulevard.

LU 10-0019 (Ord. 30-10)

This amendment is a City initiated large-scale FLUM change from Public Facilities (PF) to Commercial/Professional (CP) for approximately 171.16 acres; from industrial (I) to Commercial/Professional (CP) for approximately 31.68 acres; from Multi-Family (MF) to Commercial/Professional (CP) for approximately 17.66 acres; from Single-Family (SF) to CAC for approximately 29.15 acres; from Park (PK) to Commercial Activity Center (CAC) for approximately 0.69 acres; and from Multi-Family (MF) to Commercial Activity Center (CAC) for approximately 9.52 acres. The total area for the proposed amendment is approximately 260.31 acres. The subject property is located in the general vicinity of the intersection of Kismet Parkway East and Del Prado Boulevard North.

LU 10-0010 (Ord. 31-10)

This amendment is a City initiated large-scale FLUM change from Parks and Recreation (PK) to Low Density Residential II (LDR-II) for approximately 29.57 acres from single-Family and Multi-Family by PDP (SM) to Mixed Use Preserve, Class III, Type C (MUP III-C) for approximately 139.38 acres. The total area for the proposed amendment is approximately 266.22 acres. The subject property is located on Burnt Store Road North.

LU 10-0025 (Ord. 32-10)
This amendment is a City initiated large-scale FLUM change from Single-Family (SF) to CAC for approximately 3.34 acres; Multi-Family (MF) to Commercial Activity Center (CAC) for approximately 51.44 acres; and Single-Family and Multi-Family by PDP (SM) to Commercial Activity Center (CAC) for approximately 0.80 acre. The total area for the proposed amendment is approximately 55.58 acres. The subject properties are located in the general vicinity of Skyline Boulevard between Trafalgar Parkway and Pine Island Road (SR 78).

LU 10-0026 (Ord. 35-10)
This amendment is a City initiated large-scale FLUM change from Single-Family and Multi-Family by PDP (SM) to Commercial Activity Center (CAC) for approximately 23.92 acres and from Public Facilities (PF) to Commercial Activity Center (CAC) for approximately 1.39 acres. The total area for the proposed amendment is approximately 25.31 acres. The subject properties are located in the general vicinity of Skyline Boulevard between SW 18th Lane and SW 22nd Terrace.

LU 10-0020 (Ord. 36-10)
This amendment is a City initiated large-scale FLUM change from Industrial (I) to Commercial Activity Center (CAC) for approximately 134.34 acres and from Industrial to Pine Island Road District (PIRD) for approximately 108.22 acres. The total area for the proposed amendment is approximately 242.56 acres. The subject property is located on Pine Island Road and Diplomat Parkway and encompasses the Indian Oaks Commerce Park DRI.

LU 10-0029 (Ord. 37-10)
This amendment is a City initiated large-scale FLUM change from Single-Family (F) to Commercial Activity Center (CAC) for approximately 0.58 acres; from Multi-Family Residential (MF) to Commercial Activity Center (CAC) for approximately 13.4 acres; from Single-Family and Multi-Family by PDP (SM) to Commercial/Professional (CP) for approximately 0.11 acres; Single-Family Residential (SF) to Commercial /Professional (CP) for approximately 0.29 acres; and from Multi-Family Residential (MF) to Commercial /Professional (CP) for approximately 10.20 acres. The total area for the proposed amendment is approximately 24.22 acres. The subject property is located on Santa Barbara Boulevard north of Veterans Parkway.

TXT 10-0001, 10-0002 (Ord. 9-08)
These text amendments are City initiated changes that amend Policy 1.15.f of the Future Land Use Element (FLUE) regarding the Mixed Use future land use designation and amends Policies 1.1.6 and 2.3.1 of the Infrastructure Element.

8. **Is the Amendment consistent with the Strategic Regional Policy Plan:**
The Cape Coral Comprehensive Plan recognizes that the original platting of the City was prepared with the primary purpose of creating a readily marketable commodity, residential lots. This resulted in an imbalance between residential and commercial lands. As prescribed by Policy 1.12 of the Future Land Use Element, the City has conducted a citywide, commercial needs

study. This study, titled the Commercial Corridor Study, identified the characteristics and locations for new potential commercial lands.

> Policy 1.12: The City will conduct commercial land needs studies to identify potential areas of the City, which could accommodate commercially designated land, consistent with the studies, findings and recommendations, and other provisions of the Comprehensive Plan.

In following the Goals of the Comprehensive Plan, the City of Cape Coral has submitted 24 Comprehensive Plan amendments for review in the DCA 10-1 submittal. Due to the large number of changes and because the submittals are generally similar in scope, in that they are providing additional commercial sites within the City where existing commercial properties exist, Council staff has grouped them as follows:

1. Small Scale Requests - Consistent with the Strategic Policy Plan:
   LU 10-0002 (Ord. 11-10), LU10-0009 (Ord. 16-10), and LU 10-0011 (Ord. 20-10)

   Council staff has reviewed these small scale amendments to the City's Comprehensive Plans and based on that review finds that subject amendments do not have the size, location or character to produce impacts to regional resources and are therefore consistent with the Strategic Regional Policy Plan.

2. Large Scale Requests - Consistent with the Strategic Regional Policy Plan:
   LU 10-0013 (Ord. 7-10), LU 10-0004 (Ord. 8-10), LU 10-0010 (Ord. 10-10), LU 10-0012 (Ord. 12-10), LU 10-0006 (Ord. 13-10), LU 10-0003 (Ord. 14-10), LU 10-0005 (Ord. 15-10), LU 10-0016 (Ord. 17-10), LU 10-0015 (Ord. 19-10), LU 10-0019 (Ord. 30-10), LU 10-0023 (Ord. 22-10), LU 10-0030 (Ord. 24-10), LU 10-0017 (Ord. 25-10), LU 10-0022 (Ord. 26-10), LU 10-0021 (Ord. 27-10), LU 10-0019 (Ord. 30-10), LU 10-0010 (Ord. 31-10), LU 10-0025 (Ord. 32-10), LU 10-0026 (35-10), LU 10-0020 (Ord. 36-10), and LU 10-0029 (Ord. 37-10)

   Council staff has reviewed these large scale amendments to the City's Comprehensive Plan. Based on that review, Council finds that the proposed changes are the City's efforts to provide addition commercial opportunities to the current and future residents of the areas being changed. Council staff notes that there are residential changes in the amendments that will provide somewhat more density mixed in with the commercial development. Council staff believes that the proposed changes are generally infill and enlargements to existing commercial sites throughout the City. These additional commercial sites will allow the City to address the existing substantial lack of commercial development opportunities in the City. While most of the changes create commercial nodes, Council staff was somewhat concerned with the requests that appeared to further expand strip commercial development in some areas south of Pine Island Road. Council staff however believes that the strip commercial development is minimal given the scale of changes being proposed and given that the overall changes will further the growth and economic benefits that is sorely needed by the City over time. Council staff believes that general planning principals are being followed that will improve the City's walkability since commercial development is being located nearer to

residential areas; will decrease the carbon foot print of the residents and increase energy efficiencies will be improved because the residents in the new commercial areas will not have to drive as far to provide for their families. Therefore, Council staff finds that subject amendments do not have the size, location or character to produce substantial impacts to regional resources and are therefore consistent with the Strategic Regional Policy Plan.

3. Large Scale Requests - Not Consistent with the Strategic Regional Policy Plan

LU 10-0014 (Ord. 21-10)

This amendment is requesting a land use designation change on a 266.22 acre site in northern portion of the City (see attached maps). The amendment proposes to change existing Lee County land use designations of Open Lands and Wetlands to the City's land use designation Commercial Activity Center for approximately 72.86 acres of the site and to change the existing Lee County Open Lands and Wetlands land use designations to the City's land use designation of Mixed Use Preserve, Class III, Type D (MUP III-D) for approximately 193.36 acres of the site.

Based on the City's staff report, the site currently consists of rural land, currently forested. The majority of the parcel is upland and hydric pine flatwoods, with varying densities of melaleuca. The area has been logged in the past and currently contains relatively few large pine trees. Some portions of the natural systems may function as wildlife corridors.

According to the Department of Environmental Protection report on the viability of purchasing this area back in the late 1990's, as part of the Florida Forever program, there is a chance that Florida panthers, Florida black bears, Sherman's fox squirrels, Florida sandhill cranes, Bald eagles, and Gopher tortoises could possibly be found in the subject area. Prior to any development order being issued, an environmental survey should be undertaken, and mitigation performed to minimize the impacts of any future development, if any, on the protected species habitat. In addition, this parcel of land is located near the existing preserve areas in Lee and Charlotte County.

Based on this amendment request, significant commercial/residential development could take place on this property if the land use designation change were to occur as proposed. Council staff believes that this site may be environmentally significant and prior to any change environmental surveys should be conducted to ascertain the significance of the site prior to the approval of this amendment. The City staff reports that environmental assessments will be done under the current City review processes during future rezoning and development order reviews and approvals. While this is true, Council staff believes that the property should undergo environmental review prior to any Comprehensive Plan amendment change so that an appropriate land use designation can be assigned and an appropriate site plan can be produced. Council staff therefore finds that this amendment is not consistent with the Strategic Regional Policy Plan and should not be approved before reliable and up-to-date environmental assessments can be completed.

LU 10-0020 (Ord. 36-10)
This site is served by a principal arterial roadway, Pine Island Road, to the south. The area is also served by Diplomat Parkway. The subject area is a group of large properties in Eastern Cape Coral and provides the City with an uncommon opportunity for a master planning effort.

Properties to the east are in unincorporated Lee County. The Hancock Creek Commerce Park DRI, located west of the subject area, is an area that has been in Cape Coral. Properties to the south, on the opposite side of Pine Island Road, have been within Cape Coral jurisdiction since their annexation in 2004.

An industrial subdivision that is part of the Indian Oaks Commerce Park has not been included in this proposed future land use map amendment. This area consists of approximately 28 acres, and was removed from the original proposal at the property owner's request.

Based on the City's staff report, the subject site for this amendment request consists of 9 parcels; all of which but one are unimproved properties. This subject site is located within an active DRI known as the Indian Oaks Commerce Park DRI. The Indian Oaks Commerce Park was established in 1989 and has an active DRI Development Order in place. While City staff stated in the staff report that the City is abandoning this DRI, to date only preliminary discussions have taken place and no active abandonment applications have been presented to the Council for action.

Over the last 20 years, only one parcel has been developed within this DRI. City staff has shown that the future needs of the City require additional opportunities for office parks and commercial retail. This amendment would allow the DRI site plan to be changed to allow the future development of the types of office and commercial land uses that could be a more realistic development activity in this part of the City. However, since the subject site is still an active DRI and subject to an existing DRI Development Order, this request is not the proper vehicle to change the land use on the site. The City should either formally abandon the DRI and then request an amendment to the City's Comprehensive Plan or submit a Notice of Proposed Change (NOPC) to the existing DRI and an amended Master Concept Plan to show the proposed land use changes and request a new land use designation.

4. Text Amendments:
TXT 10-0001
This text amendment involves amendments to Policy 1.15.f of the Future Land Use Element. Language to be removed through this amendment includes all references mandating a mix of uses for every parcel between 1 and 3 acres in the Urban Services Infill and Transition Areas, and for every parcel greater than 3 acres in the Urban Service Reserve Area. The minimum 20% mix requirement for non-residential uses ("office, retail, service, and/or light industrial") is proposed to be removed. Also, the amendment

removes the Community Development and Public Benefit areas and their calculations from the policy.

The language removed from this policy has been replaced by other language which requires review of Mixed Use properties one acre or greater to be reviewed through the Planned Development Project process (or its successor). Regulations for properties within the Mixed Use future land use designation have been separated between those less than one acre in size and one acre or greater in size. Language grandfathering those projects adopted prior to October 2010 has been included, so as to avoid the creation of non-conforming mixed use projects. Non-residential uses are permitted by right for those areas one acre or greater in size.

Council staff has reviewed the propose language change and finds that this change is providing additional refinement in the reviews of Mixed Use land use designations in the city development process. The proposed changes provide a clearer understanding of the type of project that requires review and the type of review that is to be done. The Council staff finds that these changes are consistent with the Strategic Regional Policy Plan.

TXT 10-0002
This text amendment involves amendments to Policy 1.1.6 and 2.3.1 of the Infrastructure Element. Amendments to the first policy provide clarity as to the purpose of the policy, by mentioning a multi-jurisdictional agreement. The change to Policy 2.3.1 involves one sentence that is proposed to be added to this policy, providing an exception to the existing language in Policy 2.3.1.

This text amendment provides additional language to the subject policies by adding statements about multi-jurisdictional agreements. This action provides for a clearer understanding between jurisdictions and provides an improved coordination between governmental entities. Council staff finds that the proposed change to the subject policies is consistent with the Strategic Regional Policy Plan.

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

Economic Development
Economic Infrastructure
Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.
Strategy: Maintain the physical infrastructure to meet growth demands.
Action 1: Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.
Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the

resources and facilities for desired growth in an environmentally acceptable manner.

Action 4: Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.

Action 5: Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.

Action 6: Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.

Action 7: Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

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

Action 1: Map or assist in mapping the appropriate distribution of urban uses for growth.

Action 2: Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

Action 3: Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

Action 4: Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

Action 5: Review proposed development for increased densities and infill in suitable urban areas.

Livable Communities

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

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

Action 1: Assist in the identification and acquisition of Potential Park and recreational sites and other resources in future growth areas.

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

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

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

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

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

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

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

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

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

Natural Resources Element
Natural Resource Protection

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

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

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

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

Livable Communities

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

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

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

10. The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

Amendments LU 10-0014 (Ord. 21-10) and LU 10-0020 (Ord. 36-10) are both regionally significant sites and if the amendments are approved will have significant impact to regional resources and facilities that are identified in the Strategic Regional Policy Plan. LU 10-0014 (Ord. 21-10) due to its location has significant habitat and wildlife species that should be protected and the properties should be considered for preservation. LU 10-0020 (Ord. 36-10) is an existing DRI that procedurally needs either to be abandon or if the City

desires to change the existing Comprehensive Land Use designation then a NOPC should be submitted and reanalysis of the DRI's impacts should occur to assure that the existing conditions for mitigation on regional resources and infrastructure are properly addressed.

11. **Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:**
LU 10-0014 (Ord. 21-10) will have extra-jurisdiction impacts that would contradict the City's Comprehensive Plan Goals, Objectives and Policies dealing with wildlife protection and habitat preservation. The proposed amendment would allow development activities that may damage protected species and habitat systems located in Lee and Charlotte Counties.

LU 10-0020 (Ord. 36-10) is an existing DRI and while the requested amendment may not produce impacts that would be inconsistent with extra-jurisdictional Comprehensive Plans, procedurally, the requested amendment should be either formally abandoned or go through the NOPC process to assure that an amended project does not negatively impact adjacent jurisdictions.

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. **Compatibility among local plans including, but not limited to, land use and compatibility with military bases:**
22 of the 24 requested amendments are found by the Council staff to be consistent with local plans in that they are land use changes that amend the form of existing urban land uses and are internal to an existing urban area. One (1) of the amendments was found to be inconsistent with the Strategic Regional Policy Plan in that it is an environmentally significant site and it is unclear how the proposed change to the land uses would provide for the future protection of the environmental resources located on the site. In addition, one (1) of the proposed amendments is an existing DRI. This proposed amendment while it may be consistent with the Comprehensive Plan FLUE and FLUM, the DRI should be amended through the NOPC process to assure land use consistency. Southwest Florida has no military bases.

13. **Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:**
22 of the 24 requested amendments are found by the Council staff to be consistent with Strategic Regional Policy Plan in that they are land use changes that are internal to the City where urban impacts have already happened or where future impacts to regionally significant resources, including groundwater recharge and water supply have been assessed and planned for. One (1) of the amendments was found to be inconsistent with the Strategic Regional Policy Plan in that it is an environmentally significant site and it is unclear how the proposed change to the land uses would provide for the future protection of the environmental resources located on the site. If the site is preserved, the impacts to

groundwater and water supply would be diminished within the City. In addition, one (1) of the proposed amendments is an existing DRI. This proposed amendment should go through the NOPC process to assure that all regionally significant resources are assessed and mitigated, including groundwater recharge and water supply availability.

14. **Affordable housing issues and designation of adequate sites for affordable housing:**
These requested amendments will not have a significant impact on affordable housing within the City. Given the existing economic situation in the region and the platted lands situation in the City, the supply of affordable housing in this area of the region is not a significant regional issue.

15. **Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:**
22 of the 24 requested amendments are found by the Council staff to be consistent with Strategic Regional Policy Plan in that they are land use changes that are internal to the City where urban impacts have already happened or where future impacts to regionally significant resources, including natural resources have been assessed and planned for. One (1) of the amendments was found to be inconsistent with the Strategic Regional Policy Plan in that it is an environmentally significant site and it is unclear how the proposed change to the land uses would provide for the future protection of the environmental resources located on the site. If the site is preserved, the impacts to groundwater and water supply would be diminished within the City. In addition, one (1) of the proposed amendments is an existing DRI. This proposed amendment should go through the NOPC process to assure that all regionally significant resources are assessed and mitigated, including groundwater recharge and water supply availability.

16. **Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:**
22 of the 24 requested amendments are found by the Council staff to be consistent with Strategic Regional Policy Plan in that they are land use changes that are internal to the City where urban transportation impacts have either already happened or where future impacts to regionally significant roadways, including roadways, airports, public transportation systems, high speed rail facilities, and intermodal facilities. One (1) of the amendments was found to be inconsistent with the Strategic Regional Policy Plan in that it is an environmentally significant site and it is unclear how the proposed change to the land uses would provide for the future protection of the environmental resources located on the site. In addition, one (1) of the proposed amendments is an existing DRI. This proposed amendment should go through the NOPC process to assure that all regionally significant roadways are assessed and mitigated, including airports, public transportation systems, high speed rail facilities, and intermodal facilities. There are no seaports located in southwest Florida.

17. **Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:**
22 of the 24 requested amendments are found by the Council staff to be consistent with Strategic Regional Policy Plan in that they are land use changes that are internal to the City where emergency preparedness plans and local mitigation strategies have either already happened or where future impacts to regionally significant emergency preparedness plans and local mitigation strategies are on-going through the City planning process. One (1) of the amendments was found to be inconsistent with the Strategic Regional Policy Plan in that it is an environmentally significant site and it is unclear how the proposed change to the land uses would provide for the future protection of the environmental resources located on the site. If the site was preserved, the lands that are subject to the requested amendment could reduce the need for emergency preparedness in the northern part of the City. In addition, one (1) of the proposed amendments is an existing DRI. This proposed amendment should go through the NOPC process to assure that all regionally significant impacts on and availability of hurricane shelters, maintenance of County hurricane clearance times, and hazard mitigation are properly addressed and mitigated.

18. **Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:**
Two of the amendments have the potential to have extra-jurisdictional impacts due to the requested amendment.

LU 10-0014 (Ord. 21-10), if approved, may have significant extra-jurisdiction impacts to wildlife protection and habitat preservation. The proposed amendment would allow development activities that could damage protected species and habitat systems located in Lee and Charlotte Counties.

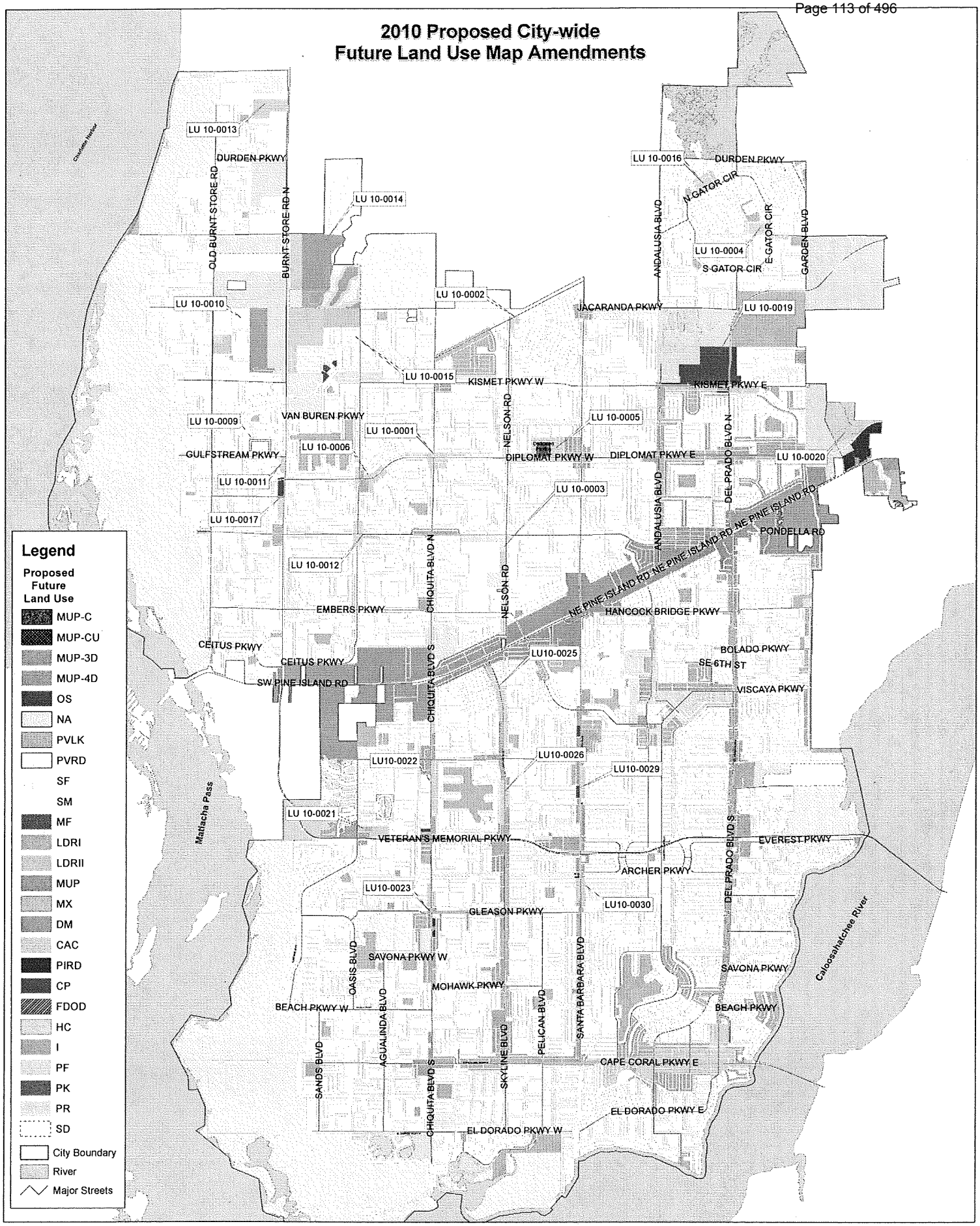
LU 10-0020 (Ord. 36-10) is an existing DRI and while the requested amendment may not produce impacts that would be inconsistent with extra-jurisdictional Comprehensive Plans, procedurally, the requested amendment should be either formally abandoned or go through the NOPC process to assure that an amended project does not negatively impact adjacent jurisdictions.

Attachment III

Maps

City of Cape Coral
DCA 10-1

2010 Proposed City-wide Future Land Use Map Amendments



Feet
0 6,800 13,600 20,400

Planning and Growth Management Division
April 15, 2010

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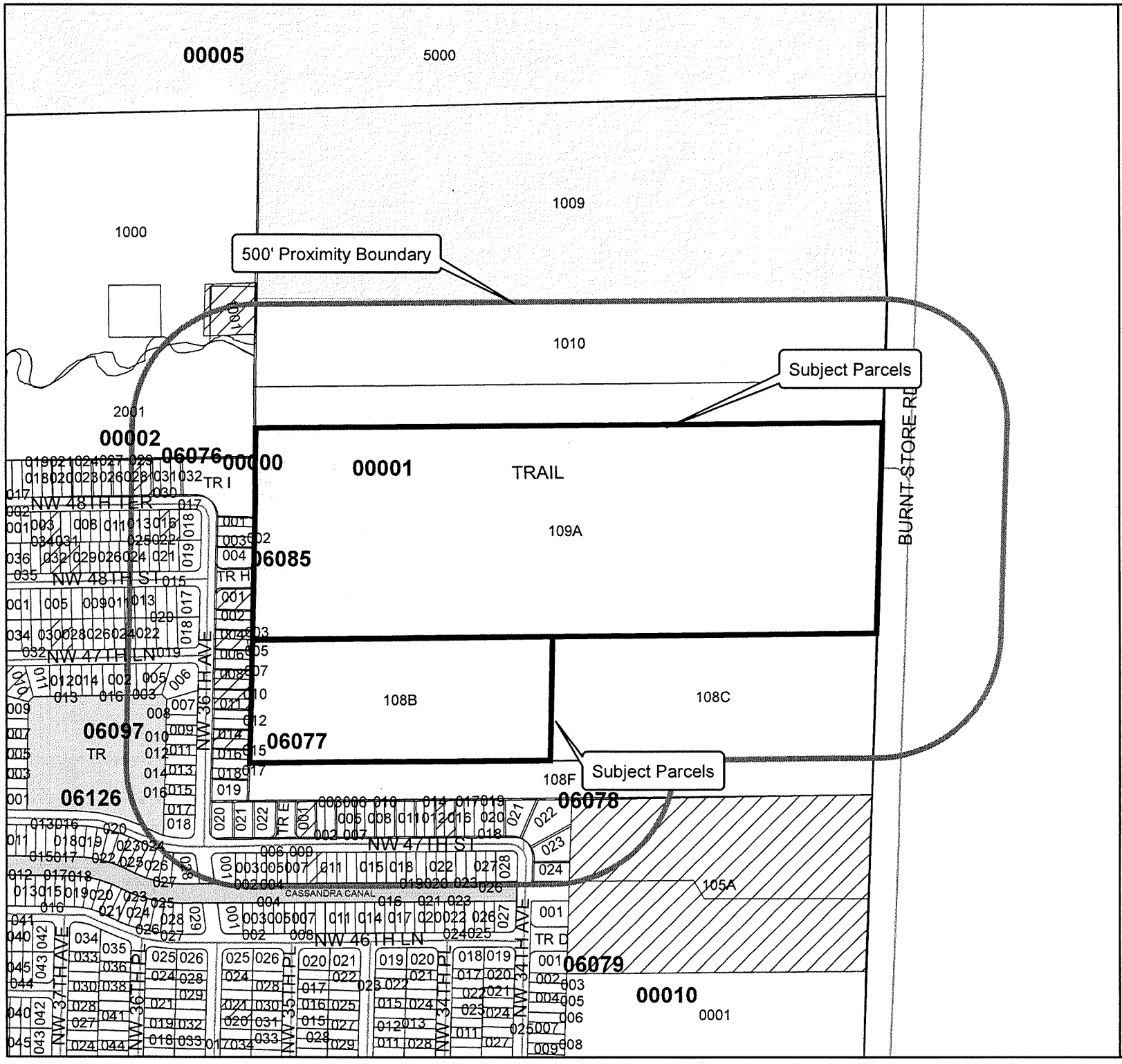

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0013
Parcels in Sec 07
Township 43, Range 23

Legend

- 500_ft_Boundary
- Subject_Parcels
- <all other values>
- SM
- PK
- PR

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 2, 2010

0 330 660 Feet

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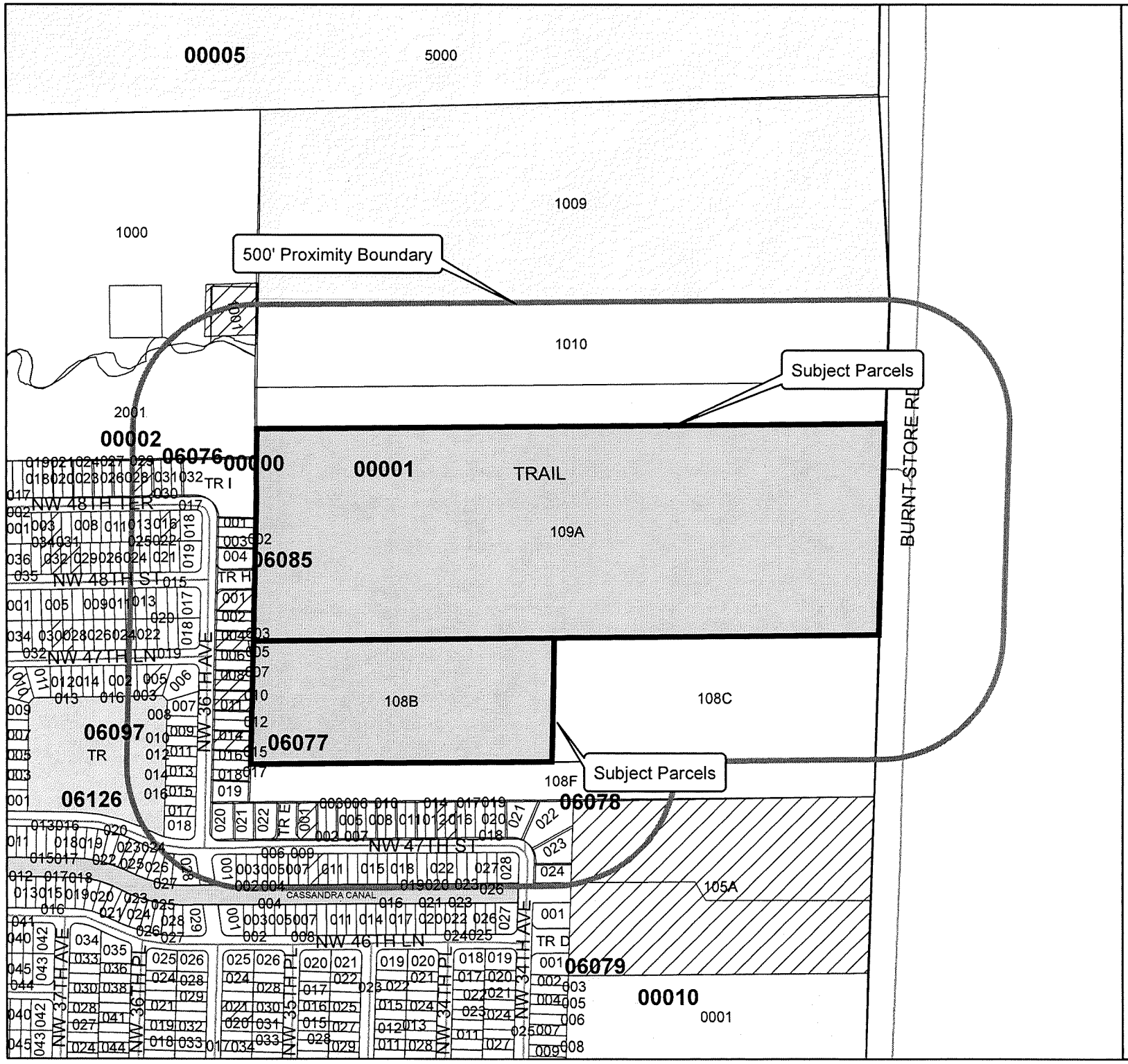

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0013
Parcels in Sec 07
Township 43, Range 23

Legend

- Subject Parcels - CAC
- 500_ft_Boundary
- <all other values>
- SM
- PK
- PR

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 2, 2010

0 340 680 Feet

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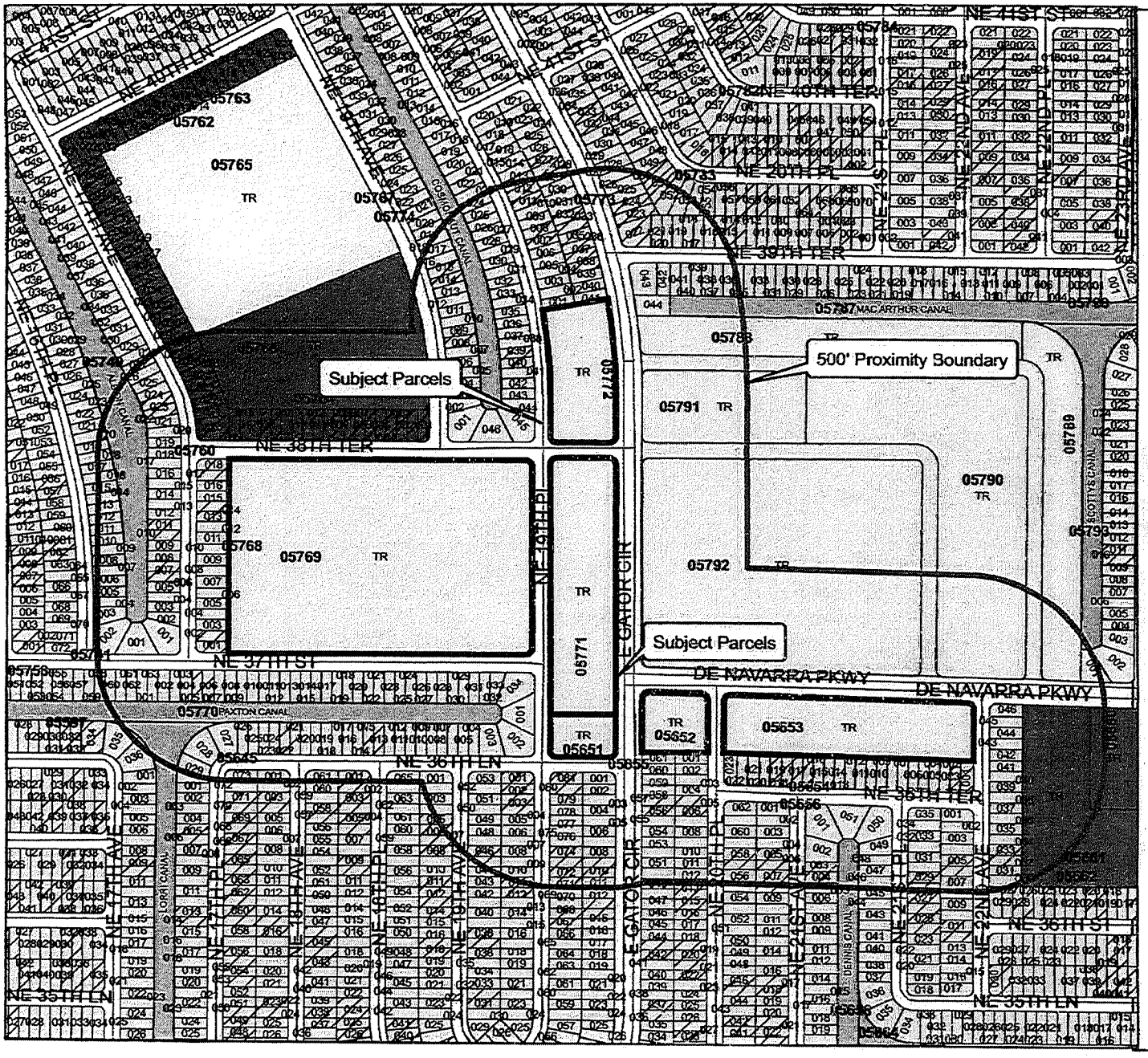

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

Future Land Use Map

500' Proximity Boundary

Future Land Use Map

Case # LU10-0004
Blocks 5651, 5652, 5653, 5769, 5771, 5772

Legend

- Subject_Parcels
- 500_ft_Boundary
- <all other values>
- SM
- PF
- PK

N
W E
S

January 6, 2010

0 310 620 Feet

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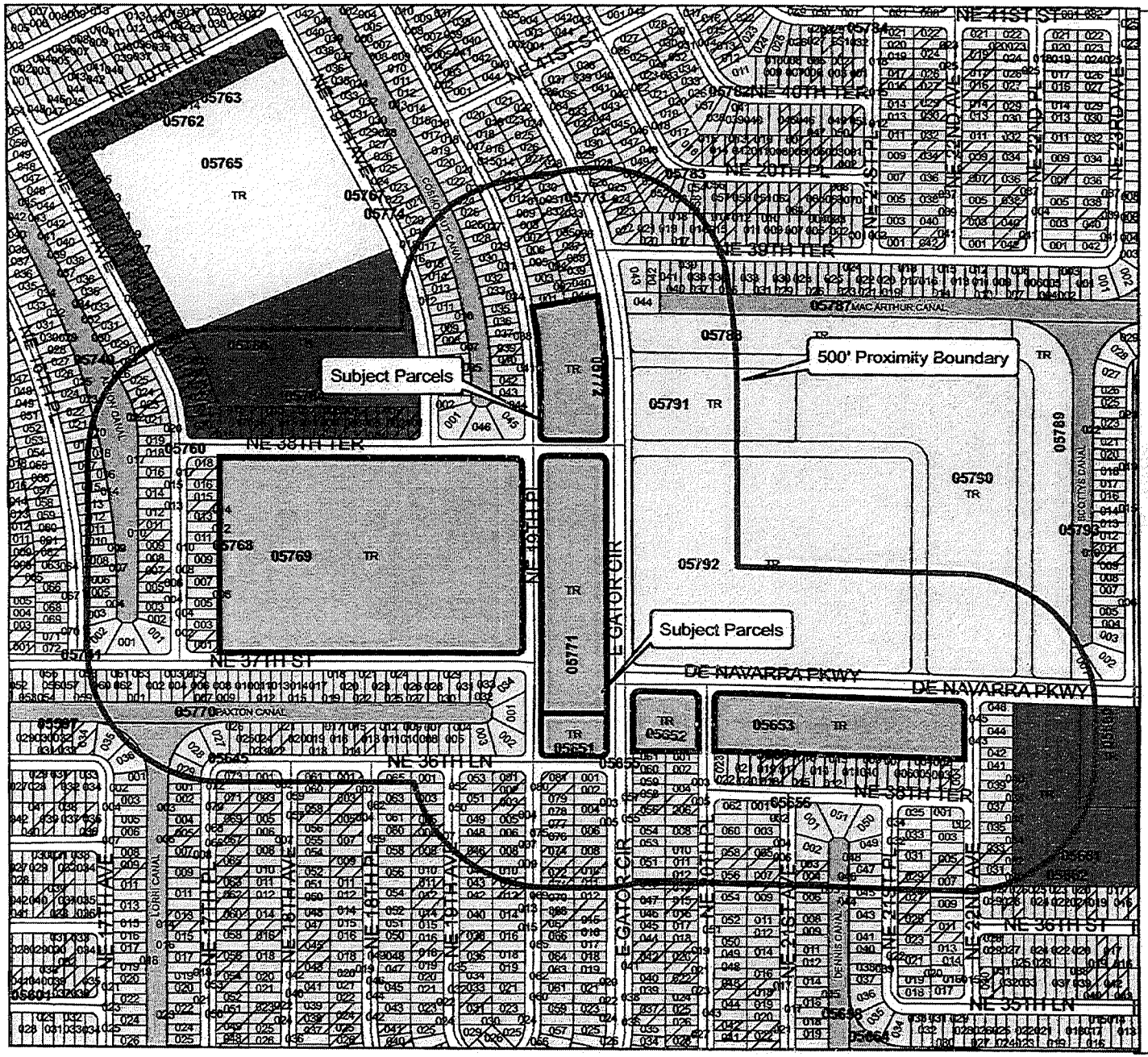

CITY OF CAPE CORAL

Department of
Community Development
Planning & Growth
Management Division

500' Proximity Boundary

Proposed
Future Land Use Map

Case # LU10-0004
Blocks 5651, 5652, 5653,
5769, 5771, 5772

Legend

- Subject Parcels - CAC
- 500 ft Boundary
- <all other values>
- SM
- PF
- PK

N
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S

January 6, 2010

0 310 620 Feet

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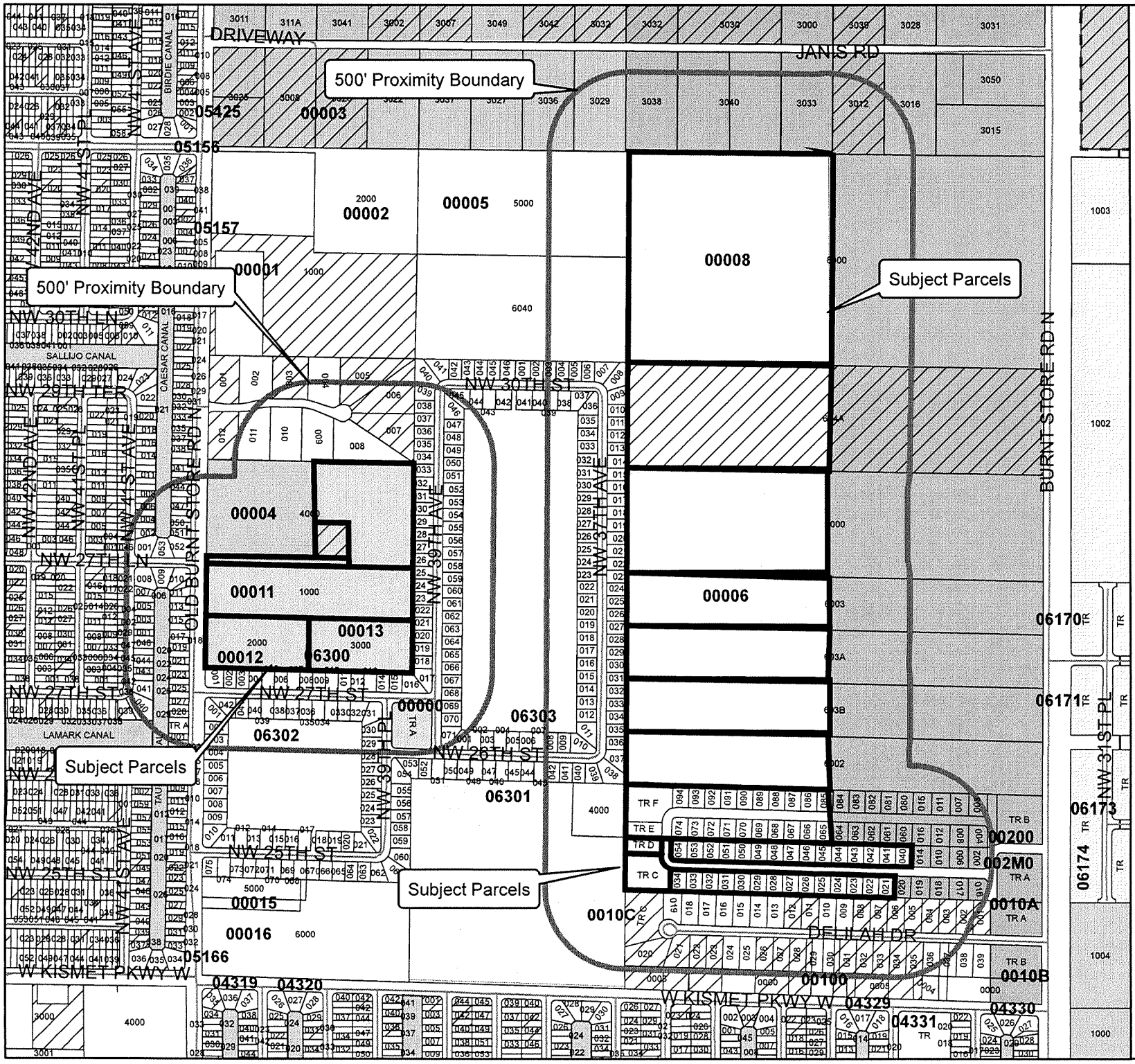

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0010
Multiple parcels in
Unit 83 Part 1

Legend

Subject Parcels

- Subject Parcels
- 500 ft Boundary
- PVRD
- SM
- LDRI
- LDRII
- MX
- CAC
- PF
- PK
- SD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N
W E
S

February 23, 2010
March 12, 2010 Rev.

0 590 1,180 Feet

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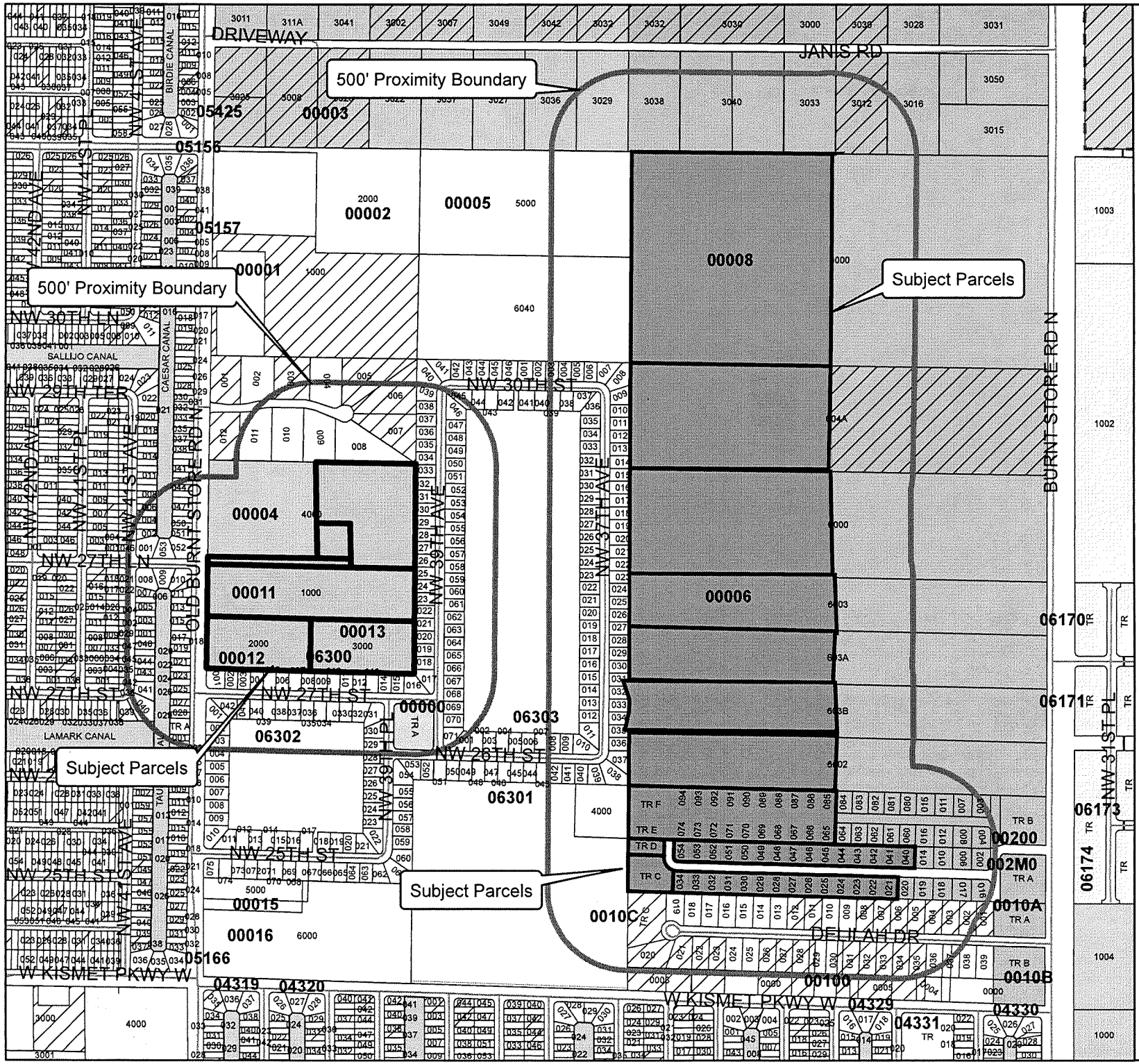

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0010
Multiple parcels in
Unit 83 Part 1

Legend

- Subject Parcels - LDRII
- Subject Parcels - MUP
- 500 ft Boundary
- PVRD
- SM
- LDRI
- LDRII
- MX
- CAC
- PF
- PK
- SD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 23, 2010
March 12, 2010 Rev.

0 590 1,180 Feet

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CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

Future Land Use Map

500' Proximity Boundary

Case # LU10-0002
All of Block 2812 & 2813

Legend

- 500 Ft Boundary
- Subject Parcels
- Lee County FLU
- SM
- CAC

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E

January 6, 2010
March 10, 2010
April 15, 2010

0 250 500 Feet

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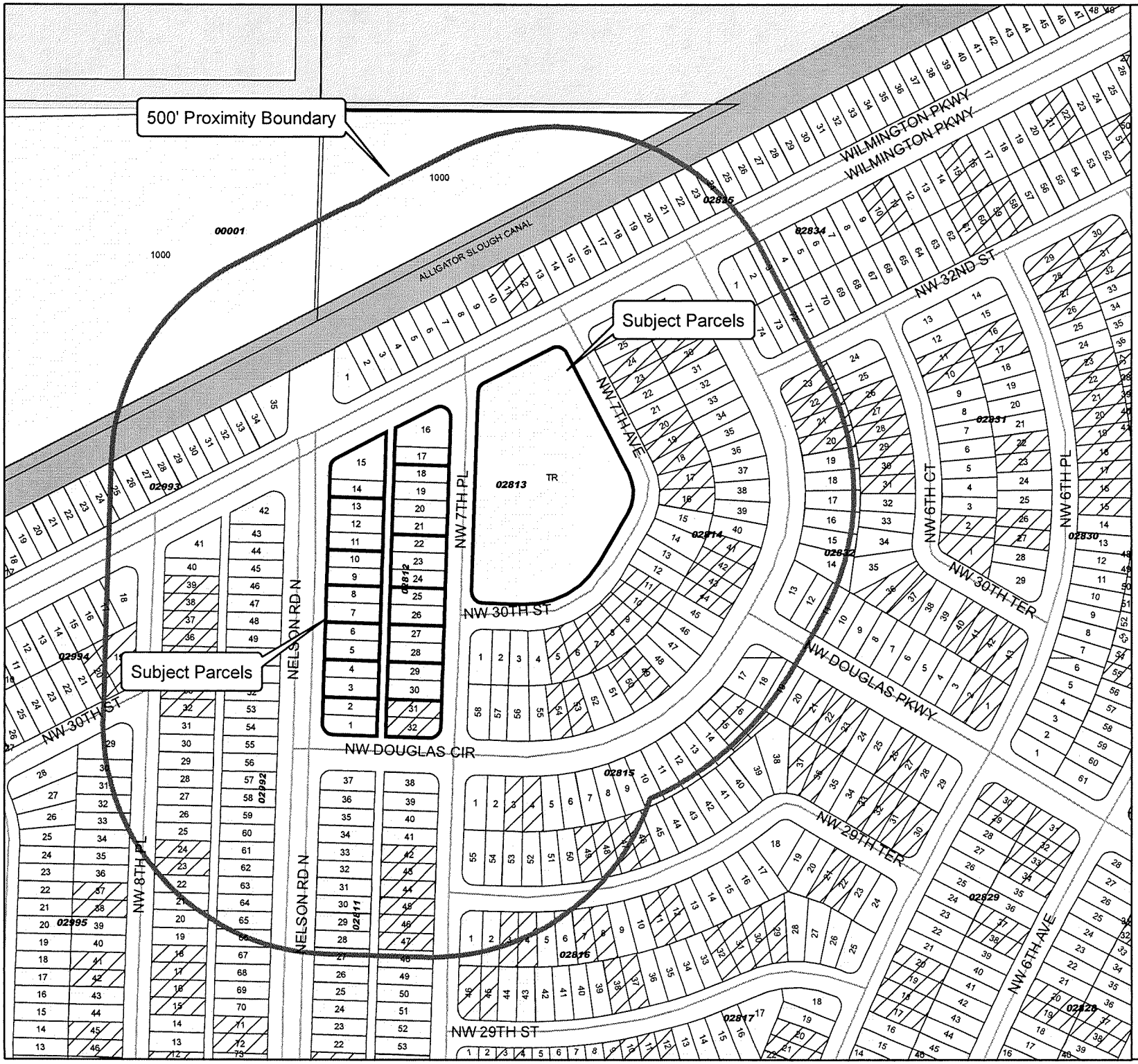

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

Future Land Use Map

500' Proximity Boundary

Case # LU10-0002
All of Block 2812 & 2813

Legend

- 500 Ft Boundary
- Subject Parcels
- Lee County FLU
- SM

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N
W E

January 6, 2010
March 10, 2010
April 15, 2010

0 250 500 Feet

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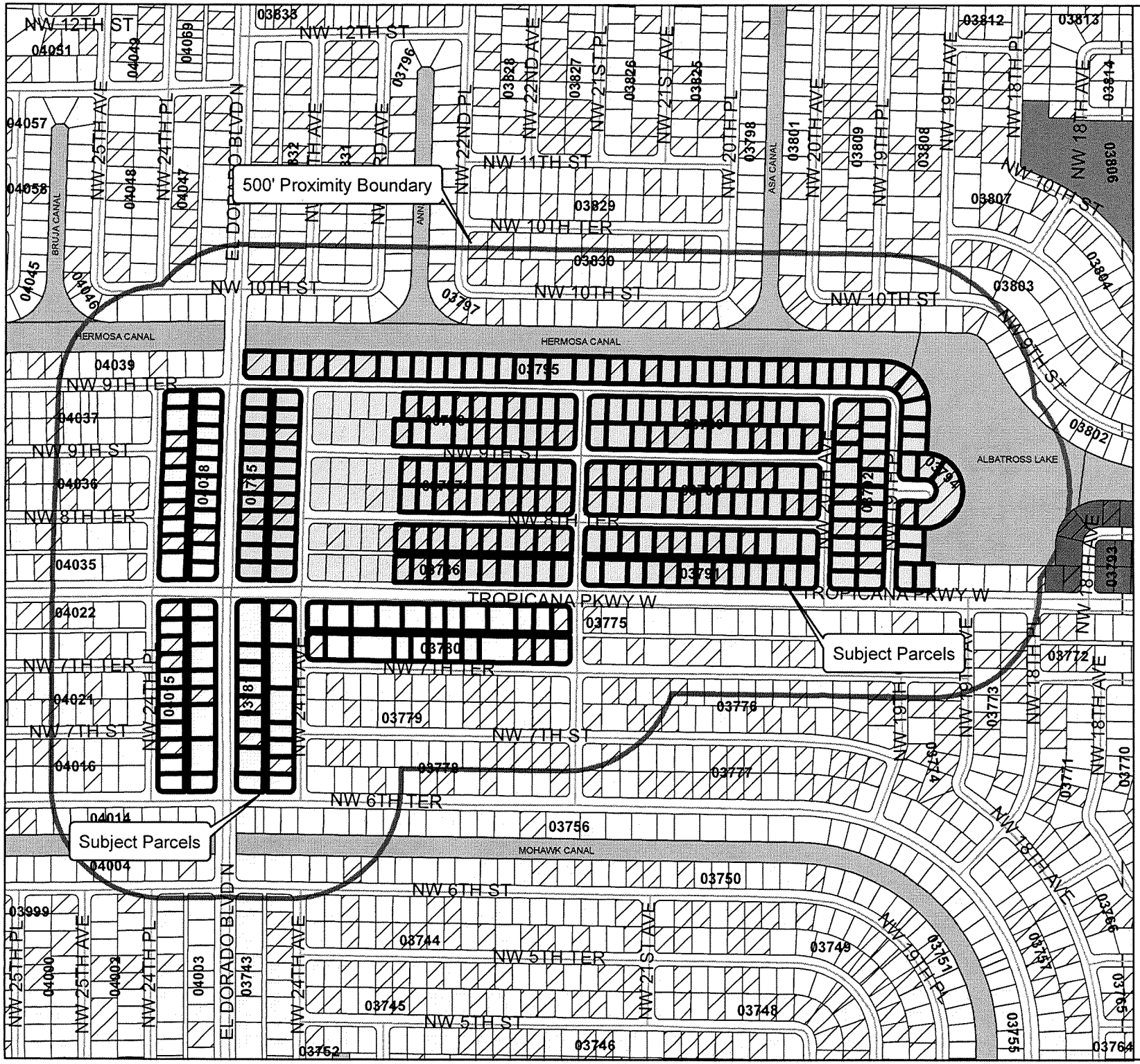

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0012
Multiple parcels in Units 51, 52, 56

Legend

- Subject Parcels
- 500 ft Boundary
- SM
- CP
- PF
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 1, 2010
March 16, 3020
April 15, 2010

0 400 800 Feet

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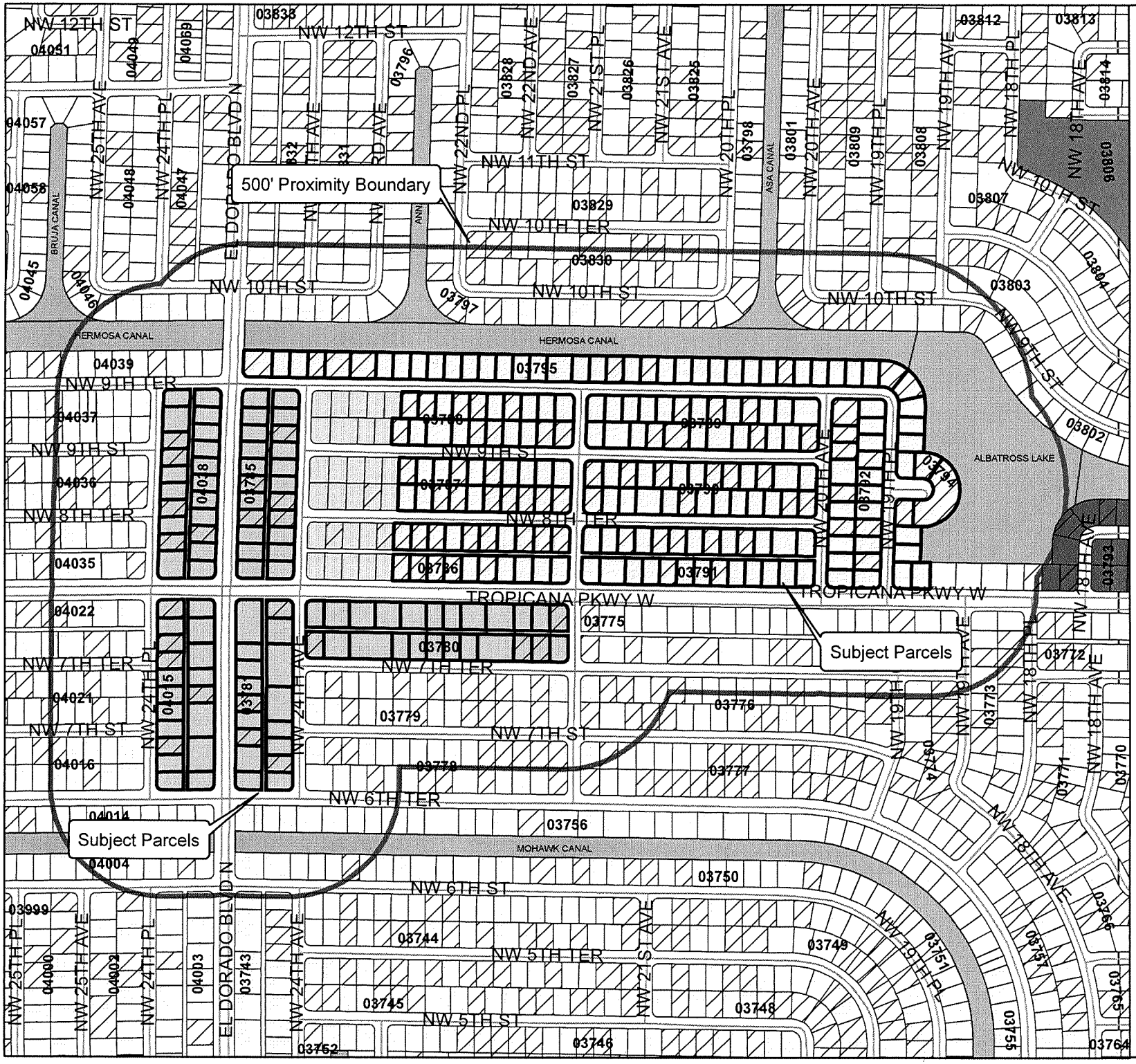

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary Proposed Future Land Use Map

Case # LU10-0012
Multiple parcels in
Units 51, 52, 56

Legend

- Subject Parcels-CAC
- Subject Parcels-SF
- 500 ft Boundary
- SM
- CP
- PF
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 1, 2010
March 16, 3020
April 15, 2010

0 410 820 Feet

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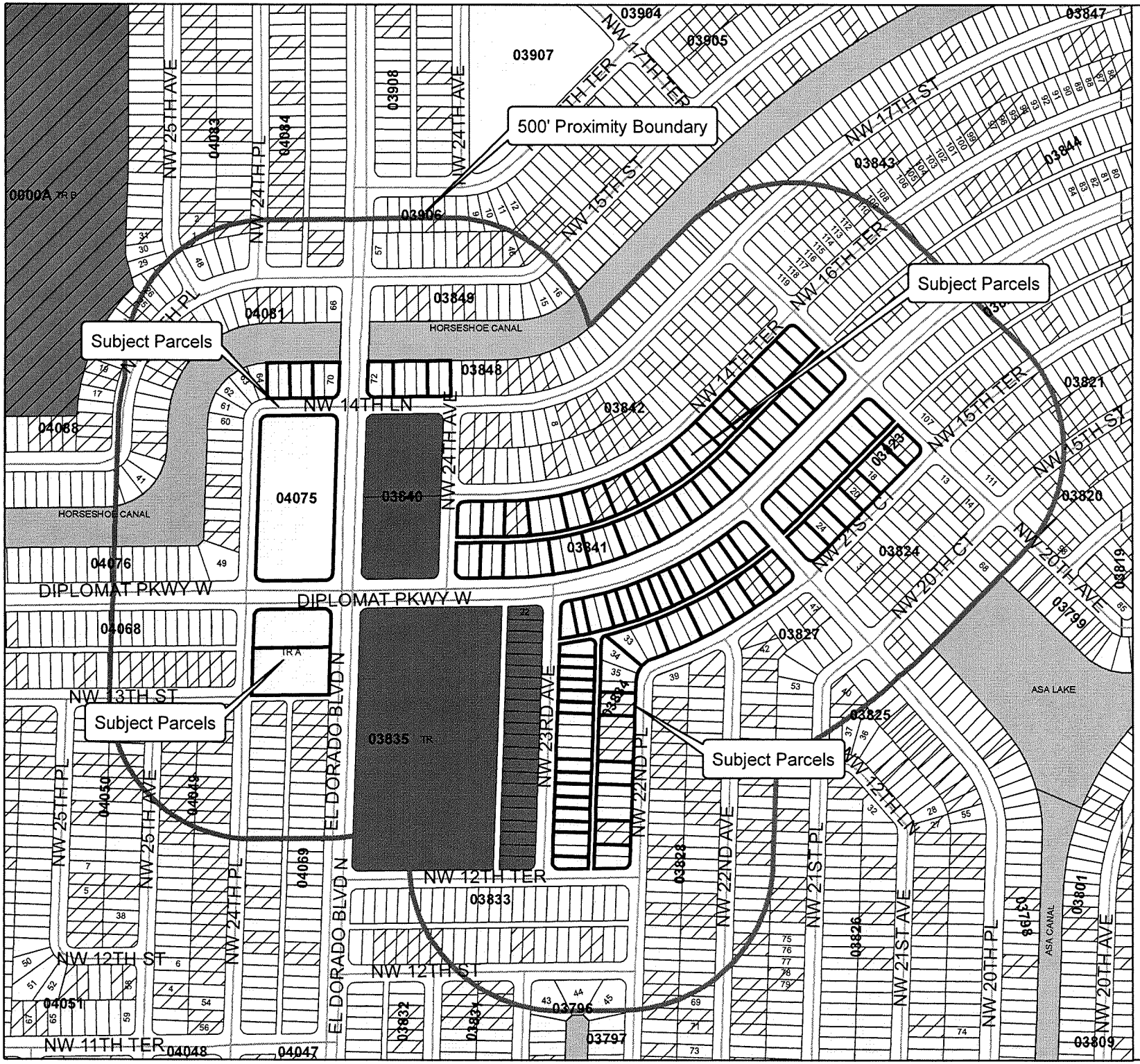

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0006
All of Blocks 3823, 3834, 3841
3835, 4069A, 4075;
Block 4076 Lots 65-70
Block 3848 Lots 66-72

Legend

- Subject Parcels
- 500 ft Boundary
- SM
- CP
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 12, 2010
March 10, 2010
April 16, 2010

0 200 400 600 Feet

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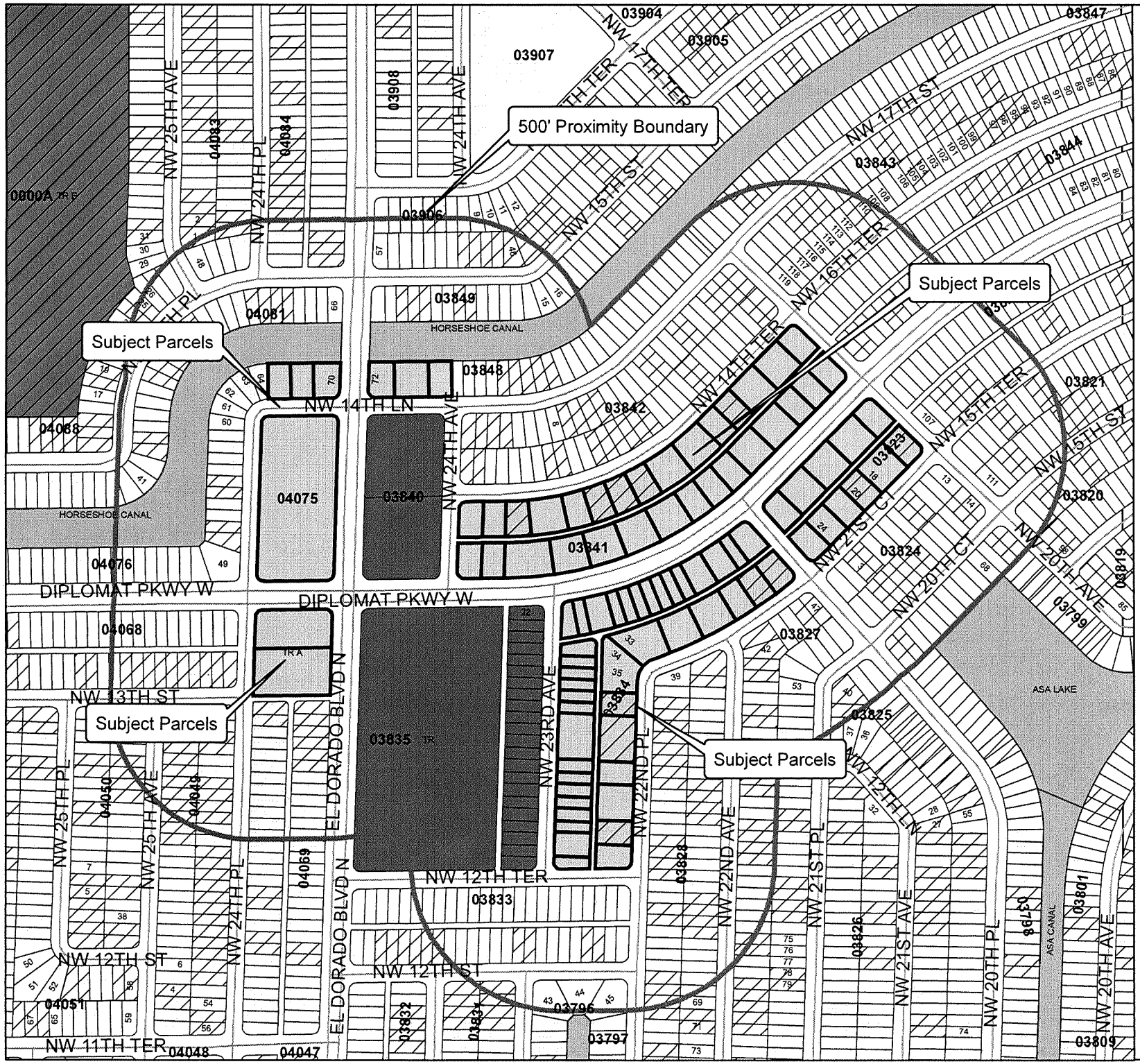

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0006
All of Blocks 3823, 3834, 3841
3835, 4069A, 4075;
Block 4076 Lots 65-70
Block 3848 Lots 66-72

Legend

- Subject Parcels-CAC
- 500 ft Boundary
- SM
- CP
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 12, 2010
March 10, 2010
April 16, 2010

0 200 400 600 Feet

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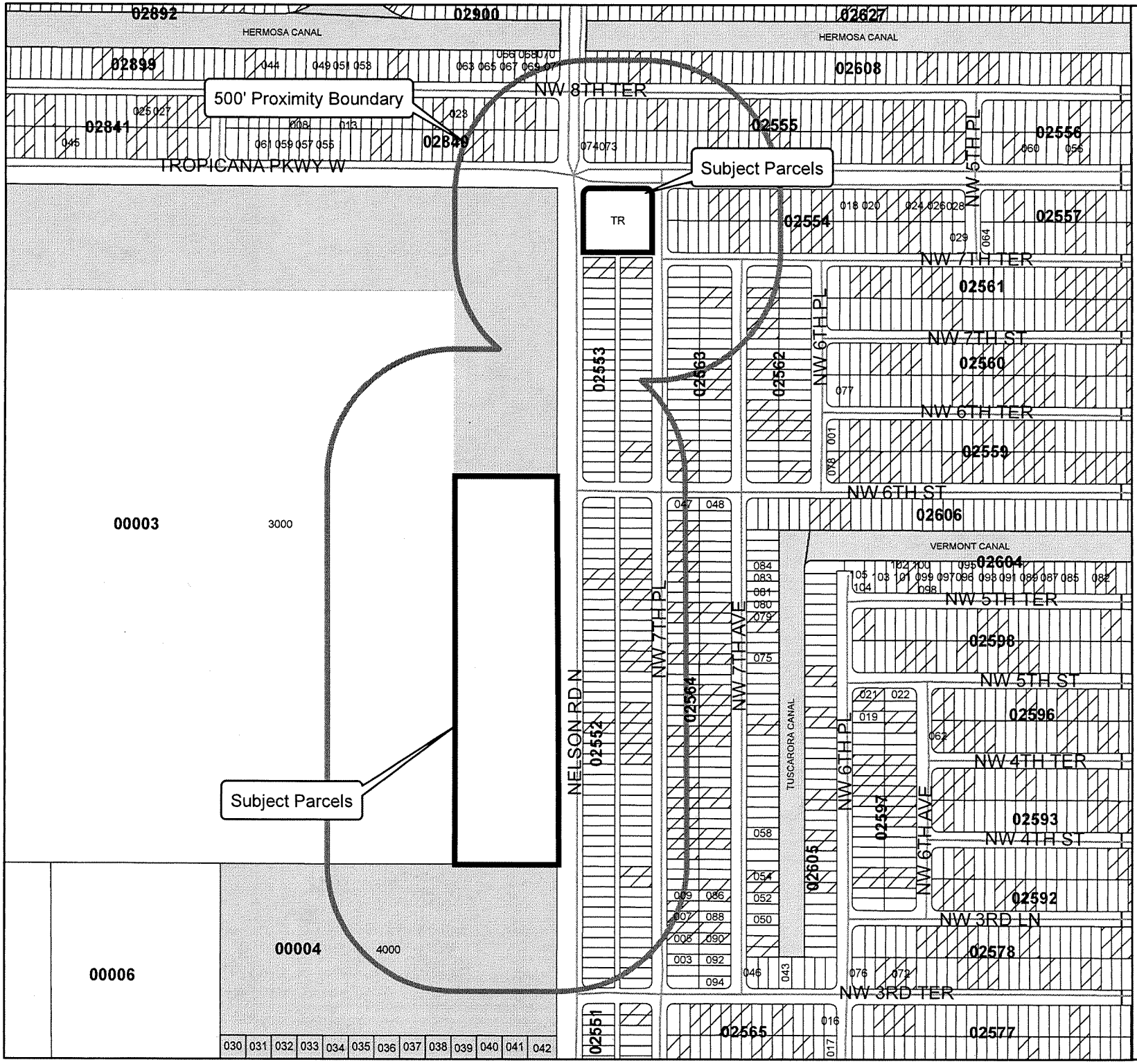

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0003
All of Block 2553
Portion of parcel in
Sec 10, T 44, S 23

Legend

- Subject_Parcels
- 500 ft Boundary
- <all other values>
- SM
- CAC

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 6, 2010
March 10, 2010

0 375 750 Feet

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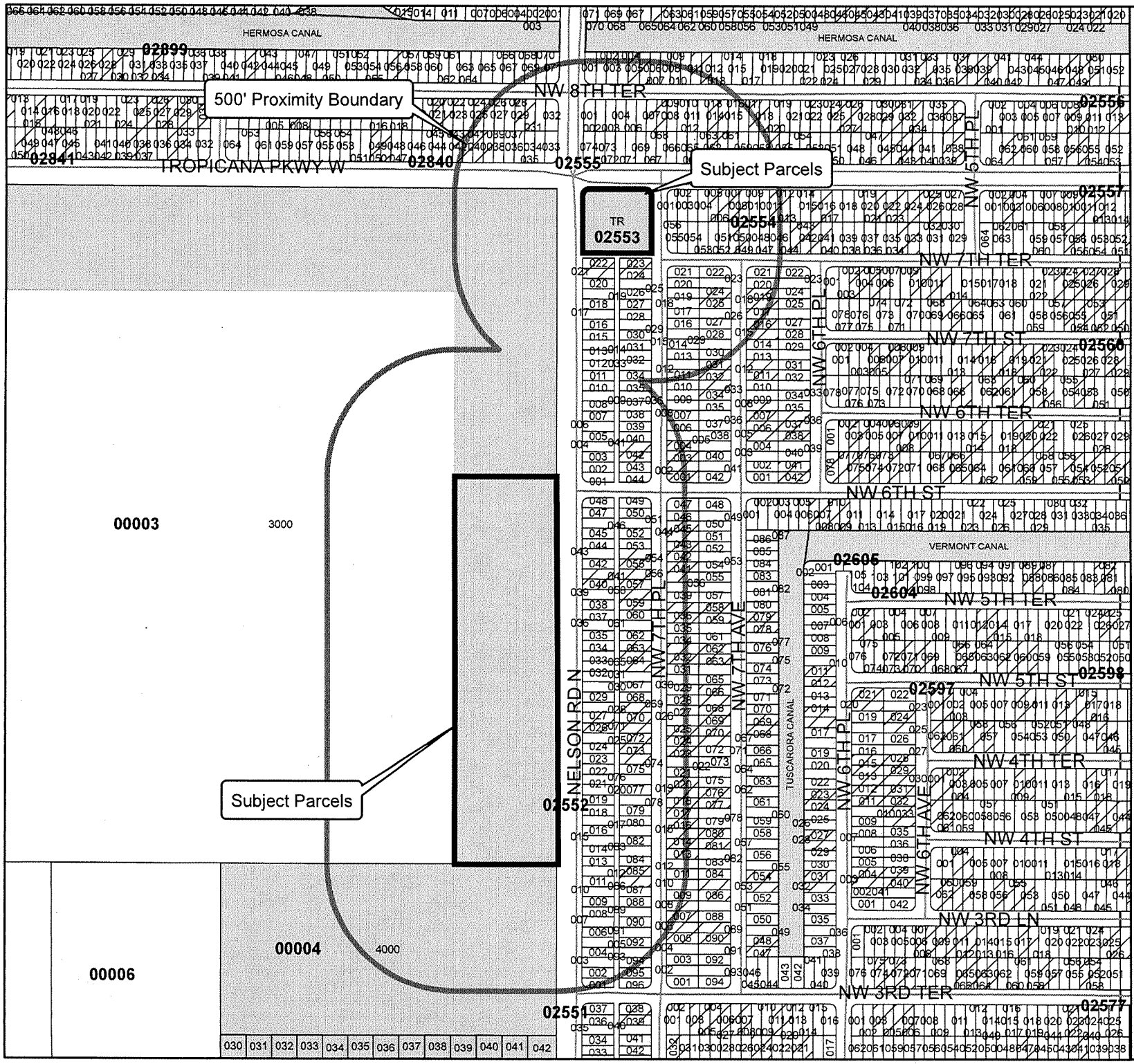

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0003
All of Block 2553
Portion of parcel in
Sec 10, T 44, S 23

Legend

- Subject_Parcels
- 500 ft Boundary
- <all other values>
- SM
- CAC

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 6, 2010
March 10, 2010

0 375 750 Feet

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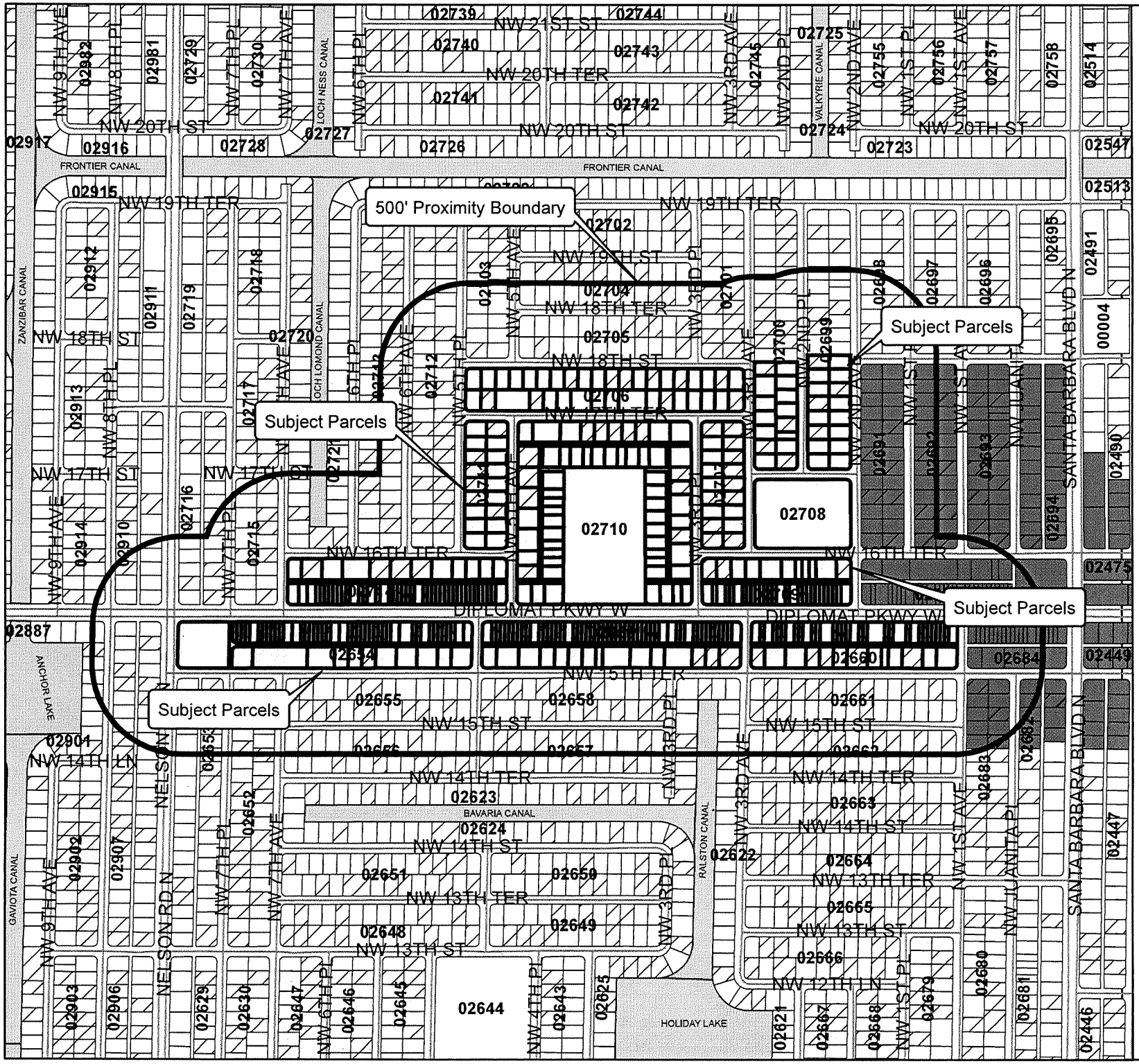

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0005
Blocks 2600, 2699, 2700, 2706-2711, 2714, 2654, 2659, 2660

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SM
- CP

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 8, 2010
March 12, 2010
Revised

0 520 1,040 Feet

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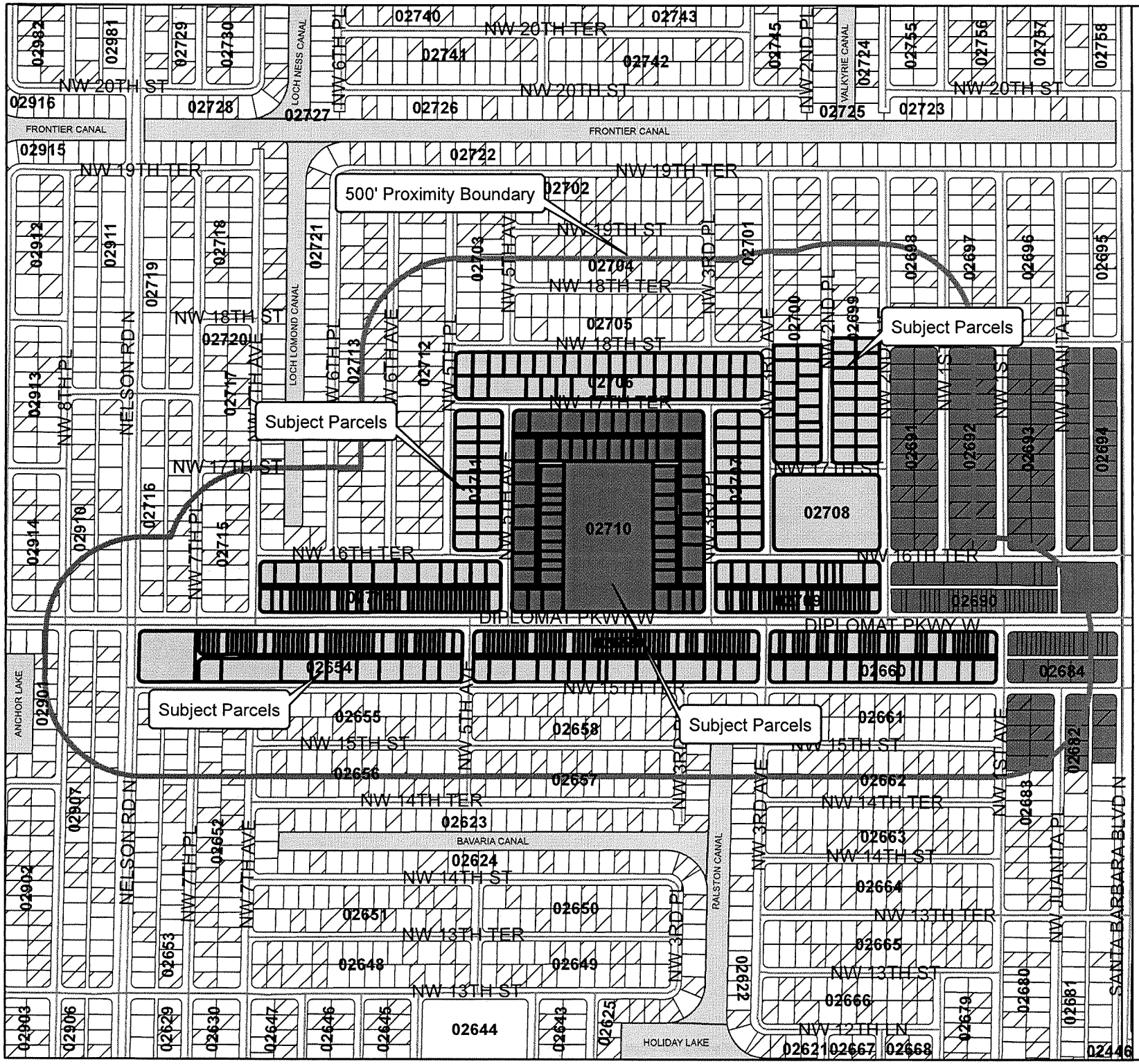

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0005
Blocks 2600, 2699, 2700, 2706-2711, 2714, 2654, 2659, 2660

Legend

- 500_ft_Boundary
- Subject Parcel-CAC
- Subject Parcel-CP
- <all other values>
- SM
- CP

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

January 8, 2010
March 19, 2010
Revision

0 500 1,000 Feet

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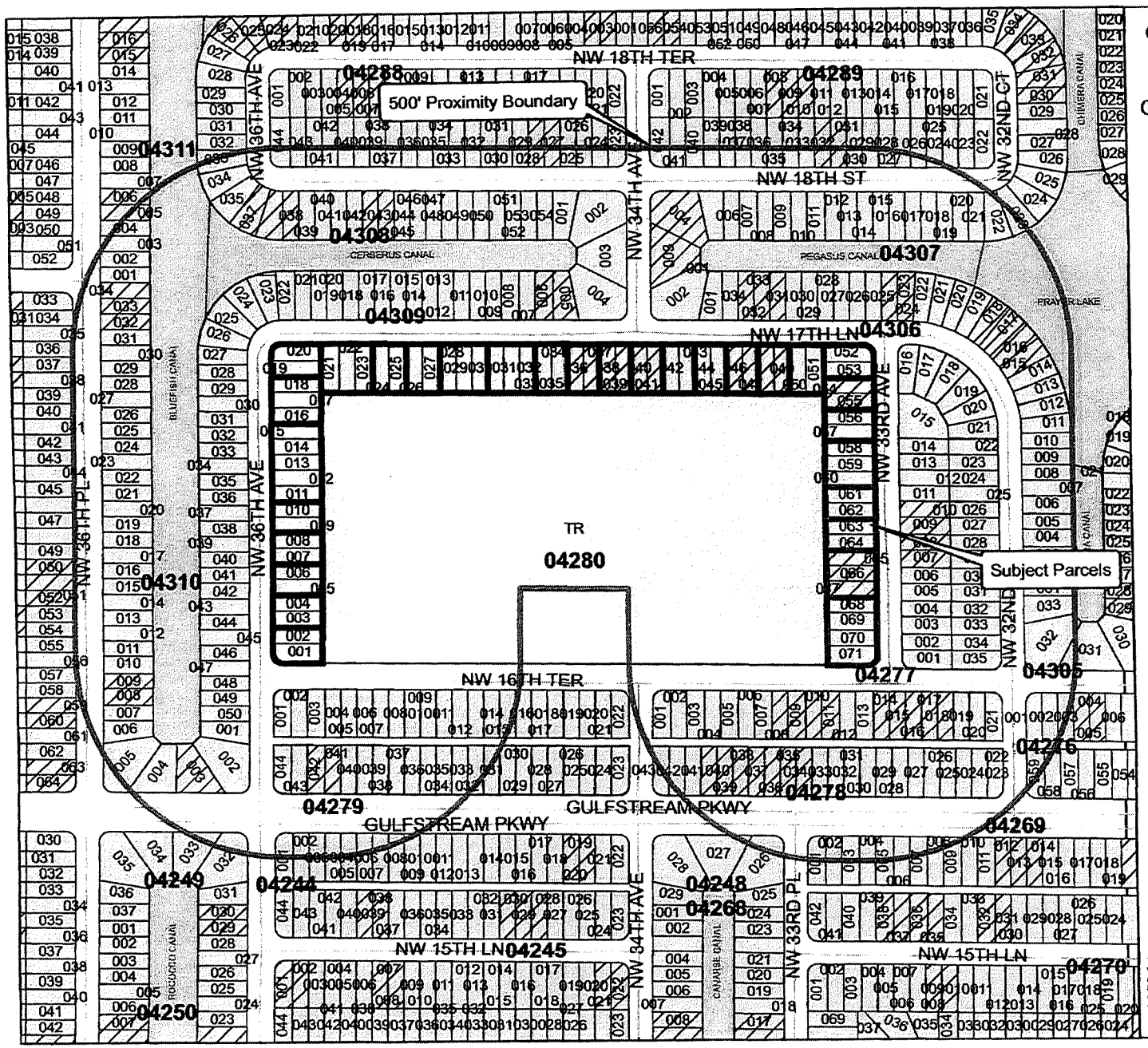


CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0009
Block 4280, Lots 1+71

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SM
- PF

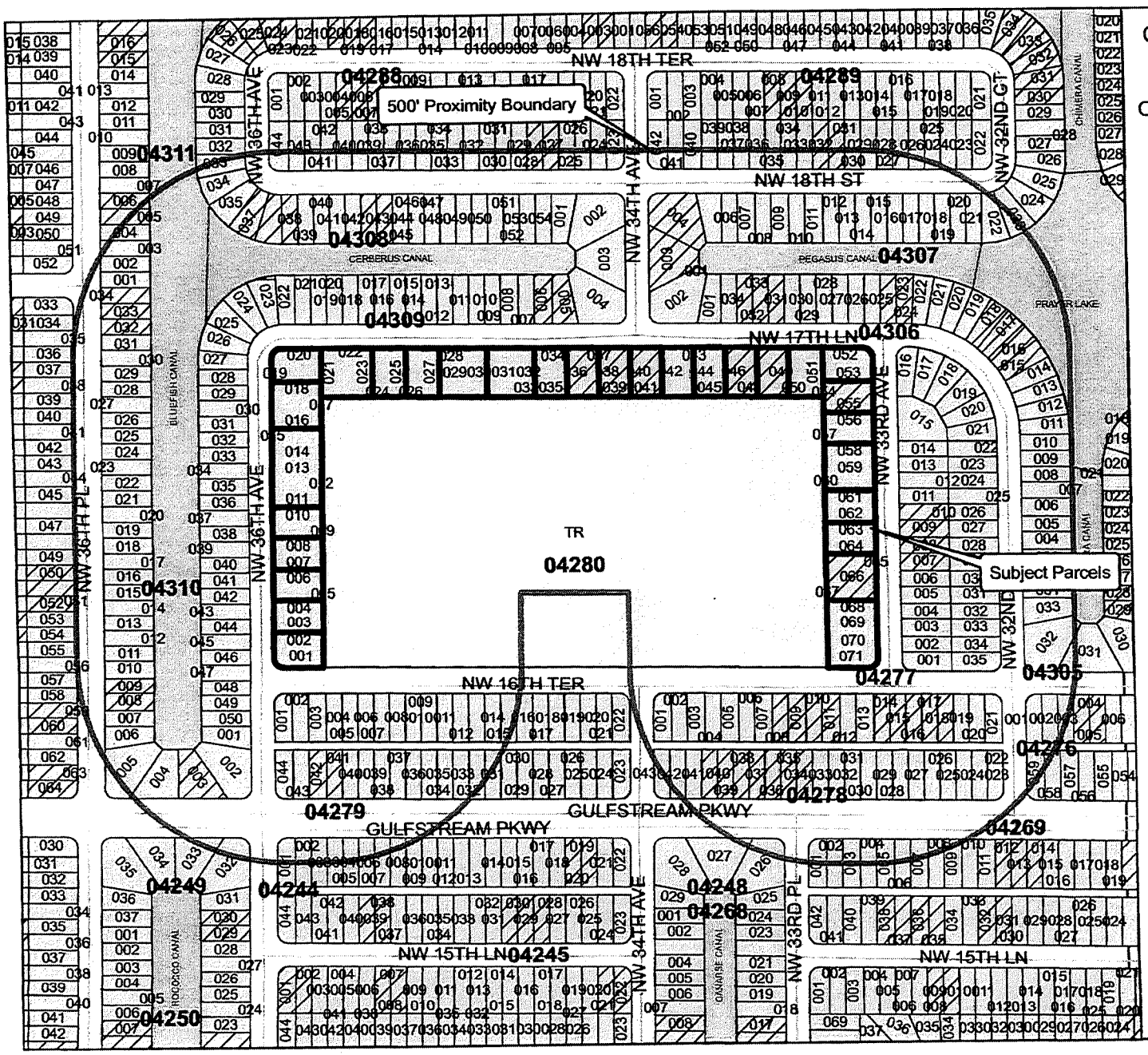
Cape Coral FLORIDA

N
W E
S

February 1, 2010
March 15, 2010
Revision

0 210 420 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product. /nan



CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0009
Block 4280, Lots 1+71

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SM
- PF

Cape Coral FLORIDA

N W E S

February 1, 2010
March 15, 2010
Revision

0 210 420 Feet

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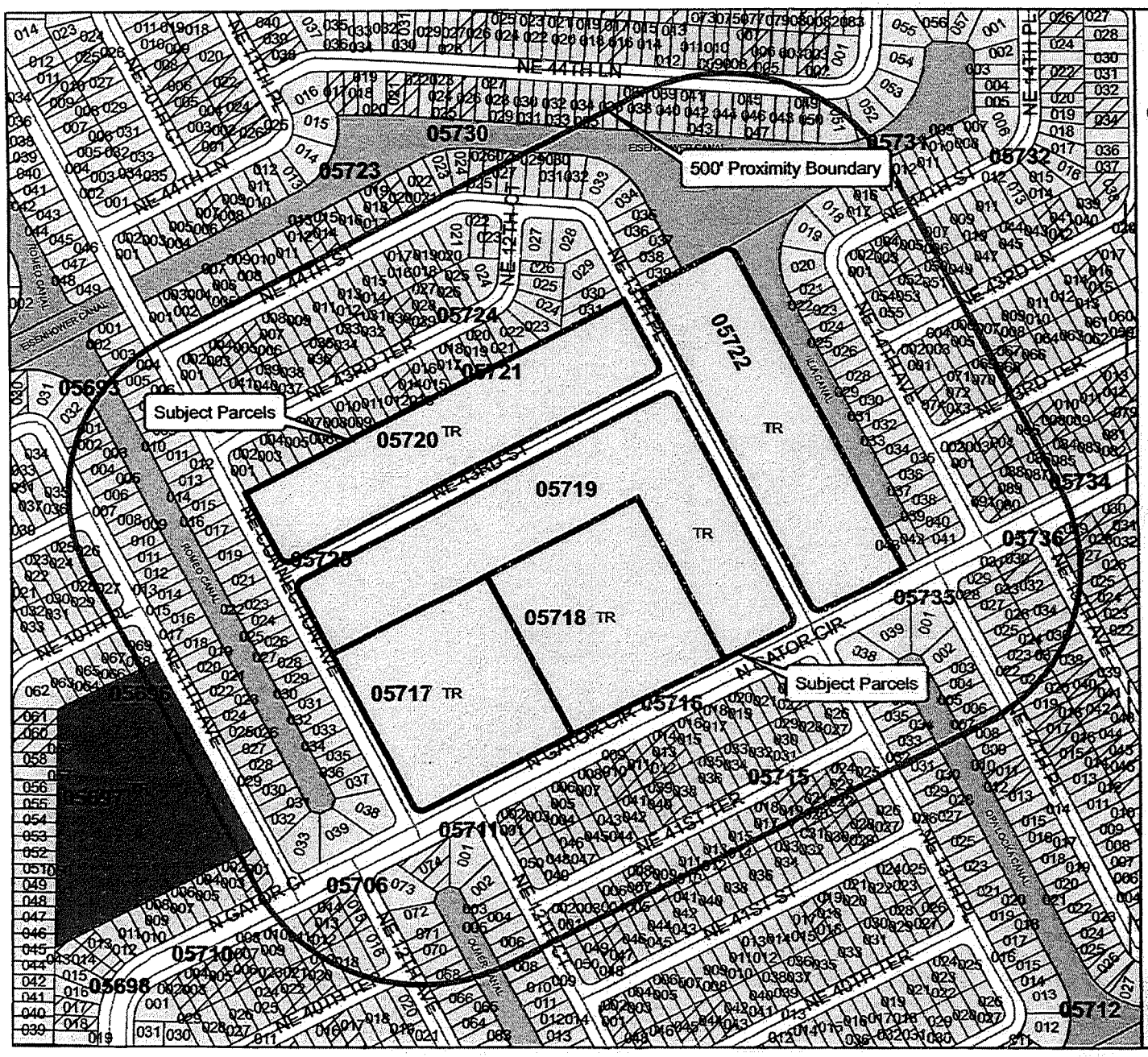

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0016
All of Block 5717-5720, and 5722

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SM
- PK

N
W E
S

February 3, 2010

0 240 480 Feet

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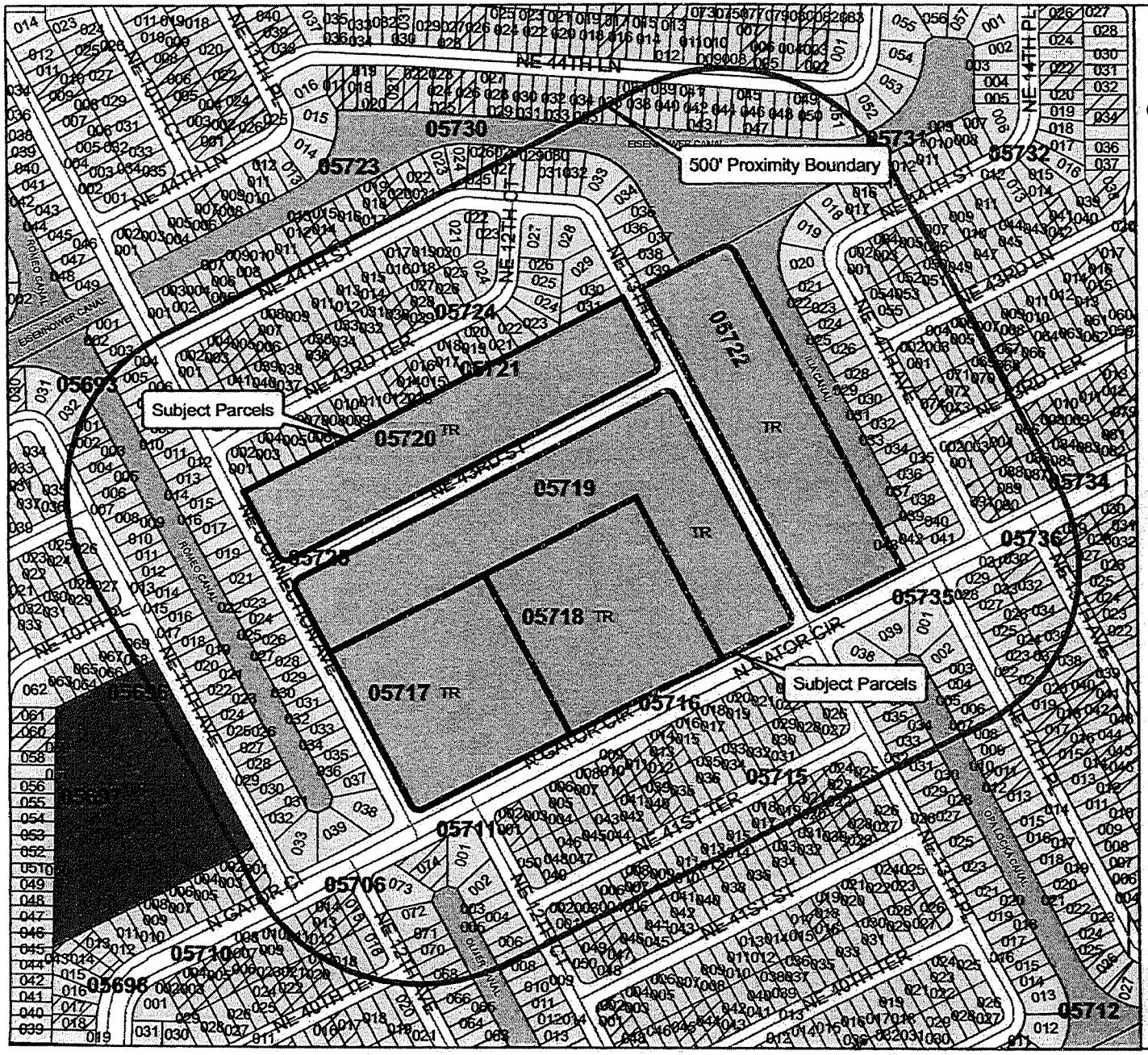

CITY OF CAPE CORAL

Department of
Community Development
Planning & Growth
Management Division

500' Proximity Boundary

Proposed
Future Land Use Map

Case # LU10-0016
All of Block 5717-5720,
and 5722

Legend

- Subject Parcels - CAC
- 500 ft Boundary
- <all other values>
- SM
- PK

N
W E
S

February 3, 2010

0 240 480 Feet

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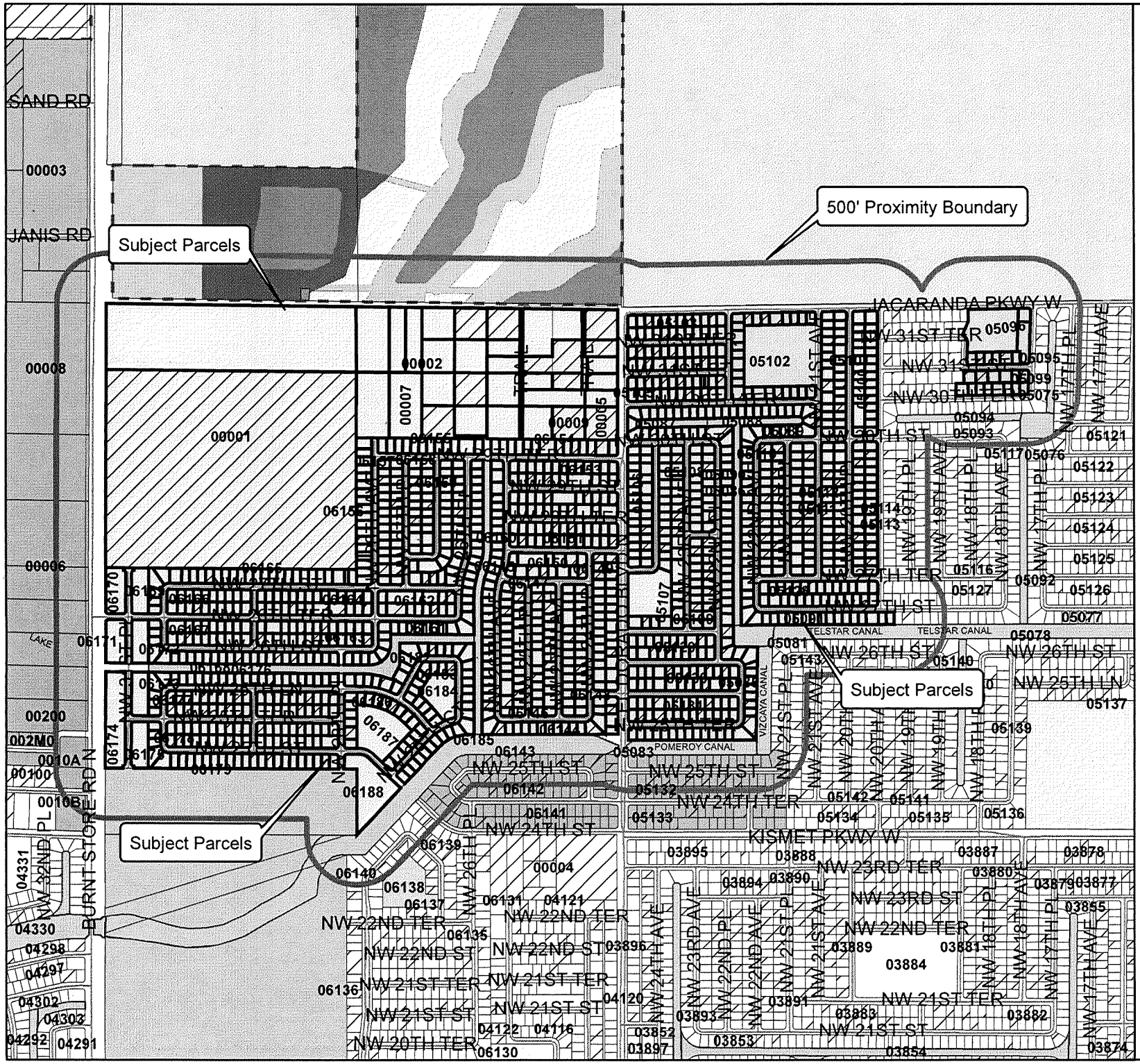

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0015
Multiple Parcels in Units 80 & 98

Legend

- Subject_parcels
- 500_ft_Boundary

gisdata.GIS.Future_Landuse

- <all other values>

LMFLUC

- OS
- NA
- SM
- LDRI
- MX
- CAC
- CP
- PF
- PK
- PR
- SD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 2, 2010

0 940 1,880 Feet

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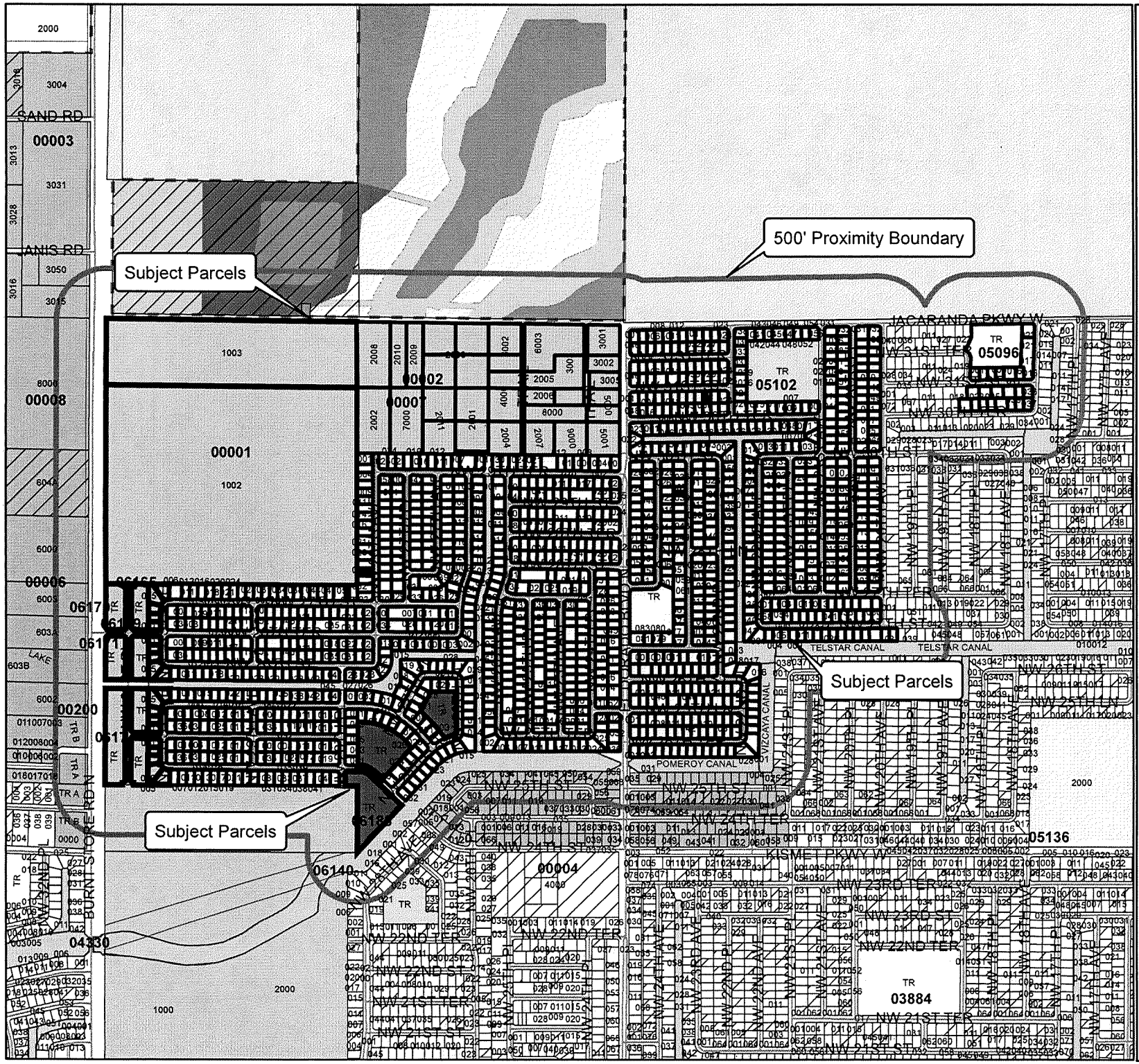

CITY OF CAPE CORAL
Department of
Community Development
Planning & Growth
Management Division

500' Proximity Boundary

Case # LU10-0015
Multiple Parcels in
Units 80 & 98

Proposed
Future Land Use Map

Legend

- 500_ft_Boundary
- Subject Parcels - SF
- Subject Parcels - SM
- Subject Parcels - SF
- Subject Parcels - LDRII
- Subject Parcels - CAC
- Subject Parcels - MF
- gisdata.GIS.Canals

gisdata.GIS.Future_Landuse

- <all other values>

LMFLUC

- OS
- NA
- SM
- LDRI
- MX
- CAC
- CP
- PF
- PK
- PR
- SD
- <all other values>

IMPROVED

- N
- Y

Cape Coral
FLORIDA
You'll Like the Attitude in Paradise

N
W E
S

February 2, 2010

0 1,100 2,200 Feet

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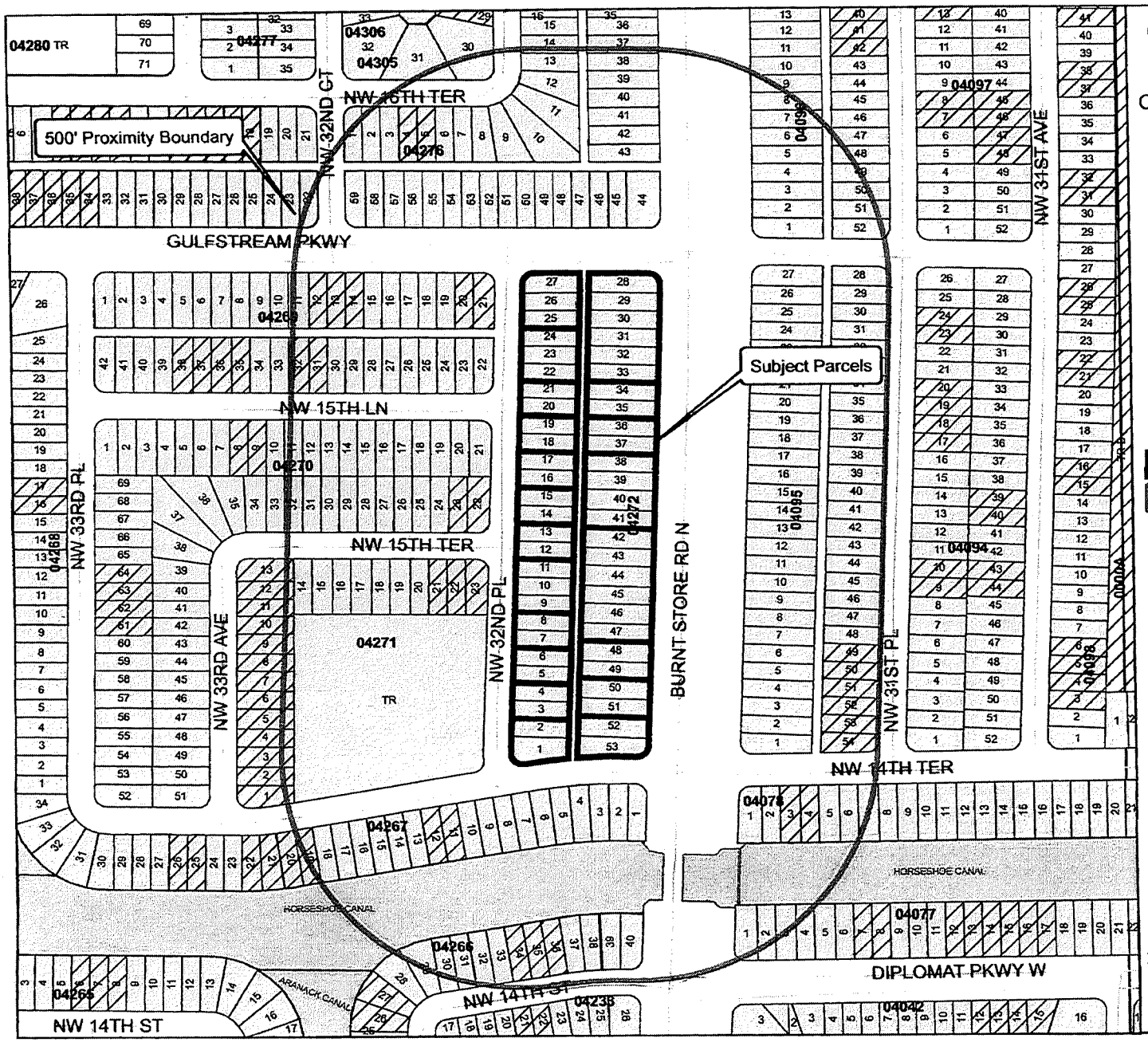

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0011
Block 4268, Lots 1-27
All of Blocks 4267, 4269-4272

Legend

- Subject Parcels-CAC
- 500 ft Boundary
- SM
- PF

Cape Coral FLORIDA

N W E S

February 1, 2010
March 19, 2010
Revision

0 200 400 Feet

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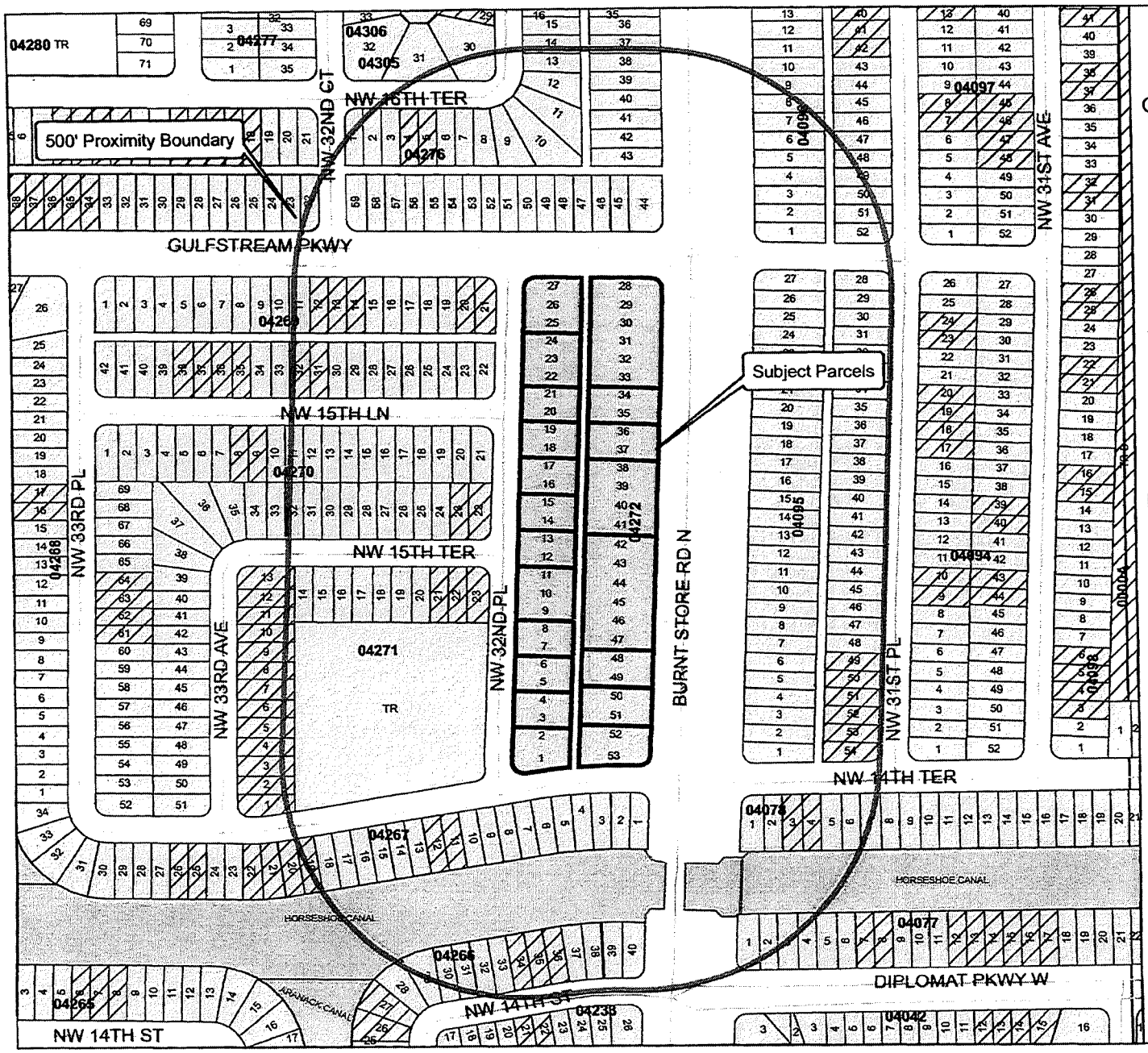

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0011
Block 4268, Lots 1-27
All of Blocks 4267, 4269-4272

Legend

- Subject Parcels-CAC
- 500 ft Boundary
- SM
- PF

N
W E
S

February 1, 2010
March 19, 2010
Revision

0 200 400 Feet

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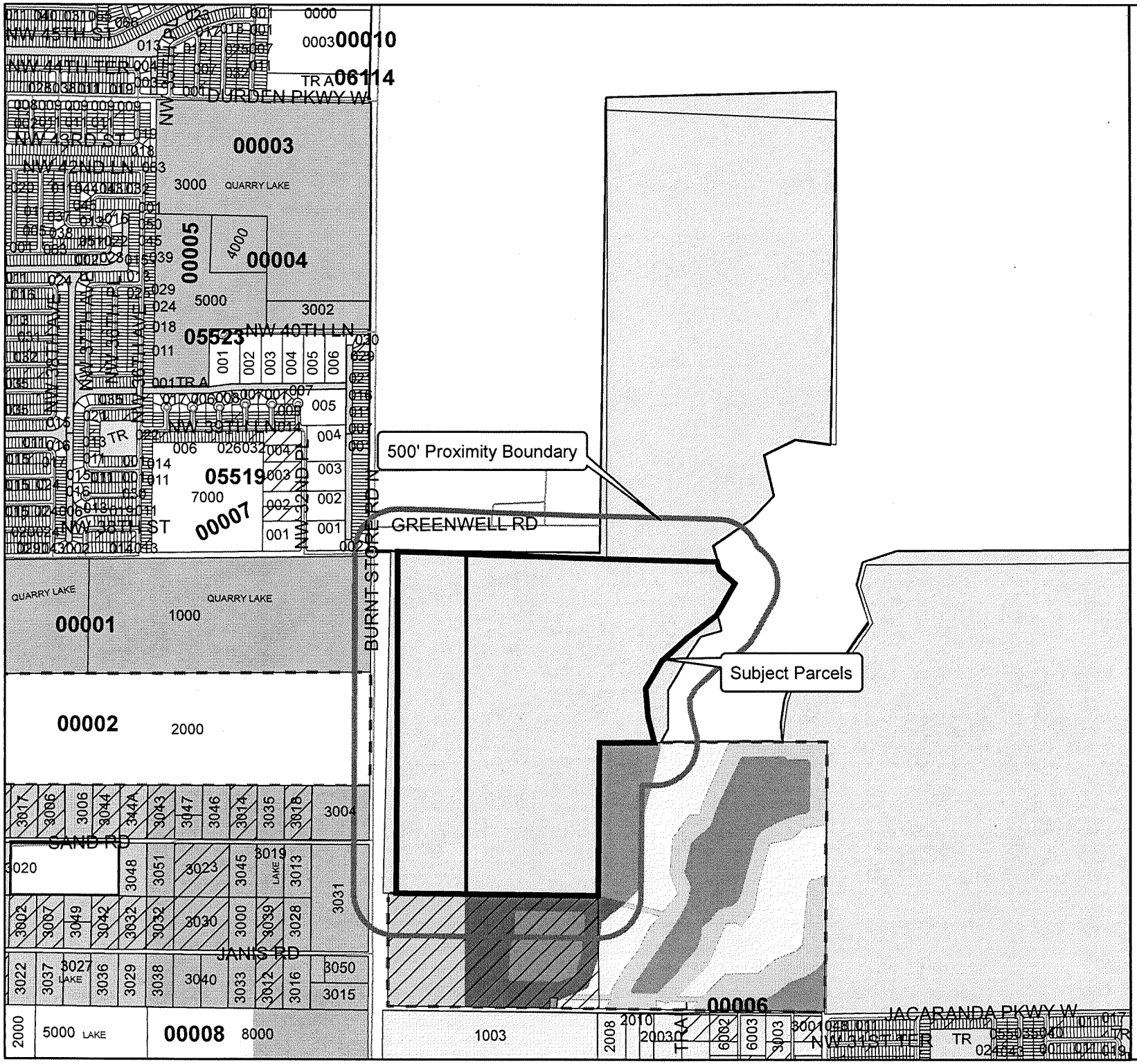

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0014
Parcels in Secs 17 & 20
Township 43, Range 23

Legend

- 500_ft_Boundary
- Subject_Parcels

gisdata.GIS.Future_Landuse

- <all other values>

LMFLUC

- OS
- NA
- SM
- LDRI
- LDRII
- MX
- CAC
- CP
- PF
- PK
- PR
- SD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

February 16, 2010

0 1,000 2,000 Feet

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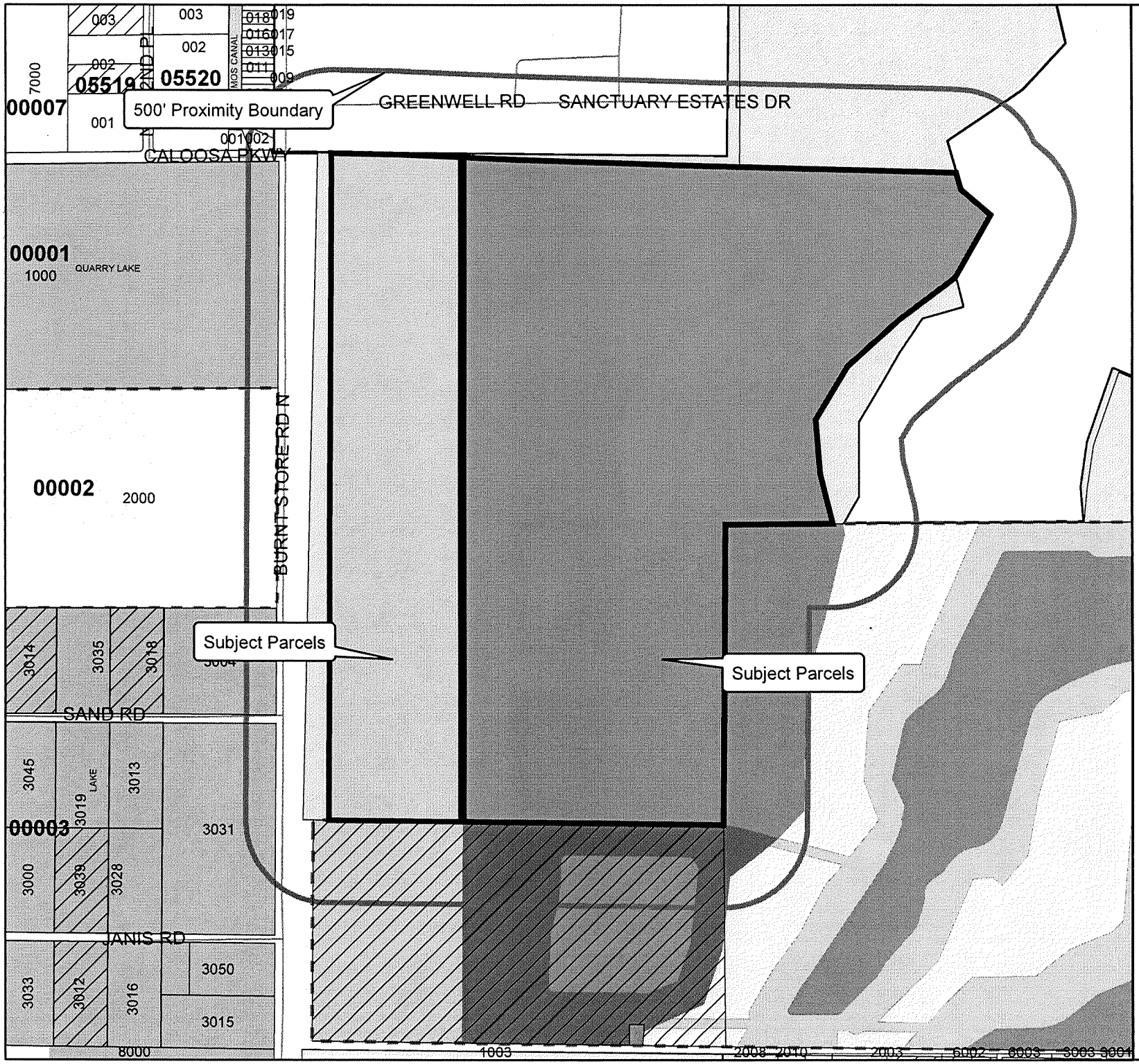

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed
Future Land Use Map

Case # LU10-0014
Parcels in Secs 17 & 20
Township 43, Range 23

Legend

Subject_Parcels
- <all other values>

LMFLUC
- MUP-3D
- CAC
- 500_ft_Boundary

Future Land Use
- <all other values>

LMFLUC
- OS
- NA
- SM
- LDRI
- MX
- CAC
- CP
- PF
- PR
- SD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N
W E
S

February 16, 2010

0 510 1,020 Feet

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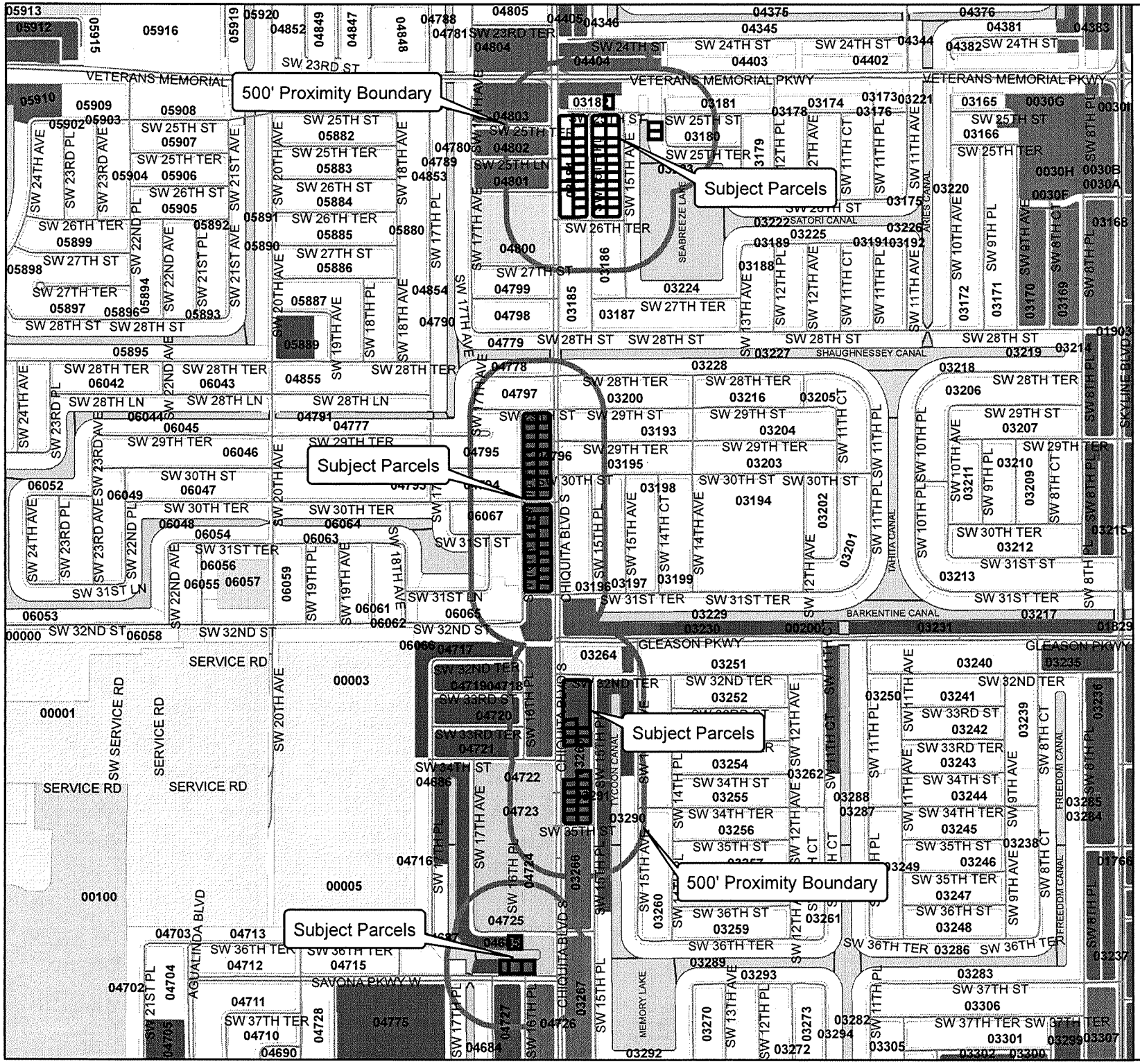

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0023
All of Blocks 3183, 3184, 3196, 4796 and 6068;
Portions of Blocks 3182, Block 3223, 3265, 4685

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SF
- SM
- MF
- CAC
- CP
- PF
- PK
- PR

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

March 15, 2010
Revision

0 925 1,850 Feet

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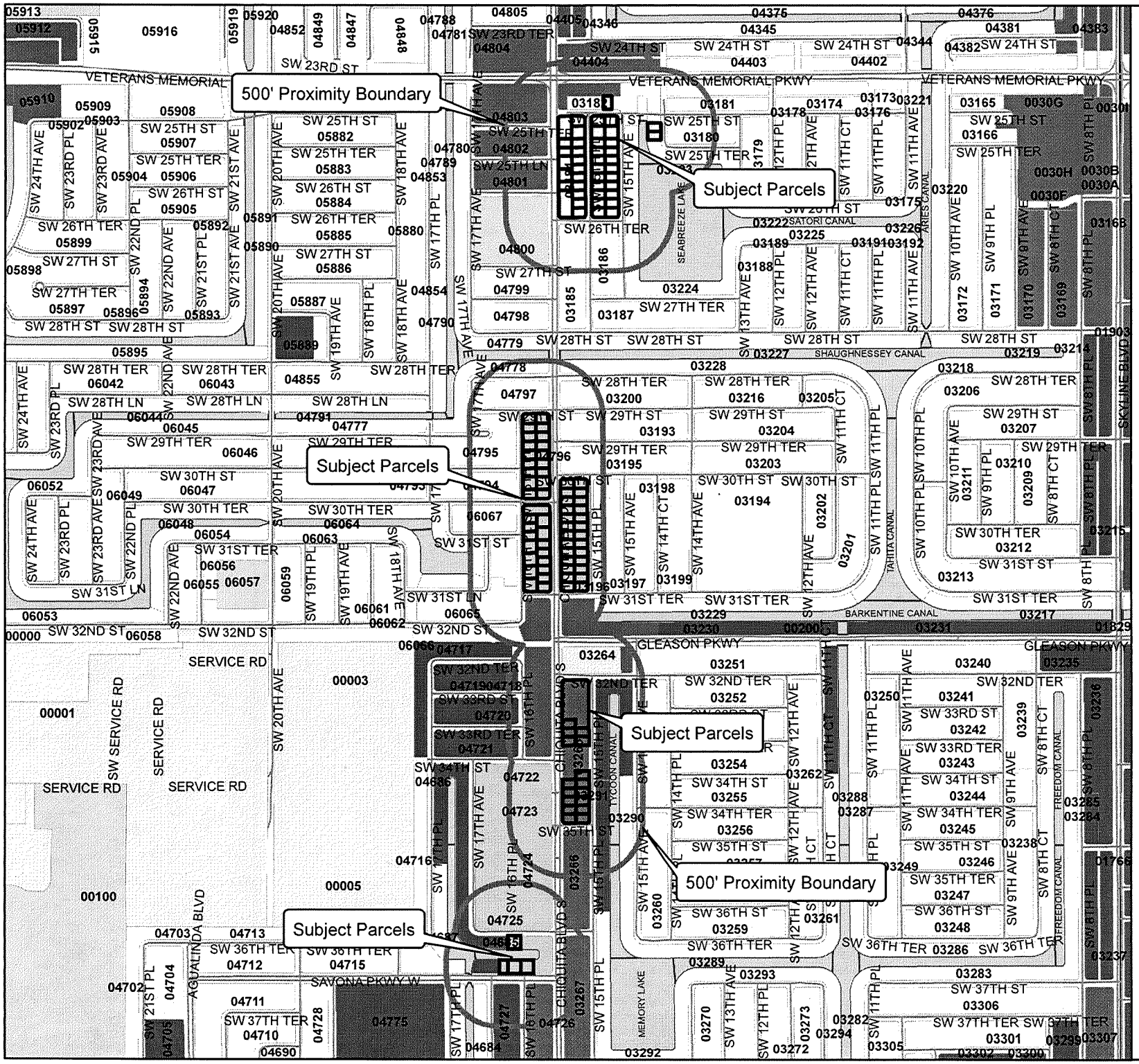

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0023
All of Blocks 3183, 3184, 3196, 4796 and 6068;
Portions of Blocks 3182, Block 3223, 3265, 4685

Legend

- Subject Parcel-SF
- Subject Parcel-CAC
- Subject Parcel C1
- 500 ft Boundary
- <all other values>
- SF
- SM
- MF
- CAC
- CP
- PF
- PK
- PR

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

March 15, 2010
Revision

0 925 1,850 Feet

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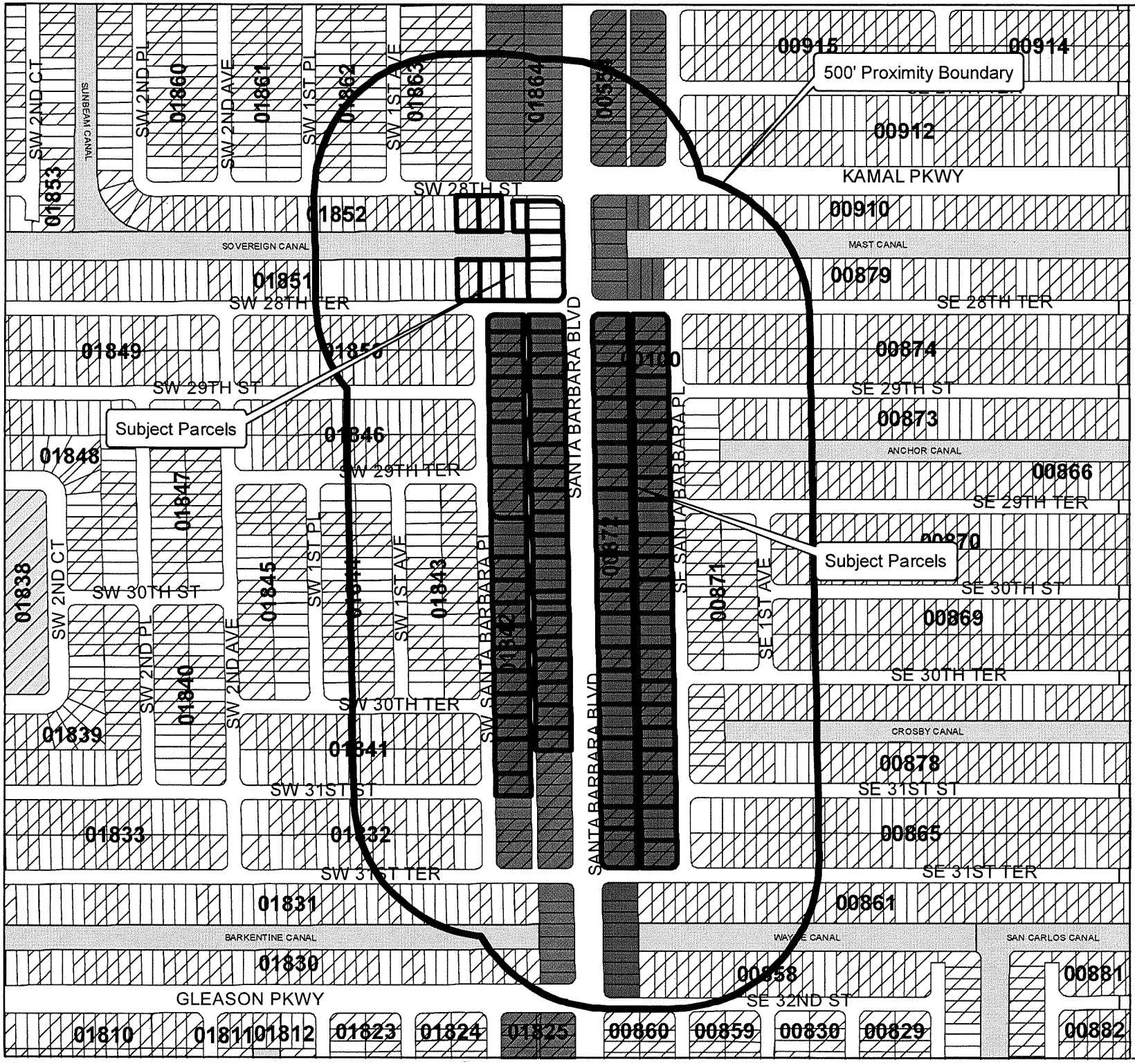

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Existing Future Land Use Map

Case # LU10-0030

Legend

- Subject Parcel(s)
- CP
- SF
- MF
- PK

Cape Coral FLORIDA

N W E S

February 12, 2010

0 330 660 Feet

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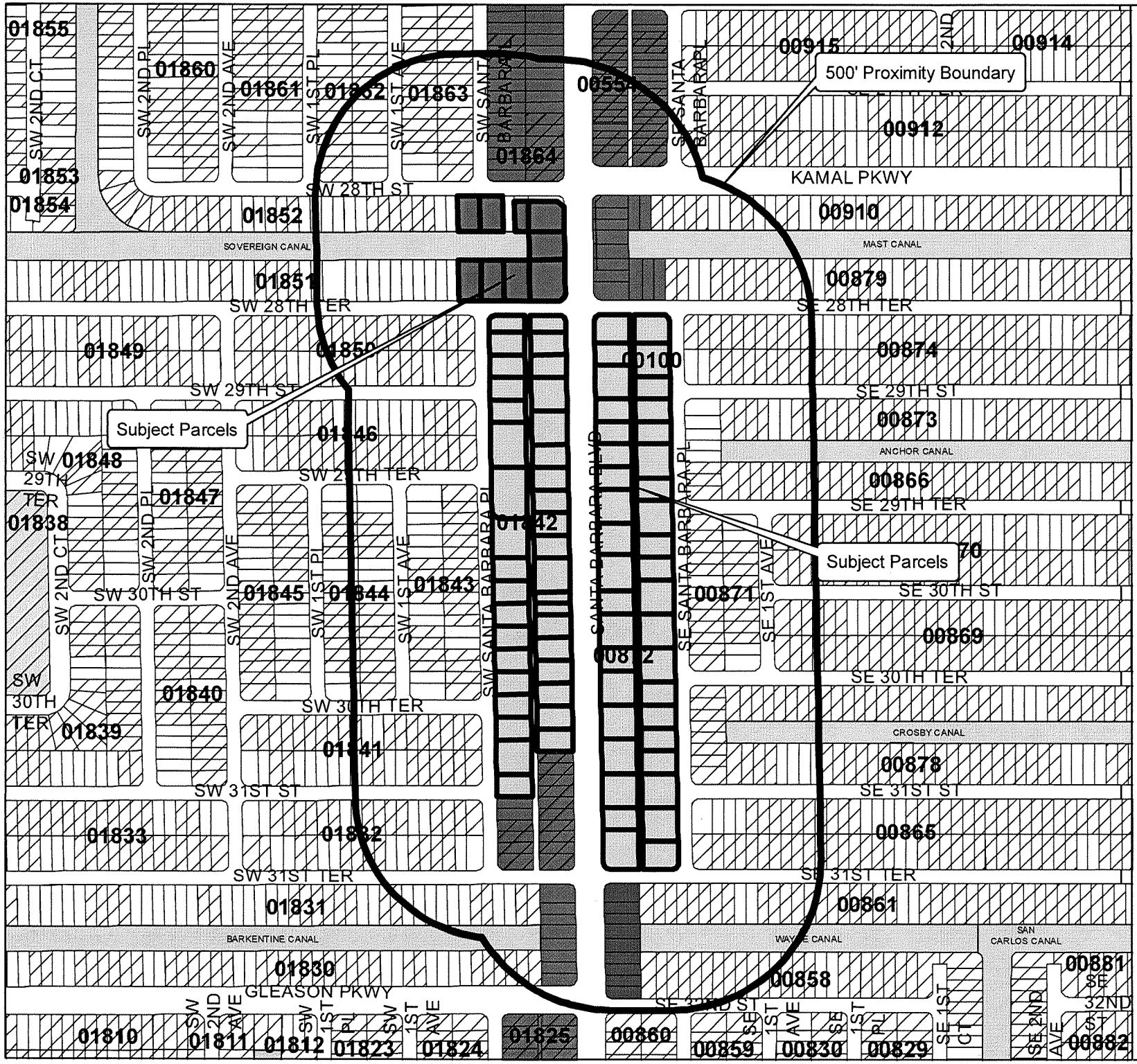

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0030

Legend

- Subject Parcel(s)
- CAC
- CP
- SF
- MF
- PK

Cape Coral FLORIDA You'll Like the Attitude in Paradise

N W E S

February 12, 2010

0 320 640 Feet

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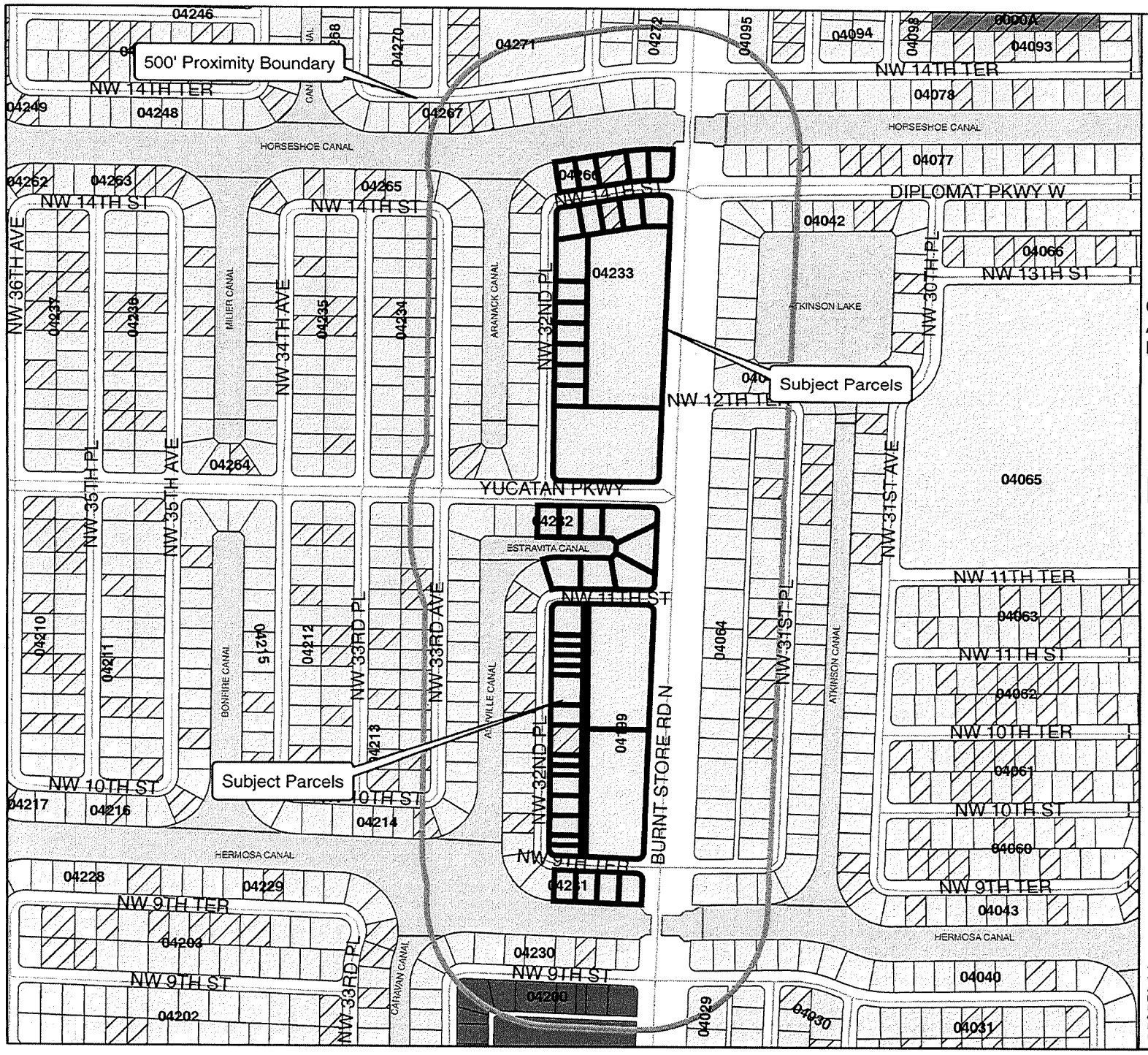

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0017
All of Blocks 4199 & 4233
Portion of 4231, 4232, and 4266

Legend

- 500 Ft Proximity Boundary
- Subject Parcels
- SM
- CAC
- CP
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

April 16, 2010
Revised

0 290 580 870 Feet

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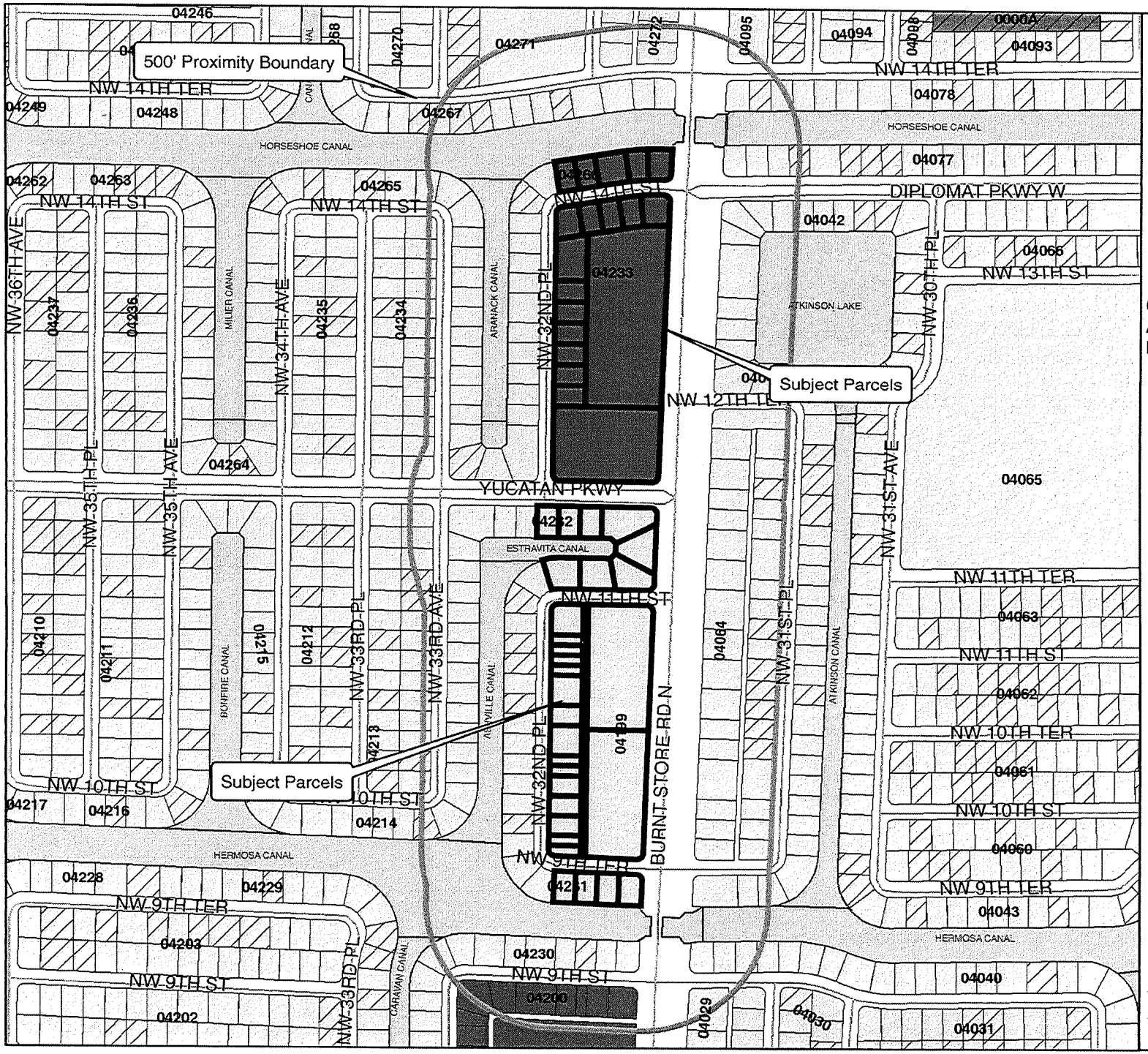


CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0017
All of Blocks 4199 & 4233
Portion of 4231, 4232, and 4266

Legend

- Subject Parcels
- 500 Ft Proximity Boundary
- SM
- CAC
- CP
- PK

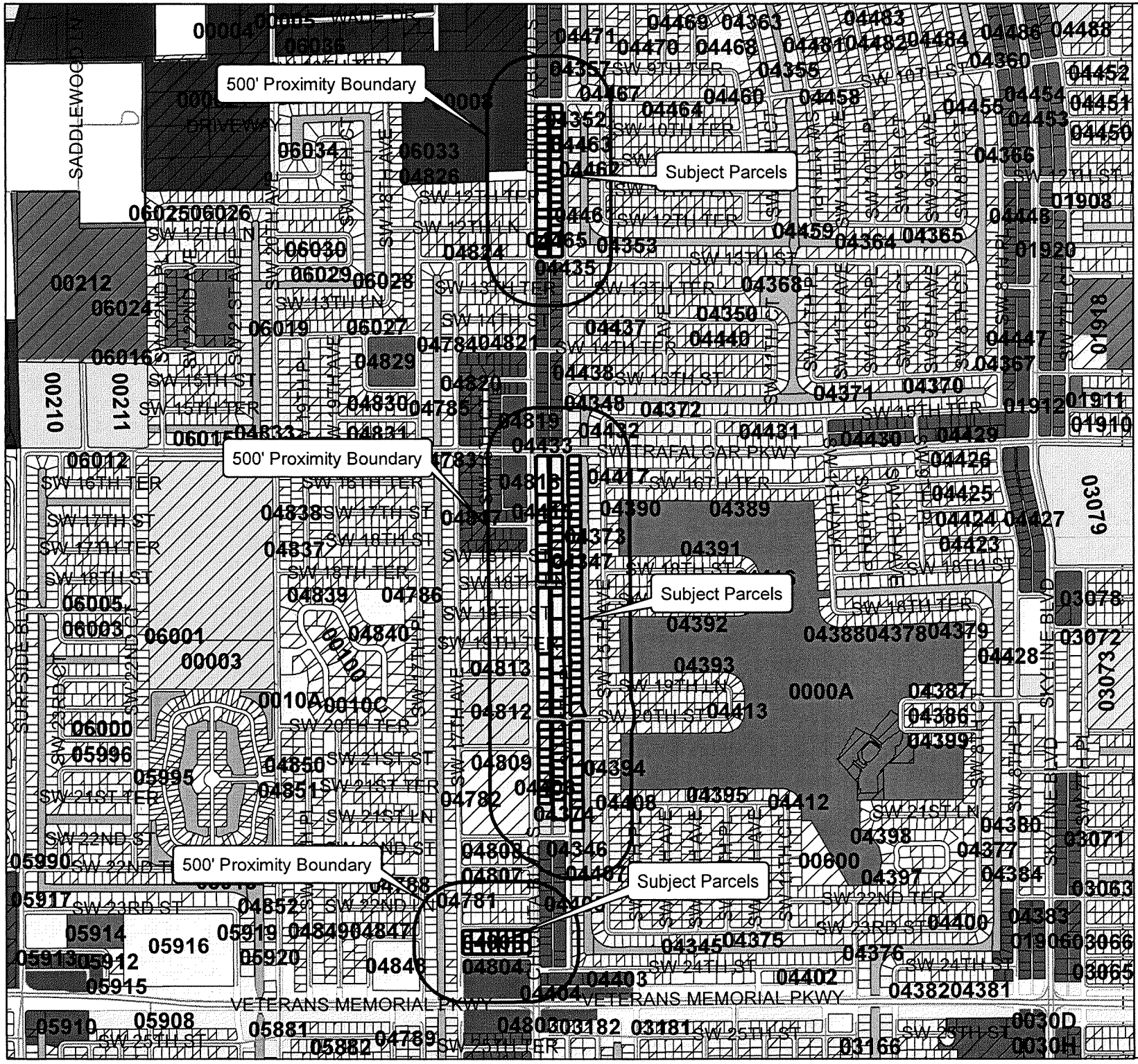
Cape Coral FLORIDA You'll Like the Attitude in Paradise

N W E S

April 16, 2010
Revised

0 290 580 870 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product. P:\... LU10-0017.mxd



CITY OF CAPE CORAL
Department of Community Development Planning & Growth Management Division
500' Proximity Boundary

Future Land Use Map

Case # LU10-0022
All of Blocks 4346, 4347, 4414, 4415, 4465, 4805
Portions of Blocks 4345 and 4406

Legend

- 500_ft_Boundary
- Subject_Parcels
- <all other values>
- Lee County FLU
- PVLK
- PVRD
- SF
- SM
- MF
- PIRD
- CP
- PF
- PK

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

April 15, 2010
Revision

0 1,000 2,000 Feet

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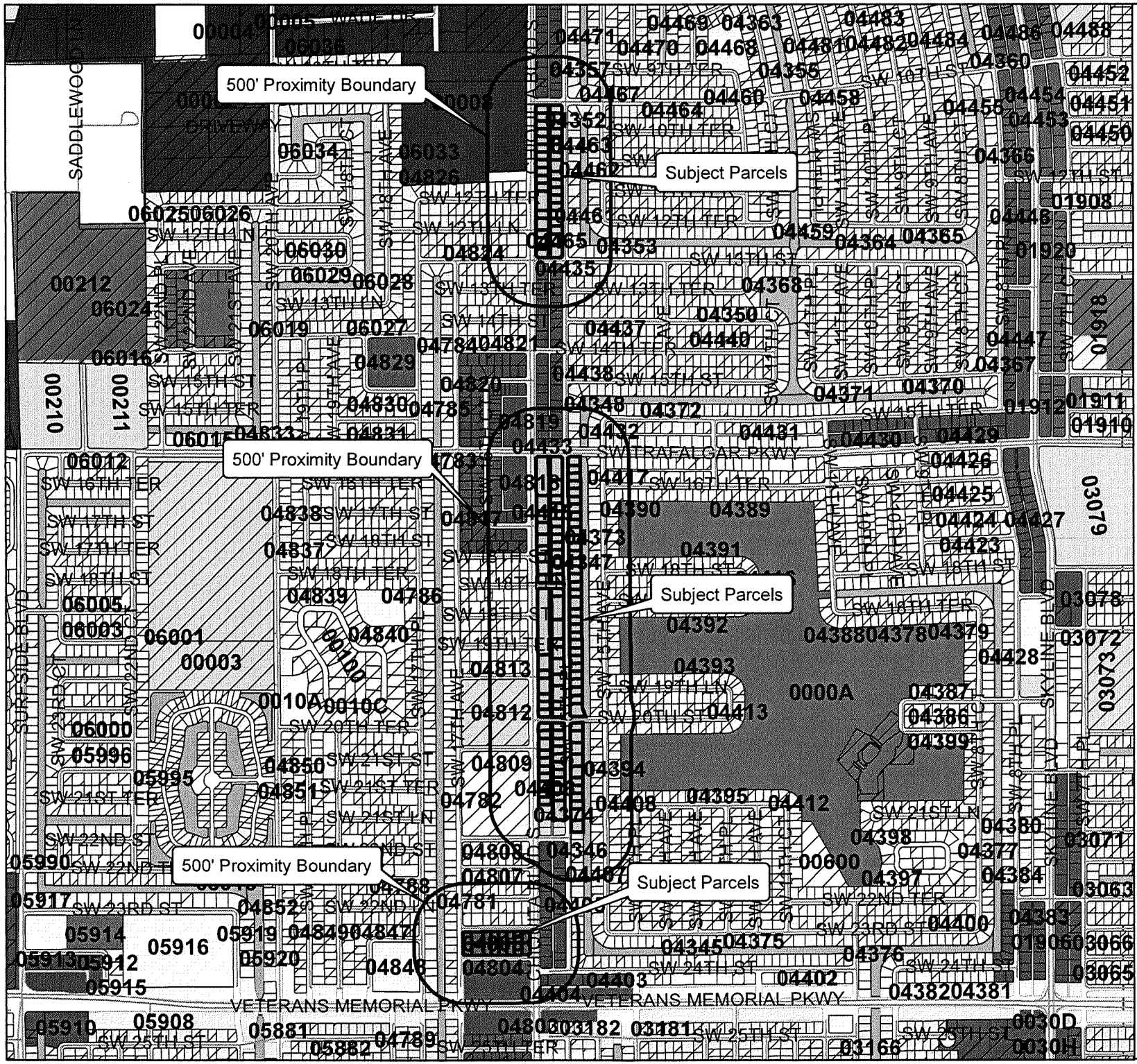

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary Proposed Future Land Use Map

Case # LU10-0022

All of Blocks 4346, 4347, 4414, 4415, 4465, 4805

Portions of Blocks 4345 and 4406

Legend

- 500_ft_Boundary
- Subject_Parcels
- Subject Parcels-CP
- Subject Parcels-CAC
- <all other values>
- Lee County FLU
- PVLK
- PVRD
- SF
- SM
- MF
- PIRD
- CP
- PF
- PK

Cape Coral FLORIDA *You'll Like the Attitude in Paradise*

N W E S

April 15, 2010
Revision

0 1,000 2,000 Feet

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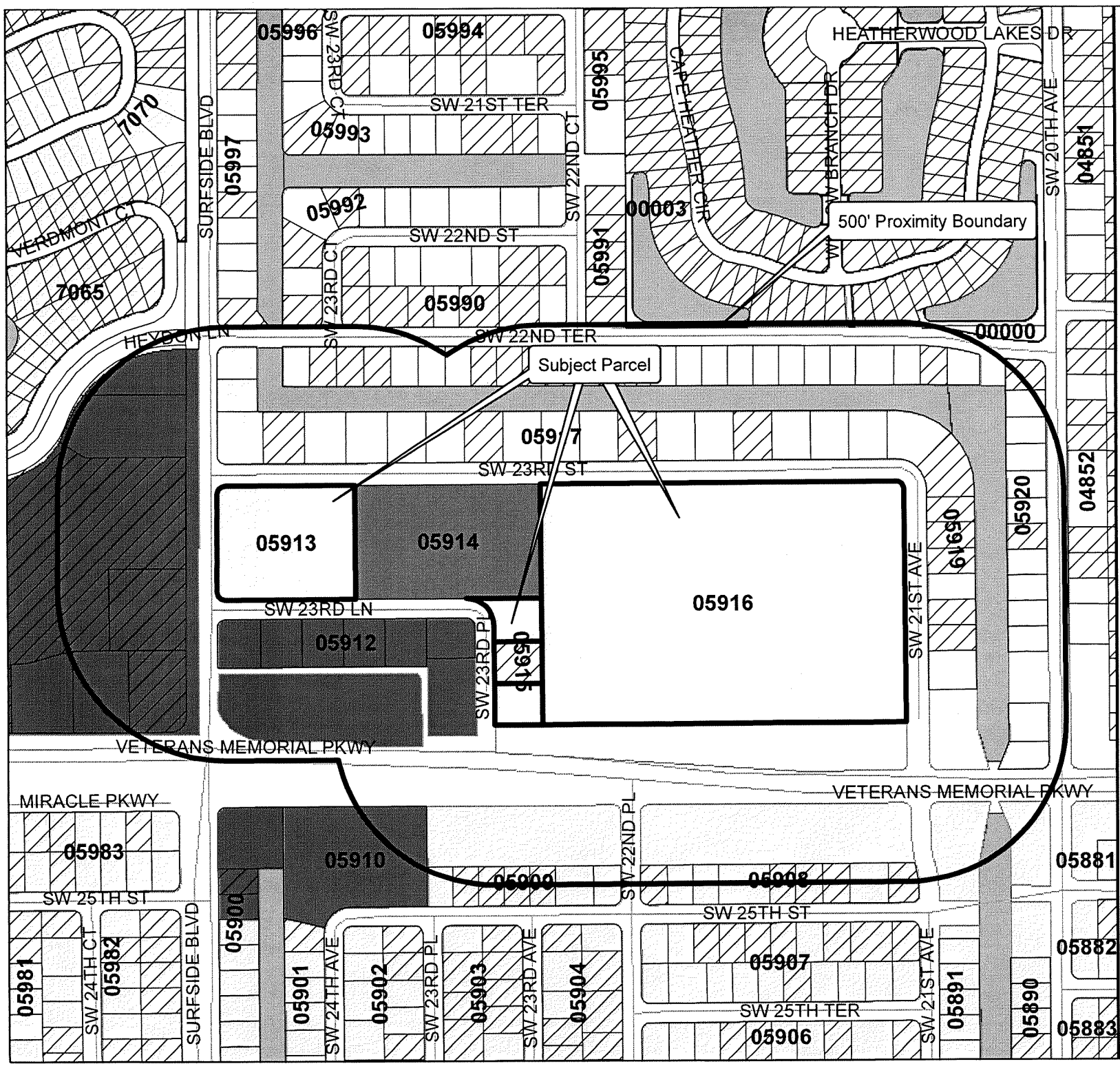

CITY OF CAPE CORAL
Department of Community Development
Future Land Use Map

Case No. LU 10-01000021
Blocks: Portions of 5913, 5915, 5916, & 5917

Legend

- Subject Parcel
- Canals/Lakes
- Improved Parcels

Future Land Use

- Single Family
- Single Family/Multi Family
- Multi-Family
- Low Density Residential I
- Low Density Residential II
- Rural Land
- Mixed Use
- Downtown Mixed
- Commercial Activity Center
- Mixed Use Preserve
- Pine Island Road District
- Commercial/Professional
- Flexible Development Overlay District
- Highway Commercial
- Industrial
- Public Facilities
- Park and Recreation Facilities
- Natural Resources/Preserve
- Sub-District

Cape Coral FLORIDA You'll Like the Attitude in Paradise

N W E S

February 12, 2010
Revised April 15, 2010

0 250 500 750 Feet

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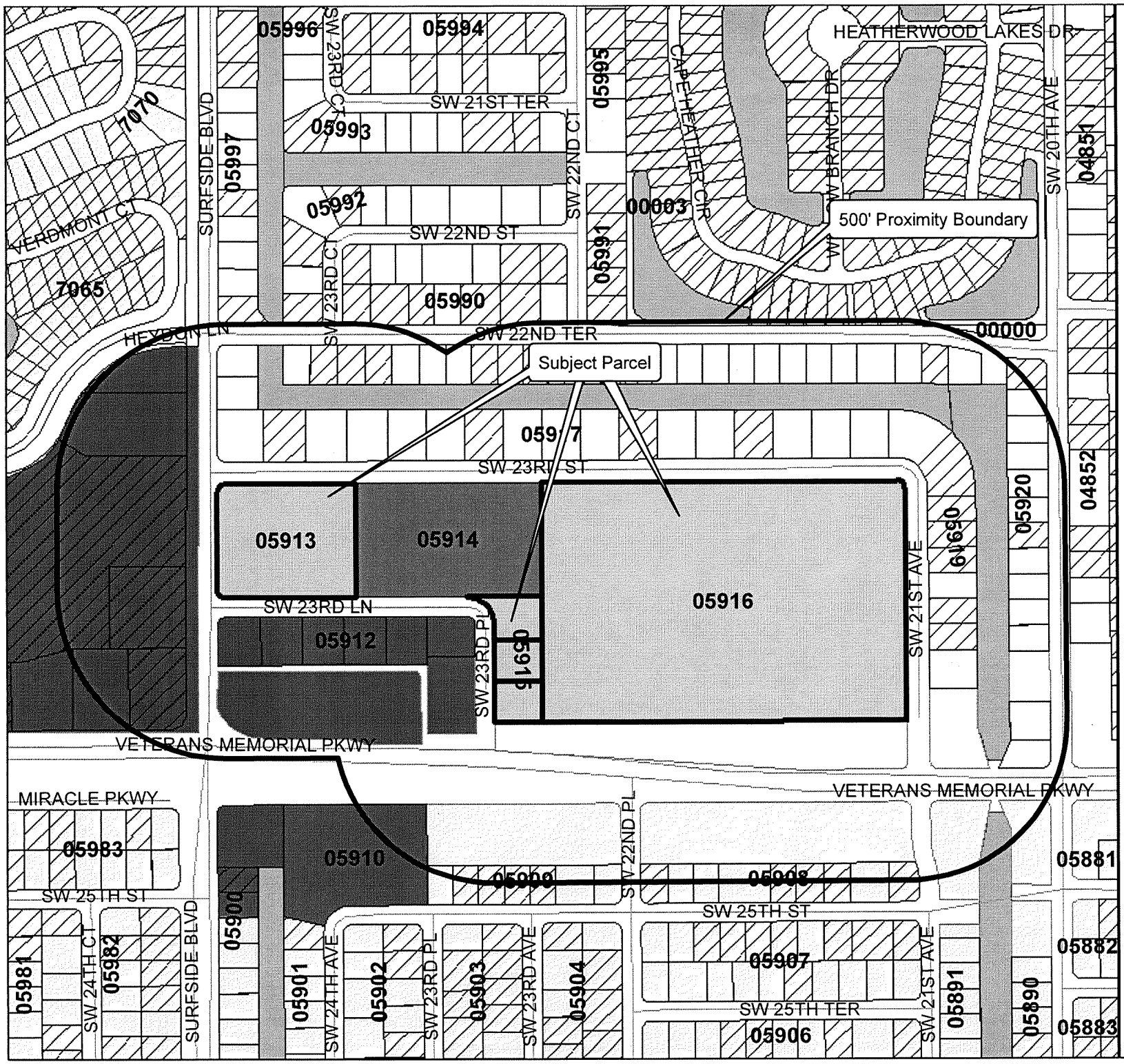

CITY OF CAPE CORAL
Department of Community Development
Proposed Future Land Use Map

Case No. LU 10-01000021
Blocks: Portions of 5913, 5915, & 5916

Legend

- Subject Parcel
- Canals/Lakes
- Improved Parcels

Future Land Use

- Single Family
- Single Family/Multi Family
- Multi-Family
- Low Density Residential I
- Low Density Residential II
- Rural Land
- Mixed Use
- Downtown Mixed
- Commercial Activity Center
- Mixed Use Preserve
- Pine Island Road District
- Commercial/Professional
- Flexible Development Overlay District
- Highway Commercial
- Industrial
- Public Facilities
- Park and Recreation Facilities
- Natural Resources/Preserve
- Sub-District

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N W E S

February 12, 2010
Revised April 15, 2010

0 250 500 750 Feet

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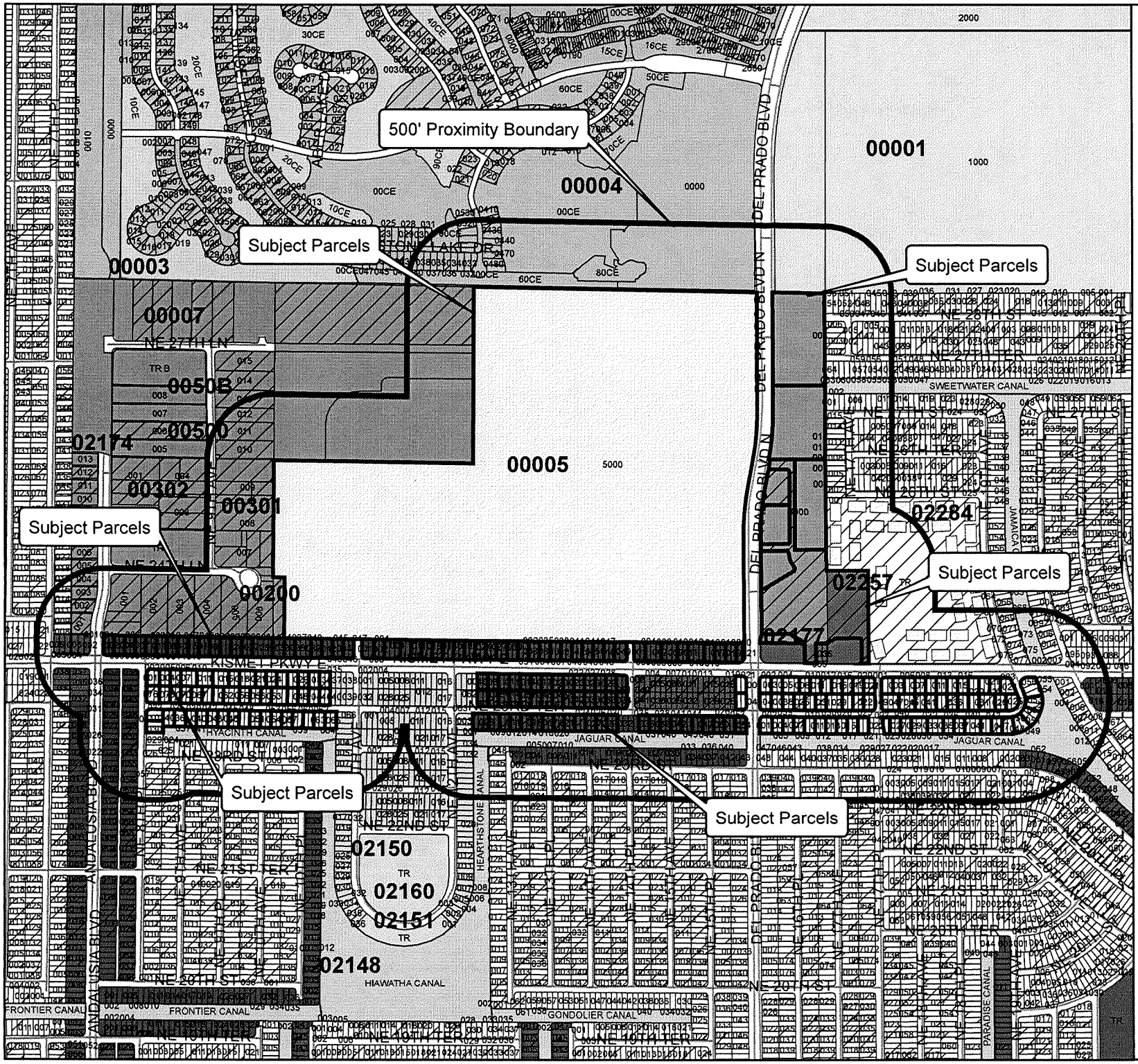

CITY OF CAPE CORAL

Department of Community Development
Planning & Growth Management Division

500' Proximity Boundary
Future Land Use Map

Case # LU10-0019
Portions of Units 32, 33
and portions of S-T-R 30-43-24

Legend

- Subject Parcels
- 500_ft_Boundary
- <all other values>
- PVLK
- PVRD
- SF
- SM
- MF
- MX
- CP
- I
- PF
- PK

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N
W E
S

March 10, 2010
Revision

0 640 1,280 Feet

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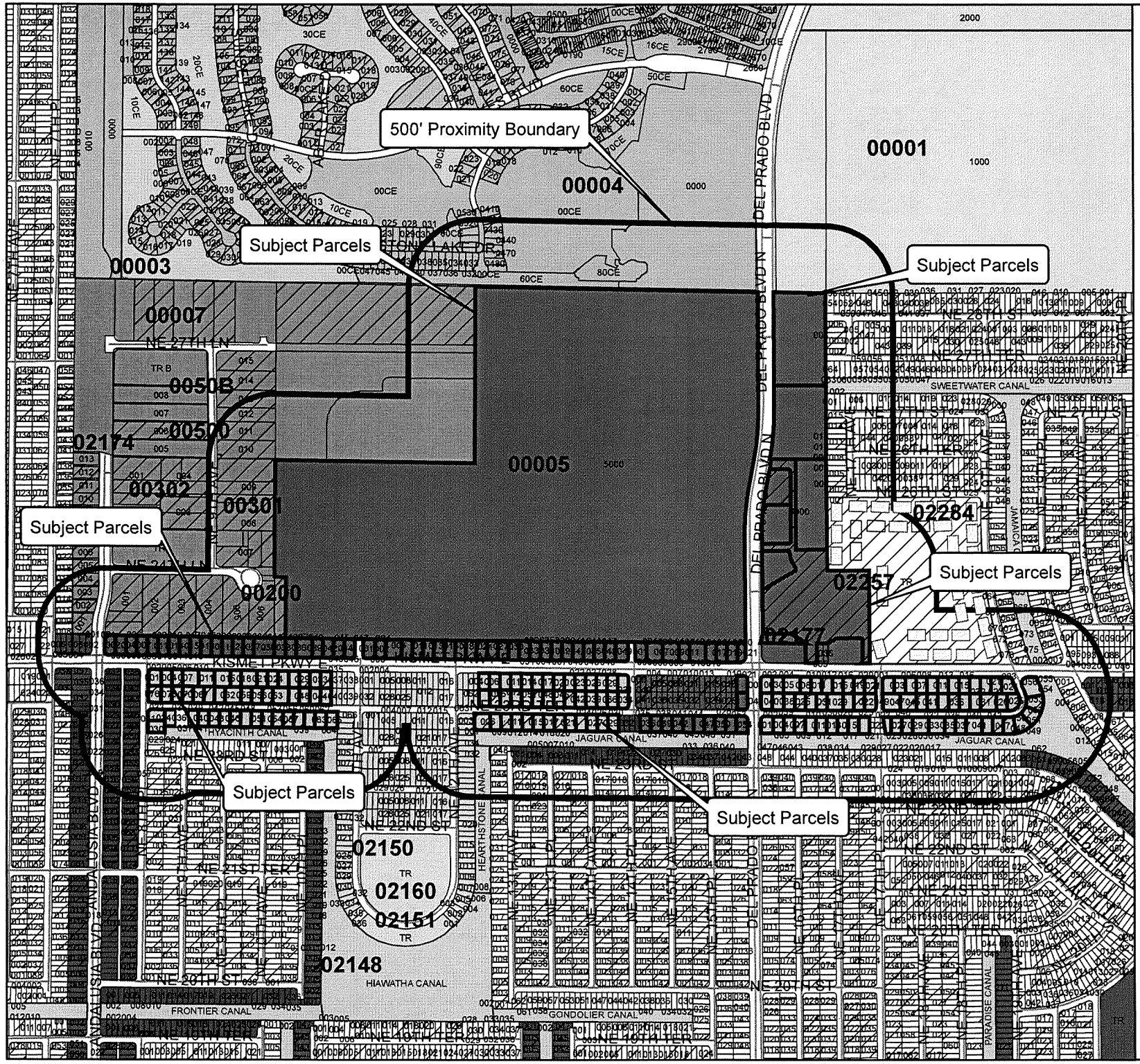

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0019
Portions of Units 32, 33
and portions of S-T-R 30-43-24

Legend

- Subject Parcels-CAC
- Subject Parcels-CP
- 500_ft_Boundary
- <all other values>
- PVLK
- PVRD
- SF
- SM
- MF
- MX
- CP
- I
- PF
- PK

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N
W E
S

March 10, 2010
Revision

0 625 1,250 Feet

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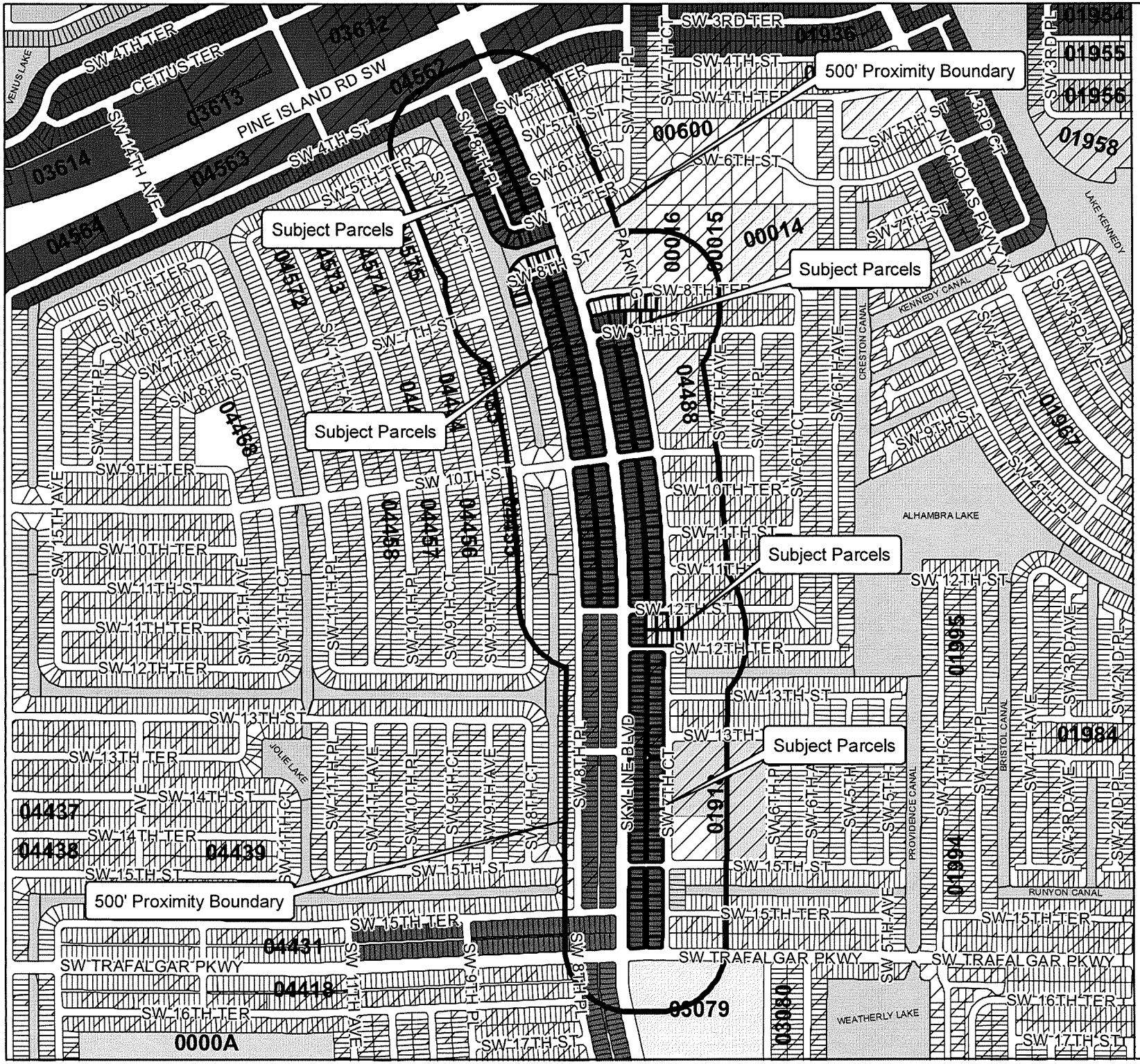

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Existing Future Land Use Map

Case # LU10-0025

Legend

- Subject Parcels
- SF
- SM
- MF
- CAC
- PIRD
- CP
- PF
- PK

Cape Coral FLORIDA

N W E S

February 14, 2010

1 inch = 1,050 feet

0 890 1,780 feet

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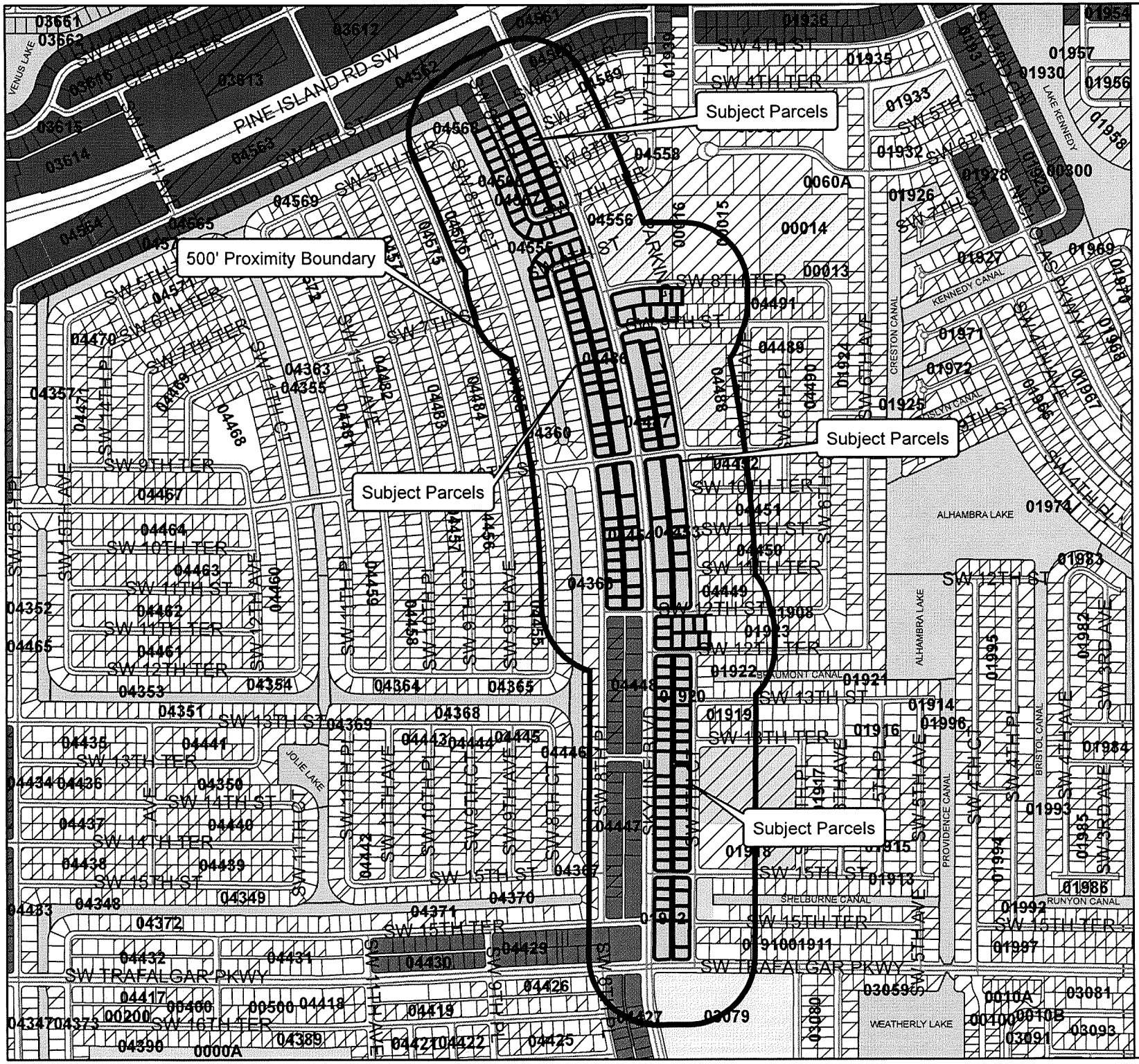

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Case # LU10-0025
Multiple parcels in
Units 63 and 68

Future Land Use Map

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- SF
- SM
- MF
- CAC
- PIRD
- CP
- PF
- PK

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N W E S

March 10, 2010
Revision

0 725 1,450 Feet

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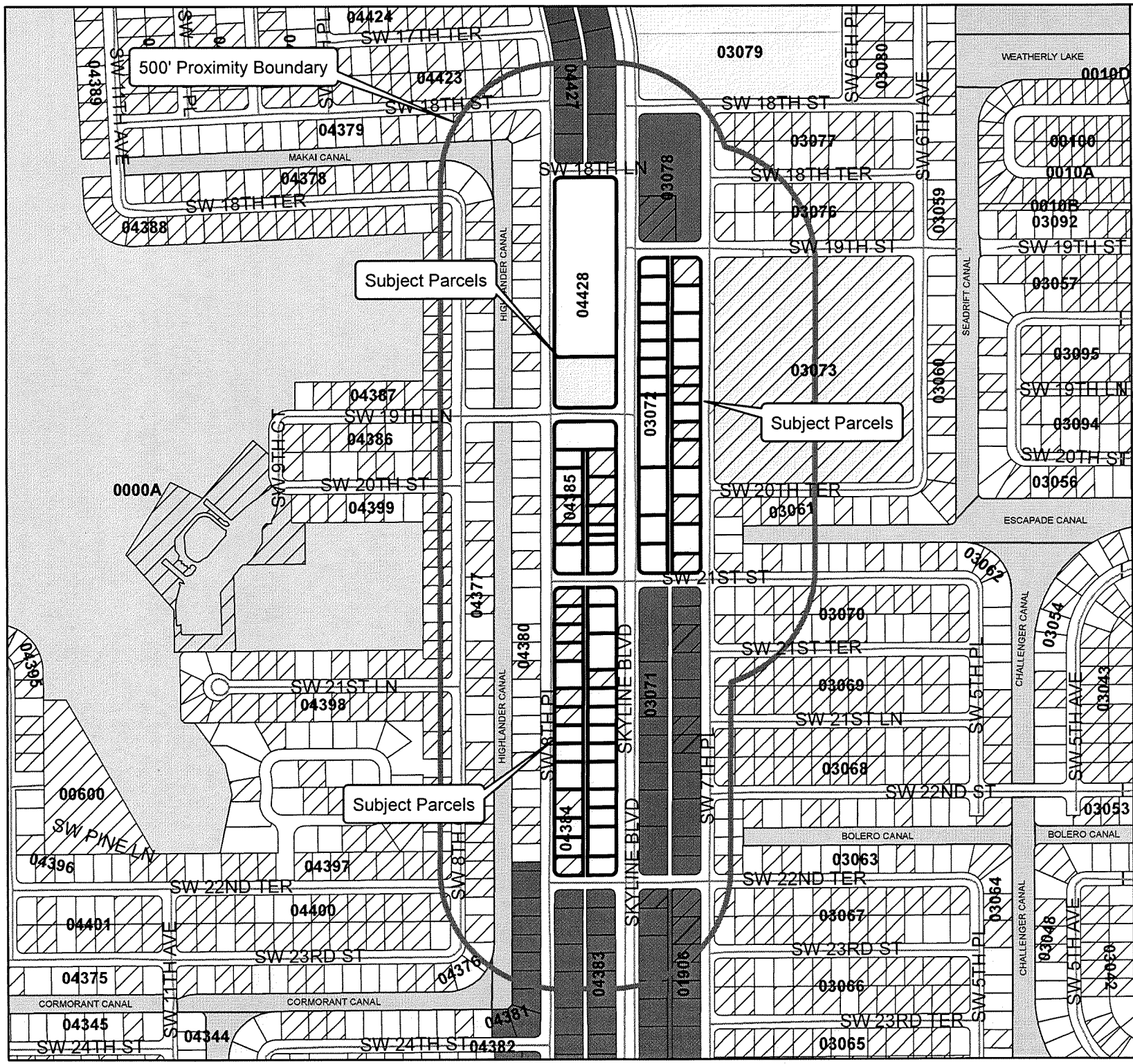

CITY OF CAPE CORAL

Department of Community Development
Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0026
All of Block 3072, 4384, 4384A, 4384B, 4385, 4428

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- PVRD
- SF
- SM
- CP
- PF
- PK

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N W E S

March 12, 2010
Revision

0 380 760 Feet

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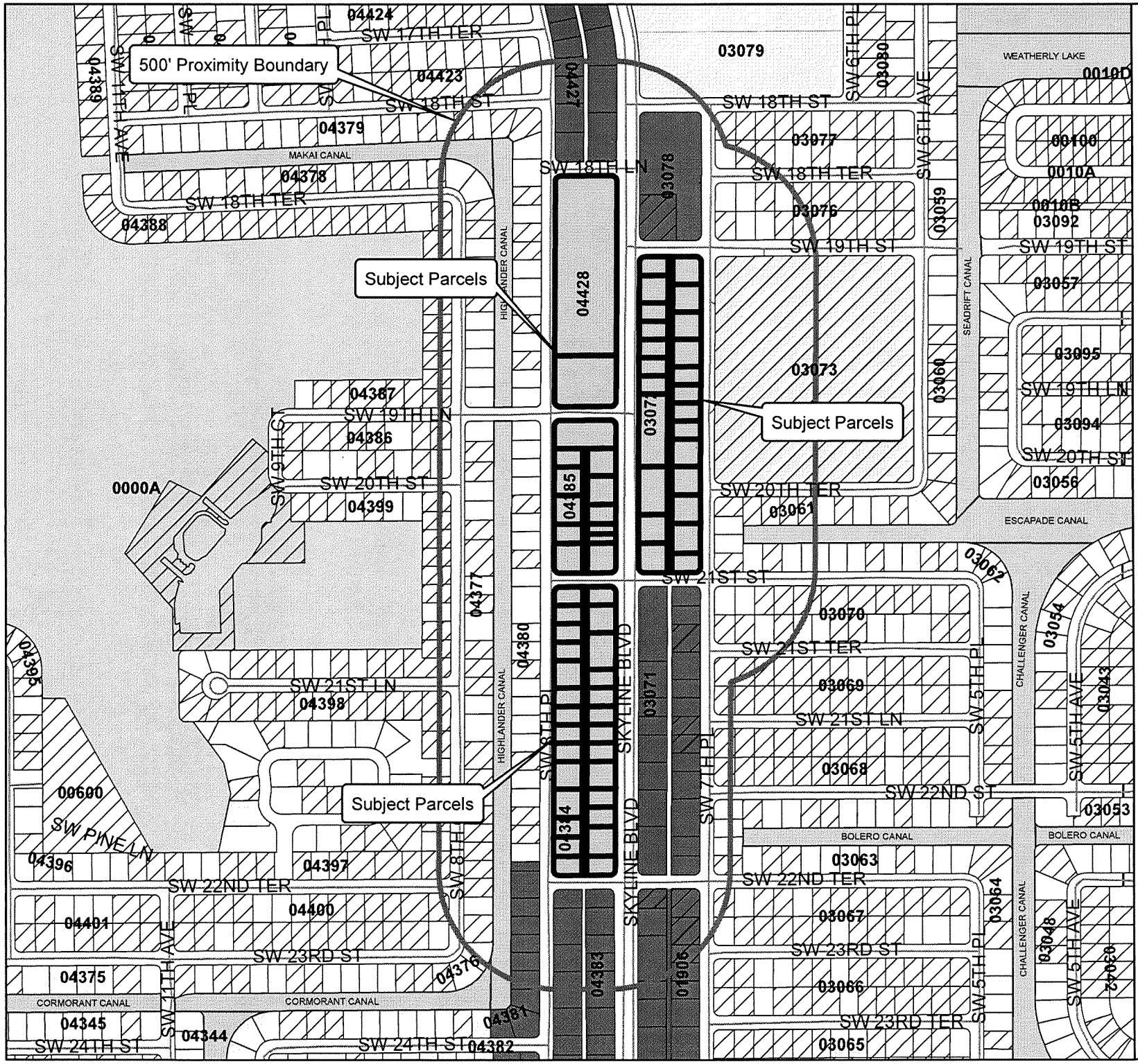

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0026
All of Block 3072, 4384, 4384A, 4384B, 4385, 4428

Legend

- Subject Parcels
- 500 ft Boundary
- <all other values>
- PVRD
- SF
- SM
- CP
- PF
- PK

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N W E S

March 12, 2010
Revision

0 380 760 Feet

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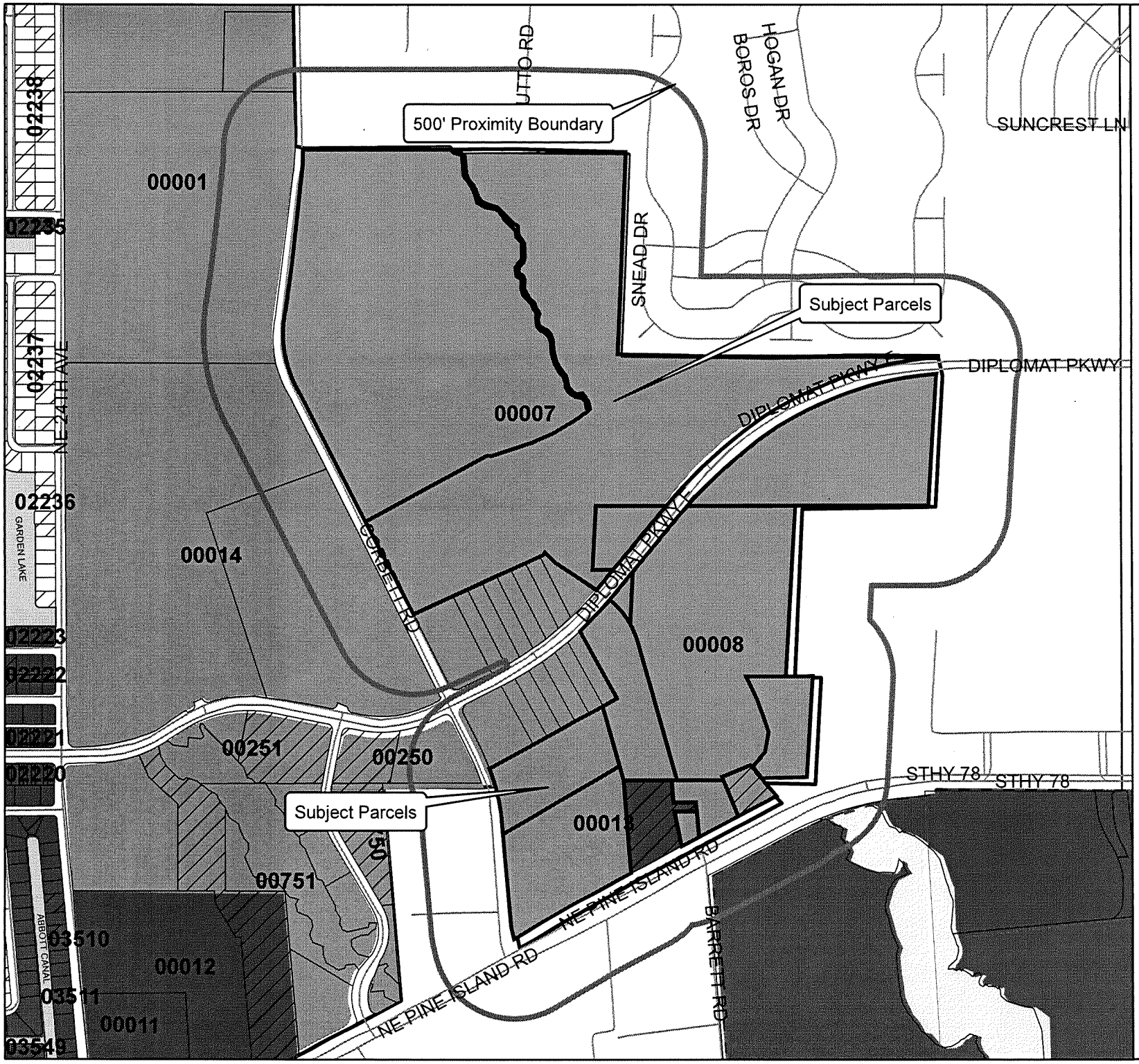

CITY OF CAPE CORAL

Department of Community Development Planning & Growth Management Division

500' Proximity Boundary

Future Land Use Map

Case # LU10-0020
Portions of 04-44-24 & 33-43-24

Legend

- Subject Parcels
- 500 ft Boundary
- SF
- MF
- PIRD
- I
- PR
- SD

Cape Coral FLORIDA
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N W E S

March 17, 2010
April 13, 2010
Revision

0 550 1,100 Feet

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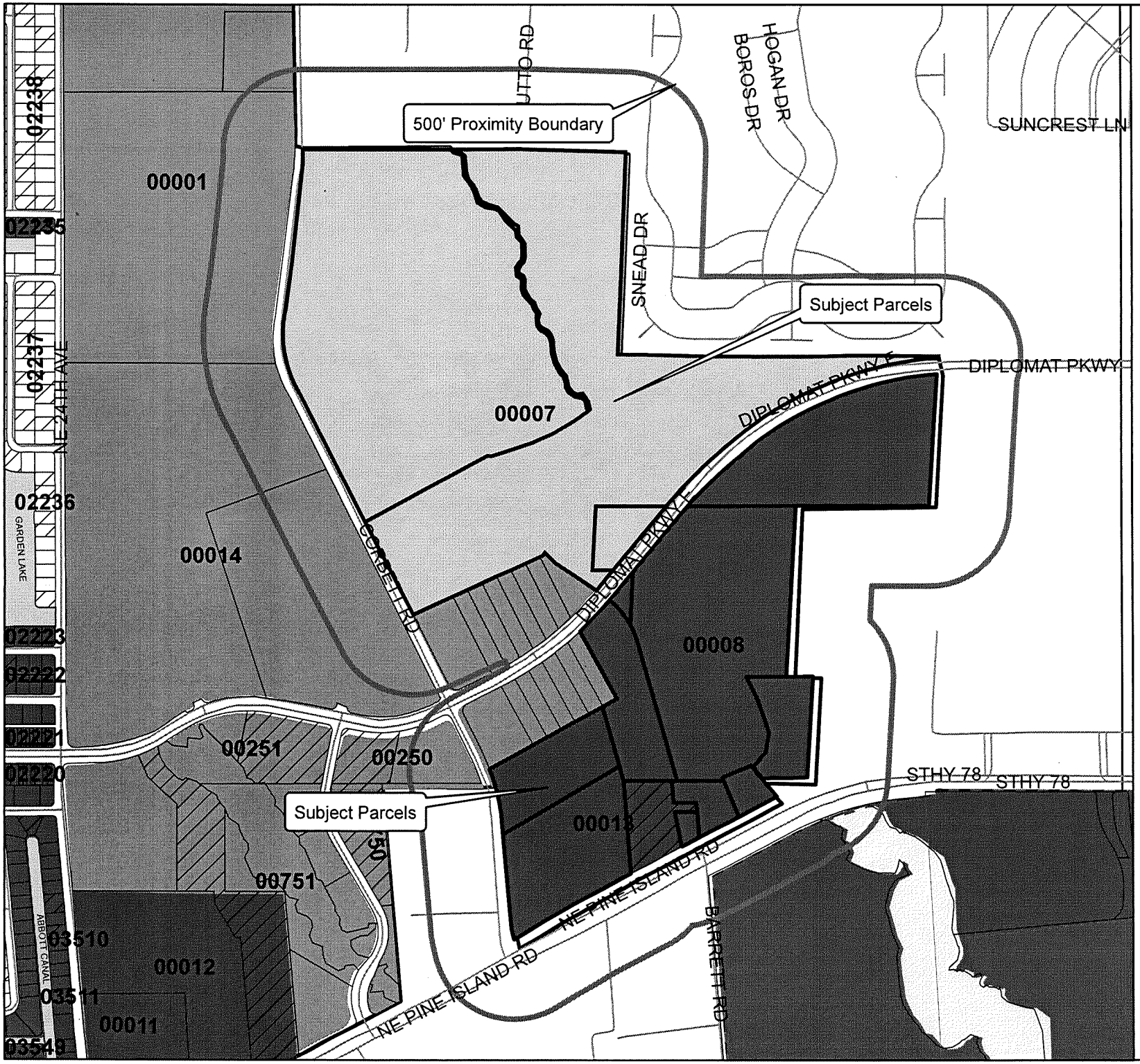

CITY OF CAPE CORAL

Department of Community Development
Planning & Growth Management Division

500' Proximity Boundary

Proposed Future Land Use Map

Case # LU10-0020
Portions of 04-44-24 & 33-43-24

Legend

- Subject Parcels-PIRD
- Subject Parcels-CAC
- 500 ft Boundary
- SF
- MF
- PIRD
- I
- PR
- SD

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N W E S

March 17, 2010
April 13, 2010
Revision

0 550 1,100 Feet

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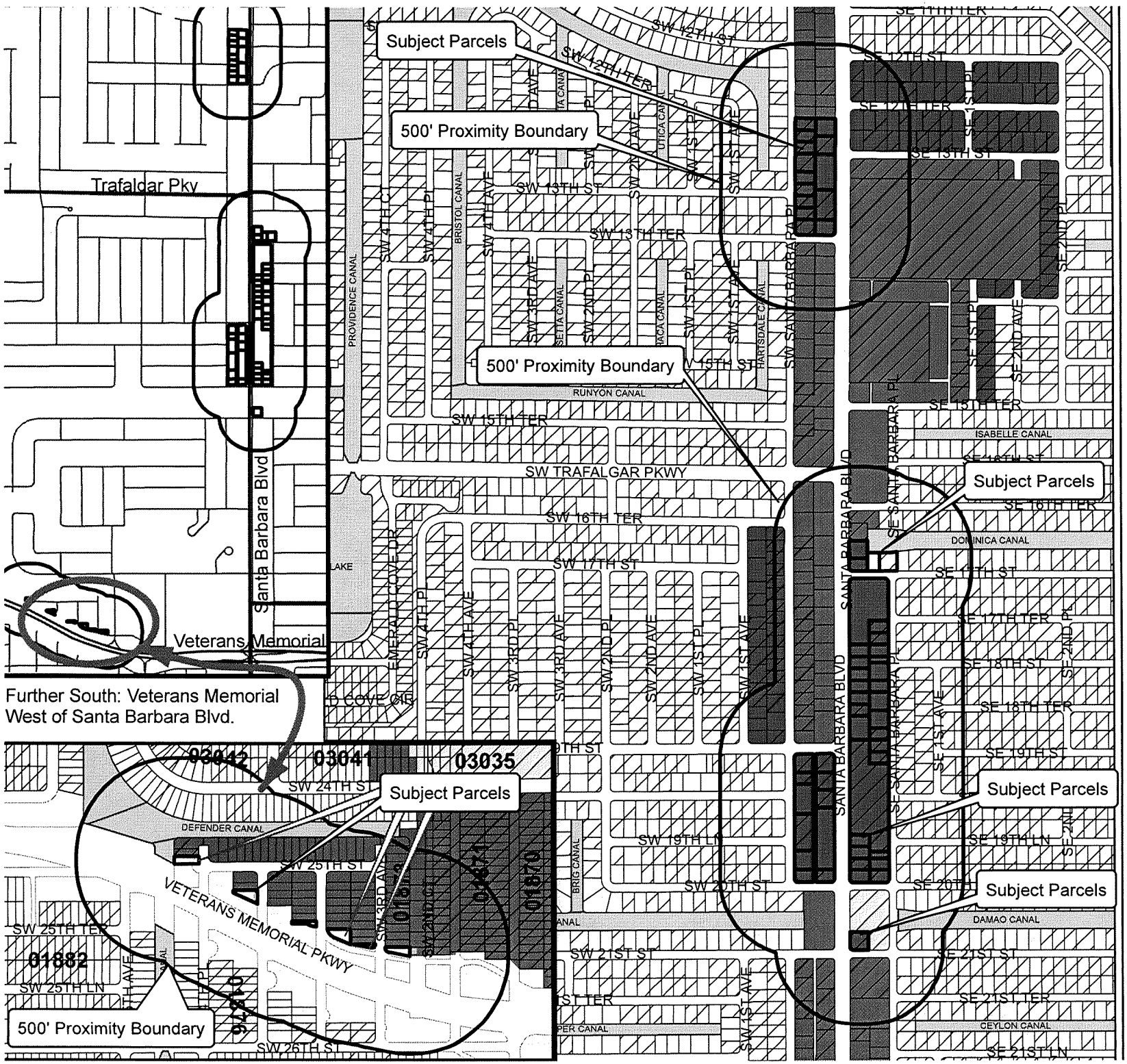

CITY OF CAPE CORAL

Department of
Community Development
Planning & Growth
Management Division

500' Proximity Boundary

Existing
Future Land Use Map

Case # LU10-0029

Legend

- Subject Parcels
- SF
- SM
- MF
- CP
- PF
- PK
- Canals

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N W E S

February 14, 2010
Revised March 12, 2010

0 500 1,000 2,000 3,000 Feet

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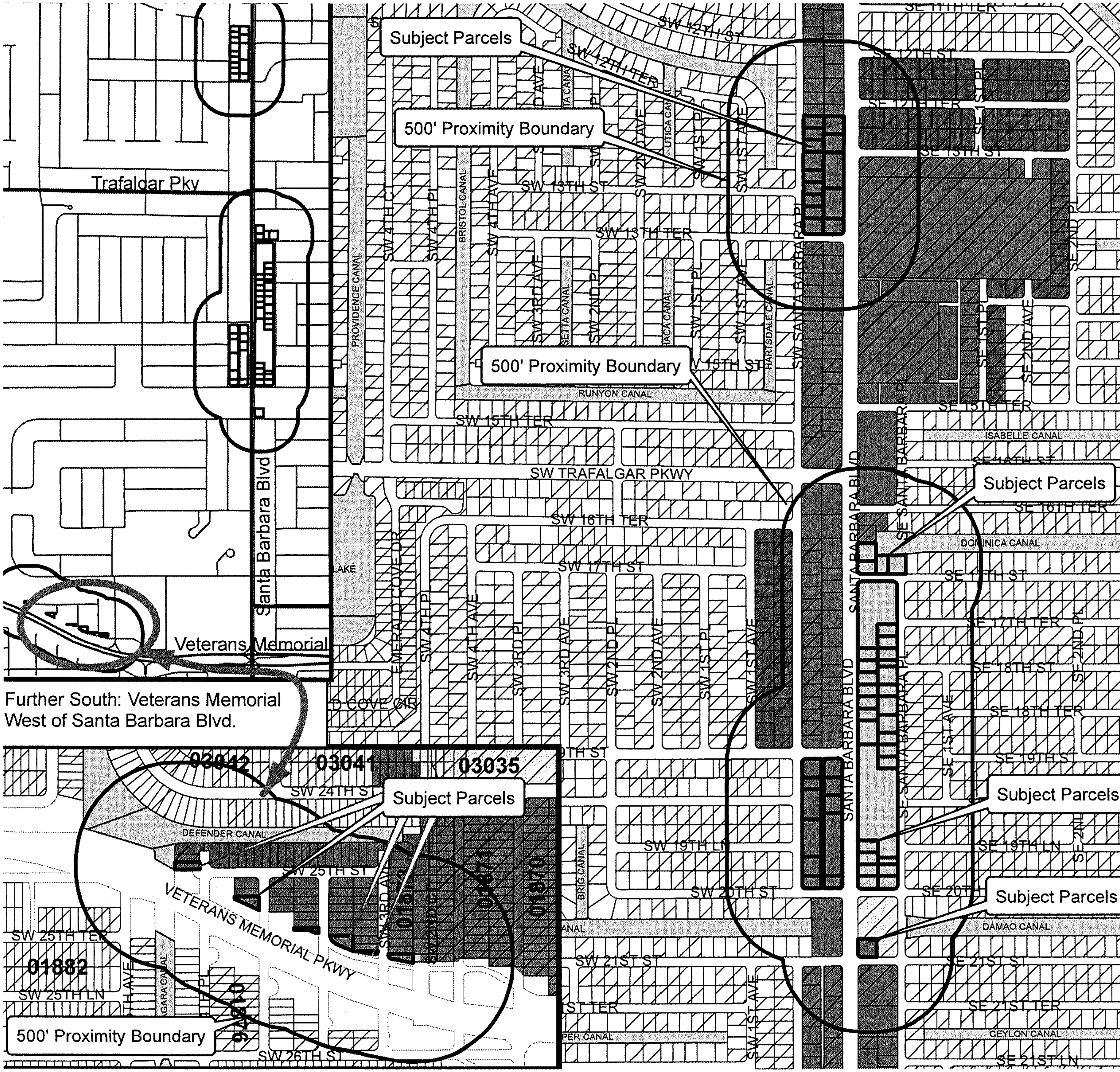

CITY OF CAPE CORAL

Department of Community Development
Planning & Growth Management Division

500' Proximity Boundary
Proposed
Future Land Use Map

Case # LU10-0029

Legend

Subject Parcels

- CAC
- CP
- SF
- SM
- MF
- CP
- PF
- PK
- Canals

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N W E S

February 14, 2010
Revised March 12, 2010

0 500 1,000 2,000 3,000 Feet

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Agenda Item

3f

Alico Interchange DRI – Development Order Review

3f

3f

Agenda Item #3(f)

ALICO INTERCHANGE PARK SUBSTANTIAL DEVIATION DRI REVIEW OF LEE COUNTY DEVELOPMENT ORDER

Council Recommendations (Attachment I)

On October 15, 2009, the Council recommended conditional approval of the Alico Interchange Park Substantial Deviation DRI Application for Development Approval. The approval was subject to regional conditions relating to Affordable Housing, Energy, Historical and Archaeological Sites, Stormwater Management, Transportation, Vegetation and Wildlife, Water, Water Supply/Wastewater Management, Wetlands, Consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. A copy of the Council recommendations can be found as Attachment I.

Lee County Development Order (Attachment II)

On April 19, 2010, the Board of Lee County Commissioners approved the Alico Interchange Park Substantial Deviation Development Order. A copy of the development order (see Attachment II) was rendered to the SWFRPC and the Department of Community Affairs (DCA) on April 30, 2010. Based on the DCA rendered date, the 45-day appeal period for the development order expires on June 14, 2010. Staff review of the attached development order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the development order as rendered.

ATTACHMENT !

AGENDA ITEM

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR ALICO INTERCHANGE PARK SUBSTANTIAL DEVIATION DRI # 12-0809-184

The Alico Interchange Park project was originally approved in 1986 for 250,000 square feet of retail development, 326,000 square feet of office and professional services, 400 hotel rooms, 905,000 square feet of mixed commercial and services (of which 720,000 square feet was listed as a regional mall) and 1,124 dwelling units with a possibility for additional dwelling units subject to Lee County density bonus provisions. The original project encompassed 345 ± acres of land located in Lee County at the southwest quadrant of Alico Road and I-75 (see page iv for regional location map). The project's development order has been amended four times with the most recent amendment occurring on May 05, 2008. The project is currently approved for 1,446,000 square feet of combined total office/retail square footage (which includes up to 750,000 square feet planned for corporate headquarters/office use) provided the retail square footage does not exceed a maximum of 696,000 square feet; 400 hotel rooms and 800 residential dwelling units (5.0 dwelling units per gross acre). The proposed development order amendment would increase the total square footage of office uses from 750,000 to 1,200,000 square feet (an increase of 450,000) square feet. Commercial retail development would still be limited to a maximum of 696,000 square feet. Hotel rooms and residential entitlements will remain unchanged. The project, as proposed, will result in an increase in vertical entitlements. The applicant does not propose to increase horizontal development on the project site. A South Florida Water Management District Environmental Resource Permit has been issued for the project site. The proposed change in development that created a substantial deviation is an increase in office uses by 450,000 square feet from the current development order. As part of the change, the maximum amount of total development will be limited to 1,896,000 square feet of office and retail combined. The current analysis focused primarily on the regional issue of transportation along with affordable housing, energy, wildlife and vegetation, water, water supply, wastewater, stormwater management, historical and archaeological resources, consistency with the local comprehensive plan and consistency with the strategic regional policy plan. The project buildout expires on April 20, 2011.

RECOMMENDED ACTION: The Southwest Florida Regional Planning Council recommends Conditional Approval of Alico Interchange Park Substantial Deviation DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Lee County Board of County Commissioners.

OCTOBER 2009

Southwest Florida Regional Planning Council
1926 Victoria Avenue, Fort Myers, Florida

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR ALICO INTERCHANGE PARK SUBSTANTIAL DEVIATION DRI # 12-0809-184

OCTOBER 2009

Southwest Florida Regional Planning Council
1926 Victoria Avenue, Fort Myers, Florida

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Daniel L. Trescott
Jason Utley
Timothy Walker
Janice Yell

PRIMARY STAFF FOR
ALICO INTERCHANGE PARK SUBSTANTIAL DEVIATION DRI REVIEW

Coordinator - Daniel L. Trescott

Reviewers:

Vegetation and Wildlife, Water, Stormwater Management, Water Supply, Wastewater and Historical & Archaeological - James Beever

Transportation – David Hutchinson

Affordable Housing, Energy, Consistency with Local Comprehensive Plan and Consistency with the Strategic Regional Policy Plan – Jason Utley

TABLE OF CONTENTS

Page

Introduction i

Applicant Information and Development Summary iii

Regional Location Map iv

Local Project Location Map v

Development Concept Plan vi

Regional Recommendations 1

Appendices: Staff Reports and Support Data 11

Appendix I: Regional Issues Analysis

A. Affordable Housing I-A-1
B. Energy I-B-1
C. Vegetation and Wildlife I-C-1
D. Water, Water Supply and Wastewater Management I-D-1
E. Stormwater Management I-E-1
F. Historical and Archaeological Sites I-F-1
G. Transportation I-G-1
H. Consistency with the Local Comprehensive Plan I-H-1
I. Consistency with the Strategic Regional Policy Plan I-I-1

Appendix II: Draft Development Order II-1

Appendix III: Substantial Deviation Monitoring Form III-1

INTRODUCTION

The project was originally approved in 1986 for 250,000 square feet of retail development, 326,000 square feet of office and professional services, 400 hotel rooms, 905,000 square feet of mixed commercial and services (of which 720,000 square feet was listed as a regional mall) and 1,124 dwelling units with a possibility for additional dwelling units subject to Lee County density bonus provisions. The original project encompassed 345 + acres of land located within unincorporated Lee County at the southwest quadrant of Alico Road and I-75 and has land uses consistent with the comprehensive plan (see page iv for regional location map). The project's development order has been amended four times with the most recent amendment occurring on May 05, 2008. The project is currently approved for 1,446,000 square feet of combined total office/retail square footage (which includes up to 750,000 square feet planned for corporate headquarters/office use) provided the retail square footage does not exceed a maximum of 696,000 square feet; 400 hotel rooms and 800 residential dwelling units (5.0 dwelling units per gross acre). The proposed development order amendment would increase the total square footage of office uses from 750,000 to 1,200,000 square feet (an increase of 450.000) square feet. Commercial retail development would still be limited to a maximum of 696,000 square feet. Hotel rooms and residential entitlements will remain unchanged. The project, as proposed, will result in an increase in vertical entitlements. The applicant does not propose to increase horizontal development on the project site. A South Florida Water Management District Environmental Resource Permit has been issued for the project site. The proposed change in development that created a substantial deviation is an increase in office uses by 450,000 square feet from the current development order. As part of the change, the maximum amount of total development will be limited to 1,896,000 square feet of office and retail combined. The current analysis focused primarily on the regional issue of transportation along with affordable housing, energy, wildlife and vegetation, water, water supply, wastewater, stormwater management historical and archaeological resources, consistency with the local comprehensive plan and consistency with the strategic regional policy plan. The project buildout expires in April 2011.

IMPACT ASSESSMENT AND RECOMMENDATIONS

The impact assessment for the Alico Interchange Park Substantial Deviation DRI/Application for Development Approval (ADA) has been prepared by the Southwest Florida Regional Planning Council as required by Chapter 380.06, Florida Statutes. The DRI assessment is largely based on information supplied in the ADA and subsequent sufficiency review rounds. Additional information was obtained by contacting local officials, consulting official plans, and by reviewing reports related to specific issues in the impact assessment. No final comments were received by other review agencies, their concerns were addressed adequately during the sufficiency review rounds.

The Council staff assessment will only address regional issues since the local issues addressed in the original ADA will not change. The regional issues are those that affect more than one jurisdiction. Recommendations made by the staff regarding these issues are formal conditions to be included by the local government in any Development Order that is issued.

The findings of this evaluation and the Southwest Florida Regional Planning Council's recommendations are intended to assist Lee County in reaching its decision regarding the proposed development. The recommendations are not intended to foreclose or abridge the legal responsibility of local government to act pursuant to applicable local laws and ordinances. Copies of any "Development Order" (an order granting, denying, or granting with conditions an Application for Development permit) issued with regard to the proposed development shall be transmitted to the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs.

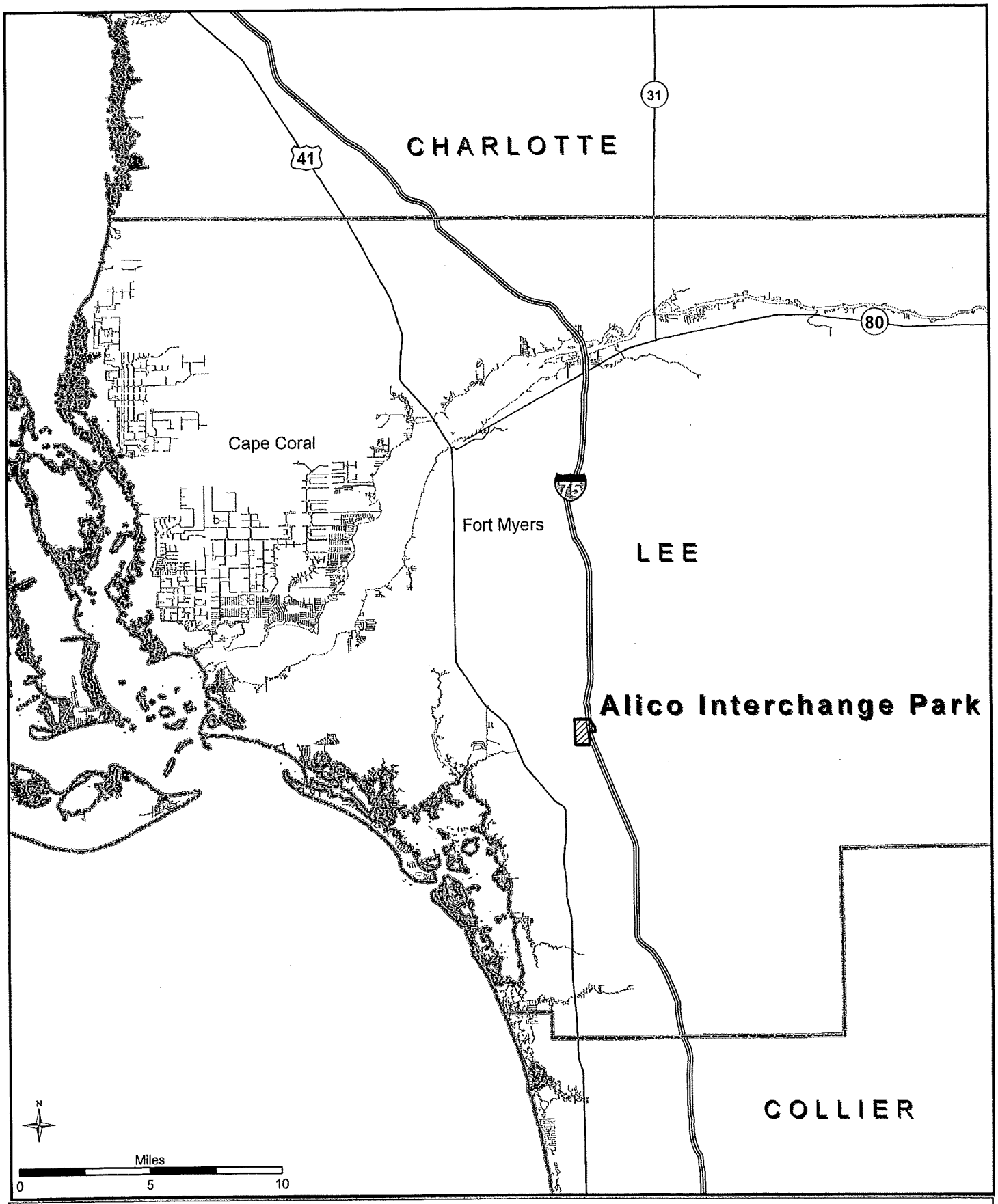
APPLICANT INFORMATION AND DEVELOPMENT SUMMARY

APPLICANT INFORMATION

Project Name	Alico Interchange Park Substantial Deviation DRI
Applicant	Three Oaks Regional, LLC John McGarvey, Manager 9530 Marketplace Rd. Suite 601 Fort Myers, Florida 33912 Phone 239-738-7800
Date on which DRI/ADA was officially accepted	December 10, 2008
Date on which DRI/ADA was found sufficient	August 03, 2009
County DRI Hearing Date	December 02, 2009
Date County Notified SWFRPC of Public Hearing	August 28, 2009
Type of Development	Mixed use consisting of commercial (including regional mall uses), office, hotel and residential
Location of Development	Unincorporated Lee County
DRI Threshold	400,000 square feet of retail and 300,000 square feet of office

Development Summary

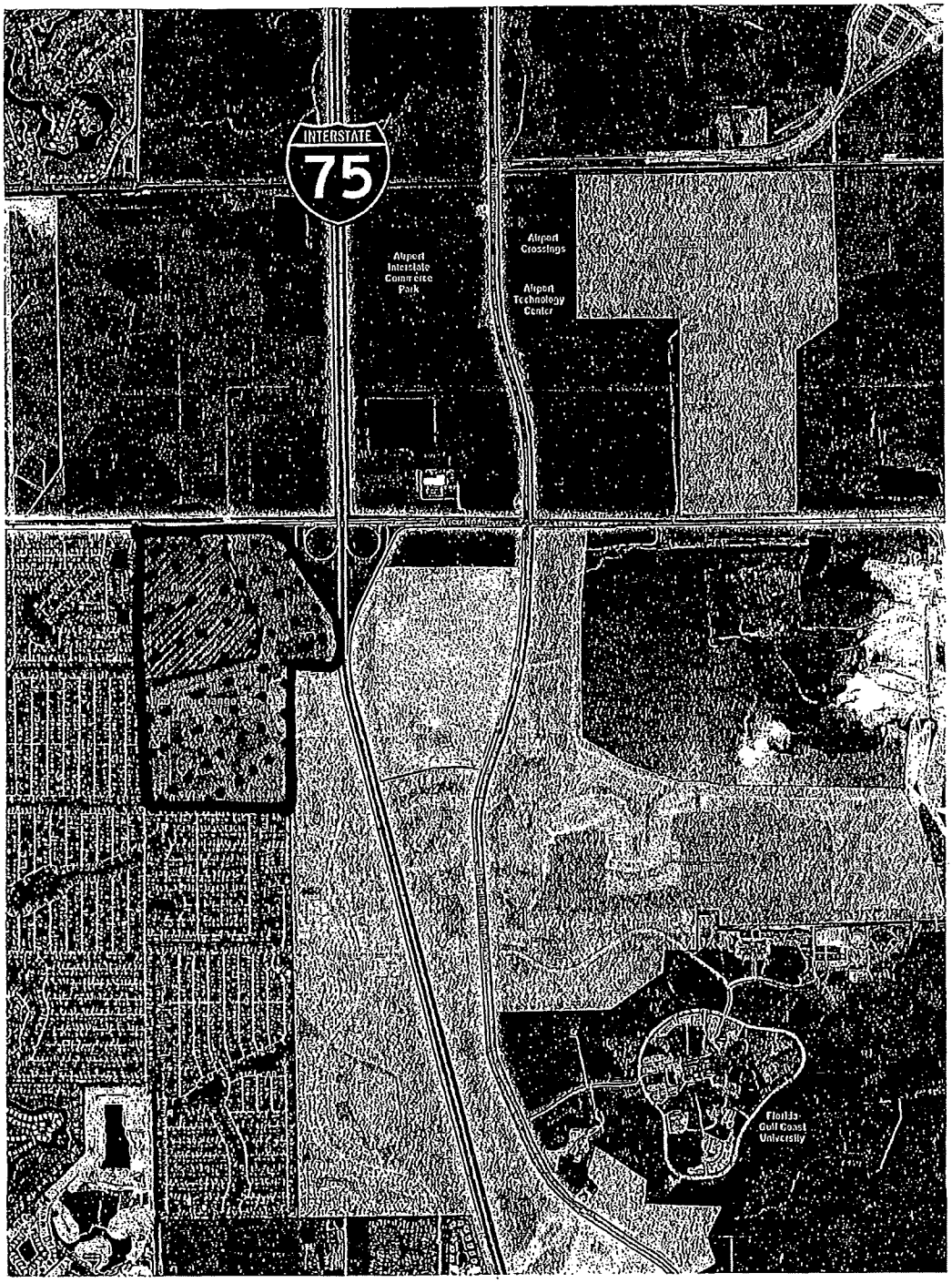
Commercial and Office	Increase office/commercial entitlements from 1,446,000 to 1,896,000 square feet. Increase office uses by 450,000 square feet from 750,000 to 1,200,000 square feet and the maximum allowable retail is 696,000 square feet.
Total Acres	345 acres (entire DRI) 105.5± acres (parcel owned by the applicant)
Estimated Average Potable Water Demand	The applicant estimates adding 450,000 square feet of office will increase demand for potable water by 67,500 GPD.
Estimated Average Wastewater Demand	The applicant estimates adding 450,000 square feet of office will increase wastewater generation by approximately 67,500 GPD.
Estimated Solid Waste Generation	The applicant estimates adding 450,000 square feet of office will increase solid waste generation by 36 cubic yards per day or 0.864 tons per day.
Project Construction Period	1.5 years until April 20, 2011



Legend

Alico

Alico Interchange Park DRI



Three Oaks Regional Center
at Alico Interchange Park DRI
Map A
General Location Map

MORRIS DEPEW

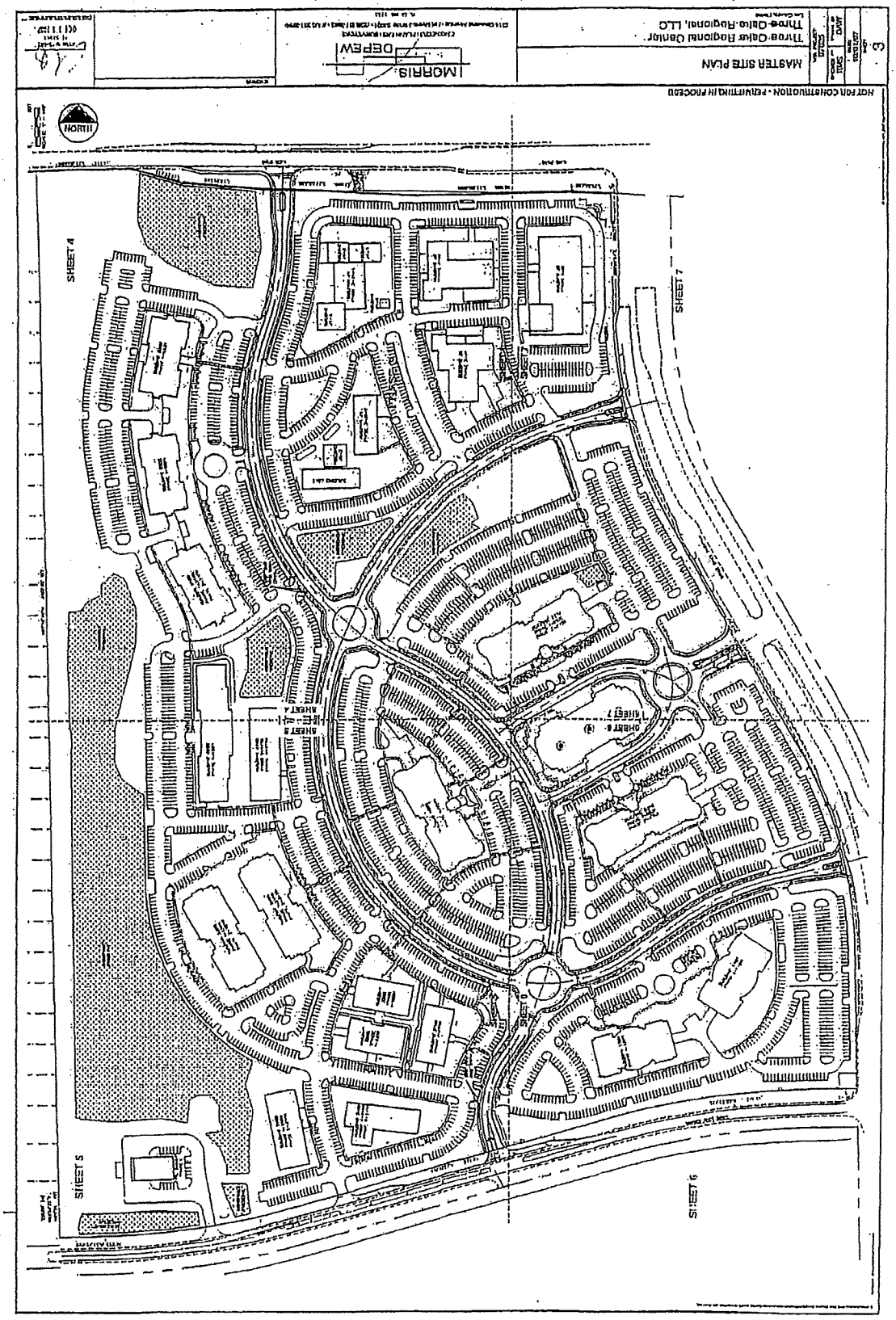

MASTER SITE PLAN
Three-Oaks Regional Center
Three-Oaks Regional, LLC
MORRIS
DEPEW
NORTH
SHEET 4
SHEET 5
SHEET 6
SHEET 7

EXHIBIT 2.0

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

REGIONAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL SUBMITTED DECEMBER 10, 2008, FIRST SUFFICIENCY RESPONSES DATED FEBRUARY 27, 2009 AND SECOND SUFFICIENCY RESPONSES SUBMITTED JUNE 25, 2009, IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. AFFORDABLE HOUSING (Refer to Appendix I-A)

The applicant did not use the East Central Florida Regional Planning Council (ECFRPC) methodology to assess the affordable housing impacts for the Alico Interchange Park Substantial Deviation. Instead, the applicant's agent prepared a report titled the Affordable Housing Impact Analysis for Three Oaks Regional Center". The report was dated October 01, 2009.

According to the applicant a need for affordable housing does not currently exist in Lee County. However, the applicant has agreed to commit to one of the three conditions required by the Southwest Florida Regional Planning Council. The applicant has agreed to make a financial contribution in the amount of $10,000 to Lee County in order to offset any demand created through buildout for affordable housing. Council staff acknowledges the applicant's commitment and encourages the applicant to reach an agreement with Lee County related to affordable housing.

RECOMMENDATIONS

Any DRI Development Order issued by Lee County shall contain the following provision:

A. Conditions for Development Approval.

1) To satisfy the project's affordable housing impacts cumulatively the applicant shall contribute funds to Lee County's Affordable Housing Trust Fund.

2. ENERGY (Refer to Appendix I-B)

The proposed development will be electrically powered and will increase the energy demands of the region.

RECOMMENDATIONS

Any DRI Development Order issued by Lee County shall contain the following provision:

A. Conditions for Development Approval.

1) The provision of a bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project, and also along Alico Road west of Three Oaks Parkway (Corlico Parkway). This system is to be constructed in accordance with Lee County standards, and include walking/jogging paths and the extension of the bicycle/pedestrian system along all public streets within the development;

2) The provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas which are located closer to the building entrances than non-handicapped parking spaces ;

3) The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating, should be located no further than one quarter mile from a multistory building entrances and the transit system should have an acceptable level of service during peak hours (i.e. stops occurring once every 30 minutes or less);

4) The material choices for streets, parking lots, sidewalks, and any other path system should be evaluated in order to reduce the heat island effect. Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be an integral component of the design.

5) The use of energy-efficient features in window design (e.g., tinting and exterior shading) and use of operable windows and ceiling fans in residential units;

6) The installation of energy-efficient appliances and equipment;

7) The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);

8) The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat;

9) Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

10) The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;

11) The planting of native shade trees to provide shade for all streets, parking areas, recreation areas and building solar heat gain;

12) The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;

13) The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;

14) The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;

15) The inclusion of porch/patio areas in residential units whenever possible;

16) The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15.

17) Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

18) Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

19) All thermostats installed in any structure shall be programmable.

20) Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards.

21) All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows.

22) Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed commercial structures. Green roofs shall be evaluated at the time of building design.

23) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification will be evaluated for all office structures constructed within the DRI.

24) The above conditions shall be reported in the annual monitoring report.

3. VEGETATION AND WILDLIFE (Refer to Appendix I-C)

Wildlife surveys submitted by the applicant indicate on-site observations of gopher tortoise. Meandering pedestrian transects, spaced approximately 50-100 feet apart, were surveyed by qualified ecologists for the presence of state and federally listed species. A survey for species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and/or U.S. Fish and Wildlife Service as threatened, endangered, or species of special concern was conducted in June and July 2007 for the Three Oaks Regional Center property. Based on the that survey, approximately 11 to 12 gopher tortoises occur in the disturbed upland pine flatwoods on that portion of the DRI.

An application for a gopher tortoise incidental take permit was submitted to the FWC on July 30, 2007. Additional information was submitted to the FWC on December 4, 2007. The FWC has completed their review of the project and will issue gopher tortoise incidental take permit number LEE-129 upon receipt of Lee County's Development Order approved on September 22, 2008.

The Three Oaks Regional Center site plan has been designed to provide an 8.0± acre gopher tortoise recipient area along the western property boundary. All gopher tortoise burrows located within the development footprint will be excavated and the resident gopher tortoises relocated into the 8.0± acre gopher tortoise recipient area. The submitted Lee County Indigenous Area Management Plan contains the gopher tortoise relocation plan.

RECOMMENDATIONS

Any Development Order issued by Lee County shall contain the following provision:

A. Conditions for Development Approval

1) All stormwater lake bank slopes shall be constructed with broad littoral zones. These littoral areas shall be planted with native vegetation (with a total cattail population of not more than 20 percent); if the survival rate of the native vegetation after one year is less than 80 percent, replanting will be required.

2) Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*. And foraging areas for wading bird species, such as the wood stork, consistent with South Florida Water Management District ("SFWMD"), Florida Department of Environmental Protection ("FDEP"), and Lee County requirements.

3) The developer shall prepare a proposal for a long-term exotic vegetation control program. Lee County shall review this proposal, and either accept or reject the plan, with the basis of any rejection clearly stated. The developer or his successors shall be responsible for the implementation of this program for those portions of the subject property that have not been conveyed to their final users. The status of the long-term exotic vegetation control program shall be submitted with each developer's Bi-annual report.

4) The developer shall coordinate construction of bird roosting areas within the southern lake system with the Florida Fish and Wildlife Conservation Commission (FWC) in order to insure improved wildlife habitats.

5) The developer or his successor(s) shall utilize a strong native landscaping program throughout the project, with an effort to save and/or create native upland habitat. This program shall be submitted to and approved by the Lee County. This plan shall be submitted as part of the local development order process.

6) The developer or his successor(s) shall provide a 7.8± acre gopher tortoise recipient area along the western property boundary. All gopher tortoise burrows located within the development footprint will be excavated and the resident gopher tortoises relocated into the 8.0± acre gopher tortoise recipient area. The submitted Lee County Indigenous Area Management Plan contains the gopher tortoise relocation plan. This plan shall be submitted as part of the local development order process for each phase.

4. WATER, WATER SUPPLY AND WASTEWATER (Refer to Appendix I-D)

The following standard and project specific recommendations reflect the existing development order for the project, conservation measures and protections for regional significant water issues in the Estero Bay watershed.

RECOMMENDATIONS

Any Development Order issued by Lee County shall contain the following provision:

A. Conditions for Development Approval

1) Water Conservation

a) Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:

i) Toilets: 1.6 gallons per flush
ii) Shower heads:2.5 gallons per minute
iii) Faucets: 2.0 gallons per minute

b) Drought-Tolerant Landscaping: The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site.

c) Reuse Water: Irrigation water will utilize reclaimed water produced by the water reclamation facility. During times when irrigation demand exceeds reclaimed water supply, irrigation water will be derived from the on-site lake system. The lake system will be replenished with ground water derived from Floridan aquifer wells.

2) Leak Detection Program: Reports of water leaks will be directed to personnel during business hours. Site tours and routine maintenance personnel trips along water supply and distribution lines will also be conducted. On a monthly basis, customer metered usage will be compared to the master meter reading.

3) Irrigation System Design: Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas.

4) Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program. The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The program will also identify appropriate buffer requirements for all areas on the site with respect to wetlands and all natural or created bodies of water.

5) The proposed water treatment and distribution and wastewater collection and treatment systems will be designed consistent with County standards. The project wastewater management will plan to comply with SWFRPC Resolution 2007-02.

6) All potable water facilities will be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a flow rate approved by the County Fire Department.

7) The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.

8) The applicant will establish water, wastewater and reclaimed water services with Lee County Utilities for the Three Oaks Regional Planning Center within the Alico Interchange Park DRI.

5. STORMWATER MANAGEMENT (Refer to Appendix I-E)

The following standard and project specific recommendations reflect the existing development order for the project and protections for regional significant water quality issues in the Estero Bay watershed.

RECOMMENDATIONS

Any Development Order issued by Lee County shall contain the following provision:

A. Conditions for Development Approval

1. All internal stormwater management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the South Florida Water Management District. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.

2. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

3. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with South Florida Water Management District ("SFWMD"), Florida Department of Environmental Protection ("FDEP"), and Lee County requirements and shall be planted in native emergent or submergent aquatic vegetation. The Developer shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

4. The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD Environmental Resource Permit ("ERP"), and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

5. The Developer shall undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the project. The Developer shall encourage any private parcel owners within the development to institute regularly scheduled vacuum sweeping of their respective streets and/or parking areas.

6. Design considerations will be given to ditch and swale slopes, where practical, so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process.

7. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

8. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

9. The master stormwater management system will be maintained by the Developer or legal assignee.

6. HISTORICAL AND ARCHAEOLOGICAL SITES (Refer to Appendix I-F)

A Cultural Resources Survey was prepared and approved by the Florida Department of State, Division of Historical Resources ("DHR"). No cultural resources eligible for listing on the National Register of Historic Places were identified within the project site, and the development is unlikely to affect historic properties.

RECOMMENDATIONS

Any Development Order issued by Lee County shall contain the following provision:

A) Conditions for Development Approval

1) If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), SWFRPC, and Lee County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

7. TRANSPORTATION (Refer to Appendix I-G)

Three Oaks Regional Center at Alico Interchange Park is an approved 105-acre parcel within the larger approved Alico Interchange Park development of regional impact, located south of Alico Road and west of I-75 in Lee County. This application (proposes the addition of 450,000 sq. ft. of commercial office space to the development through vertical expansion of nine of the 17 office buildings within the development. No change is requested to the build-out date for the project of April 20, 2011.

Previously in the DRI process, the Alico Interchange Park DRI prepaid transportation mitigation obligations of $10,484, 427 to Lee County, consistent with a development agreement with Lee County that included concurrency vesting. Lee County, FDOT and SWFRPC staff reviewers agree that the Transportation Analysis provided by the applicant sufficiently supports the conclusion that the proposed changes to the development order are not likely to result in significant regional impacts beyond those which are identified and that the applicant is not subject to additional mitigation payments based on this application.

RECOMMENDATIONS

Any Development Order issued by Lee County shall contain the following provision:

A) Conditions for Development Approval

1) The condition that the project may not exceed a maximum of 4,489 peak hour external trips without further DRI review and approvals be retained and included in the development order;

2) The project build-out date is April 20, 2011, and that should be clearly specified in the development order;

3) Development Order condition D3(c) listed under Transportation be modified to language acceptable to Lee County, retaining provisions for the middle access on Three Oaks Parkway while eliminating reference to a full median opening which will accommodate all turning movements;

4) All other transportation-related conditions in the current development order will be included in the new development order and remain in effect, including monitoring requirements, reporting requirements, and requirements to provide multi-modal transportation mobility options within the project and connecting to off-site bicycle, pedestrian and transit networks.

ATTACHMENT II

FIFTH AMENDED DEVELOPMENT ORDER[1]

FOR

ALICO INTERCHANGE PARK

A DEVELOPMENT OF REGIONAL IMPACT

#4-8485-54

Let it be known, that pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, has heard at a public hearing first convened on March 17, 1986, the application for development approval for Alico Interchange Park, a residential/commercial development on approximately 345 acres to be developed in accordance with the application filed for development on April 11, 1985 by Paul H. Freeman, authorized representative for Alico Interchange Park.

WHEREAS, the original Alico Interchange Park DRI Development Order was approved on November 10, 1986; and

WHEREAS, the Alico Interchange Park DRI Development Order was subsequently amended on February 17, 1992 to reduce the total number of dwelling units from 1,124 to 992; reduce motel acreage from 19 to 11 acres; increase mixed commercial square footage from 720,000 to 965,000 for the regional mall, but decrease other retail area so as to maintain overall commercial retail at 1,155,000 square feet; transfer a 15-acre park site and 10-acre school site to Villages of San Carlos DRI; realign Winged Foot Drive extension; establish procedures for impact fee credits; and extend buildout of all phases and final completion by three years less one day starting May 6, 1987 (the effective date of the original DRI DO); and

WHEREAS, on July 16, 1998 the developer submitted a Notice of Proposed Change to amend the Alico Interchange Park DRI Development Order a second time to comply with Conditions II.D and II.E.1 pertaining to traffic impacts attributable to development of the 990,000 square foot regional mall; and

[1]This document represents a compilation of the original DRI Development Order dated November 10, 1986, the First Development Order Amendment dated February 17, 1992, the Second Development Order Amendment dated August 21, 2000, the Third Development Order Amendment dated November 15, 2005, the Fourth Development Order Amendment dated May 5, 2008, and the changes proposed by this Notice of Proposed Change, with additions underlined and deletions struck through.

WHEREAS, the Alico Interchange Park Development Order was subsequently amended on August 21, 2000 to amend the mix of uses to consist of the following: a total of 800 dwelling units; 400 hotel rooms; 326,000 square feet of office and professional non-retail commercial; and 1,120,000 square feet of retail commercial (130,000 square feet of retail and service and 990,000 square feet for a regional mall) for a total of 1,446,000 square feet of commercial development; and,

WHEREAS, on November 15, 2005, the Alico Interchange Park DRI Development Order was subsequently amended to extend the build out date to April 20, 2011, delineate a termination date of April 20, 2013, eliminate reference to a regional mall land uses, amend this development order text and Map H to conform to administrative zoning changes approved by Lee County, provide for a maximum of 1,446,000 square feet of combined total office/retail square footage (which includes up to750,000 square feet planned for corporate headquarters office use) provided the retail square footage does not exceed a maximum of 1,120,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet; and,

WHEREAS, on May 5, 2008 Alico Interchange Park DRI Development Order was subsequently amended to reflect the addition of a driveway connection to Winged Foot Drive by revising the Master Development Plan (Map H); and,

WHEREAS, on January 24, 2008, the Developer submitted a Notice of Proposed Change to amend the Alico Interchange Park DRI Development Order a fifth time to add 450,000 square feet of office use in the parcel located in the Northwest corner of the project and labeled as Three Oaks Regional Center on Map H for a total commercial square footage in the overall DRI (including office and retail uses) of 1,896,000 square feet, provided the retail square footage does not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) with a maximum building height of 95 feet; and,

WHEREAS, in accordance with Florida Statutes 380.06(19)(e)2, the proposed change to the Alico Interchange Park DRI Development Order constitutes a substantial deviation and, therefore, is subject to the requirements of §380.06(19)(e)(3) or (e)(5); and,

WHEREAS, on June 1, 2009, Senate Bill 360 (SB360) was signed into law by the Governor of the State of Florida. SB360 provided a statutory two-year extension for DRIs with build out dates expiring between September 1, 2008 through January 1, 2012; and,

WHEREAS, the Board of County Commissioners recognized the statutory extension and established a procedure for implementing SB360 in Lee County Resolution 09-06-22 on June 23, 2009; and,

WHEREAS, in addition to the Notice of Proposed Change, the Developer submitted a request for an extension of the DRI build out date on October 30, 2009, Concurrency Certificate, and Development Order for the Alico Interchange Park DRI; and,

WHEREAS, Alico Interchange Park DRI qualifies for the two-year extension of its build out date from April 20, 2011 to April 20, 2013; and,

WHEREAS, under Lee County Resolution 09-06-22, concurrency vesting is also extended to April 20, 2013, consistent with the build out extension; and,

WHEREAS, under SB 360, the two-year extension, by itself, does not constitute a substantial deviation from the original development approvals warranting further DRI review; and,

WHEREAS, the Board desires to adopt a codified Development Order to consolidate all of the past actions taken in regards to this approved development; and,

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida, that the development order for Alico Interchange Park DRI is further amended as set forth below:

***NOTE**: New language is underlined and deleted language is struck through.*

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The applicant originally proposed to develop a mixed-use project with 1,498 residential dwelling units (including 200 congregate living units), a 20-acre motel/tourist district, a 60-acre regional mall, 8 acres for general commercial purposes, 41 acres for office space, 30 acres for general retail and services, and 17 acres for public use, on approximately 345 acres. The mixed use DRI project, as originally approved in 1986, consisted of a total of 1,124 dwelling units (481 single-family, 643 multiple-family); 400 hotel units; 326,000 square feet of office and professional non-retail commercial; and a total of 1,155,000 square feet of retail commercial (250,000 square feet retail service; 720,000 square feet regional mall; 185,000 square feet miscellaneous retail associated with mall).

In 1992, the Alico Interchange Park DRI was amended to approve a mixed use project consisting of a total of 992 dwelling units (467 single family, 525 multiple-family); 400 hotel rooms; 326,000 square feet of office and professional non-retail commercial; and a total of 1,155,000 square feet of retail commercial (165,000 retail and service; 965,000 square feet regional mall and 25,000 square feet miscellaneous retail associated with mall).

In 2000, the Second Amendment to the Alico Interchange Park DRI Development Order ~~was amended to~~ approved ~~the~~ a mix of uses ~~approved as part of the Alico Interchange DRI to~~ consisting of ~~the following:~~ a total of 800 dwelling units (467 single family, 333 multiple-family),~~;~~ 400 hotel rooms~~;~~, 326,000 square feet of office and professional non-retail commercial; and ~~a total of~~ 1,120,000 square feet of retail commercial (130,000 square feet of retail and service~~;~~ and 990,000 square feet regional mall).

Adoption of the third DRI Development Order amendment extend~~s~~ed the build out date to April 20, 2011, eliminate~~s~~d reference to the regional mall land use, and amend~~s~~ed Map H to conform to the administrative zoning changes approved by Lee County in October 2005 that provided for a maximum of 1,446,000 square feet of combined total office/retail square footage (includes up to 750,000 square feet planned for corporate headquarters/office use), provided the retail square footage does not exceed a maximum of 1,120,000 square feet; 400 hotel rooms; and 800 residential dwelling units (5.0 dwelling units per gross residential acre). Maximum building height is 95 feet. (*See* ADD2005-00180). These development parameters are reflected on the phasing schedule and Map H, attached as Exhibits A and B. Notwithstanding the foregoing, the traffic generated by the project ~~may not exceed~~was limited to a maximum of 4,489 peak hour external trips, otherwise ~~without~~ further DRI review and approvals will be required.

The Fourth DRI Development Order amendment revised the Master Development Plan (Map H) to include an additional driveway connection to Winged Foot Drive.

Adoption of the Fifth DRI Development Order amendment adds a total of 450,000 square feet of office use for a maximum of 1,896,000 square feet of combined total office/retail square footage, provided that the retail square footage does not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet and extends the DRI build out date until April 20, 2013.

B. The legal description of the entire Alico Interchange Park DRI property is attached as Exhibit C.

C. The property is currently zoned Residential Planned Development and Commercial Planned Development. Zoning resolution Z 91-082and ADD2005-00180 [2] contain~~s~~ additional details and restrictions on Alico Interchange Park, and also provides for certain deviations from the Lee County property development regulation~~s~~; and

D. The Application for Development Approval is consistent with the requirements of §380.06, Florida Statutes; and

[2] Resolution Z91-0822 and ADD2005-00180 are superseded by Resolution Z-09-041.

E. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of §380.05, Florida Statutes; and

F. The development does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan; and

G. The proposed development has previously been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body on November 21, 1985, and subsequently forwarded to Lee County pursuant to the provisions of §380.06, Florida Statutes, and the proposed development, as modified by this Development Order is consistent with the report and recommendations of the Southwest Florida Regional Planning Council; and

H. The proposed conditions below meet the criteria found in §380.06(15)(d), and (e), Florida Statutes; and

I. The proposed development, as modified by the conditions stated herein, is consistent with the Lee County Comprehensive Plan; and

J. Senate Bill 360 was signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06). SB360 provided a statutory two-year extension for DRIs with build out dates between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted by the Board on June 23, 2009,

Alico Interchange Park DRI qualifies for a two-year extension of its build out date from April 20, 2011 to April 20, 2013. Under Lee County Resolution 09-06-22, concurrency vesting is also extended to April 20, 2013, consistent with the build out extension. Under SB 360, the two-year extension does not constitute a substantial deviation from the original DRI development approvals warranting further DRI review.

~~J.~~K This ~~third~~ Fifth amendment to the DRI Development Order includes conditions necessary to mitigate the traffic impacts associated with the entire DRI, with a build out date of April 20,~~2011~~2013. Impacts associated with further extensions of the buildout date may require review of traffic impacts, as noted in Condition D.7, and subject to the Developer Agreement referred to therein.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on April 19, 2010, that the requested amendments to the Alico Interchange Park Development of

Regional Impact are hereby APPROVED, subject to the following conditions, restrictions, and limitations:

A. DRAINAGE/WATER QUALITY

1. The surface water management system for the Alico Interchange Park must implement the design standards and water quality "best management practices" outlined in the Application for Development Approval (A.D.A.) (in particular, the response to Question 22, Drainage), and all supplemental information presented in response to sufficiency questions. These design standards and practices include, but are not limited to, the following:

(a) The existing borrow pit will be physically separated from the surface water management system, due to its proximity to the potable water wellfield;

(b) One-half inch of dry retention pre-treatment will be required prior to sheet flow discharge into the lake system (10.5 +/- acres of land were proposed for this purpose in the A.D.A.);

(c) The use of gently-sloped grassed swales to channel run-off on long travel paths through the swale network to increase filtering/recharge, and to cause removal of turbidity, petroleum residue, and nutrients;

(d) The use of berms along the lake banks to preclude the direct flow of polluted run-off directly into the lake; and

(e) The use of a baffled outfall structure to limit the discharge rate and facilitate the entry of water from the central portion of the pond water column.

2. The developer and his successor(s) must implement and maintain an on-going monitoring and maintenance program that regularly inspects, maintains, and samples the stormwater drainage system, including lake and wetlands monitoring, during and after the development of Alico Interchange Park. The developer will establish the legal entity that will carry out this program after tracts and/or units are sold; the documents creating such entity must be approved by the Lee County Attorney's Office and the South Florida Water Management District prior to the implementation of the monitoring program. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with the Lee County Department of Community Development. The purpose of this program is to ensure that the stormwater drainage system functions in every aspect as planned. Should the monitoring program indicate that

the system is not functioning as planned, or not constructed in accordance with all approved plans, permits, and county requirements, or is not meeting water quality standards of the applicable agencies, further development approvals will not be granted until the developer has completed corrective measures as specified by Lee County.

3. The developer must prepare a proposal to construct littoral shelves in the large lake system shown on the Master Concept Plan, in addition to the 6:1 side slopes, to offset the exceptionally large size of this lake. The Lee County Department of Community Development will review this proposal, and either accept or reject the plans, with the basis of any rejection clearly stated. The developer is responsible for the construction and planting of these shelves during the construction of the surface water management system.

4. The developer must implement a parking lot and street vacuum-sweeping program for all commercial areas of the project, on at least a twice-weekly basis.

5. Restrictive covenants must be prepared by the developer (subject to the approval of the Lee County Attorney's Office) that prohibit the use, generation, or storage of hazardous materials within the cone of influence for the Gulf Utility Company wellfield, as specified by the South Florida Water Management District at the time of permitting of the surface water management system, and require the use of appropriate containment features to ensure the separation of possible hazardous materials handling areas from the surface water management system as well as the development of an emergency response plan in the event a spill occurs. ~~See also Conditions M.4 and M.5 below~~.

6. The developer must coordinate with Lee County and the Florida Department of Protection (DEP) for the provision of temporary transfer/storage facilities to accommodate all special and hazardous wastes, as classified by DEP, that are generated by the development. This facility should not be located on-site due to the potential risk of groundwater contamination to the Gulf Utility Company wellfield along the southeastern boundary of the Alico Interchange Park site.

B. ENERGY

All site plans or architectural programs must incorporate, as a minimum, the following conservation features into all site plans and architectural programs, or the property owner/developer must ensure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to ensure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative must be utilized and the following features must be included.

These features are:

1. The provision of a bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project, and also along Alico Road west of Three Oaks Parkway (Corlico Parkway). This system is to be constructed in accordance with Lee County standards, and include walking/jogging paths and the extension of the bicycle/pedestrian system along all public streets within the development;

2. The provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas;

3. The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, to specifications of the appropriate Lee County agencies;

4. The use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans in residential units;

5. The installation of energy-efficient appliances and equipment;

6. The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);

7. The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the Lee County Department of Community Development;

8. The installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas;

9. The installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, §553.14, Florida Statutes.

10. The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;

11. The planting of native shade trees for each residential unit, and to provide shade for all streets, parking areas, and recreation areas;

12. The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;

13. The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;

14. The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;

15. The inclusion of porch/patio areas in residential units whenever possible; and

16. The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15.

17. Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

18. Site development shall strive to comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

19. All thermostats installed in any structure shall be programmable.

20. Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards.

21. All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows.

22. Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed commercial structures. Green roofs shall be evaluated at the time of building design.

23. The above conditions shall be reported in the biennial monitoring report.

C. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer must establish a homeowner's association to provide a program of education and information to the residents. This program will include the risks of environmental hazards, actions to be taken in the event of an evacuation, and actions necessary to mitigate the dangers posed by environmental hazards such as hurricanes.

2. The developer must establish a hotel/motel emergency management program to educate and inform the clientele. This program will include the subject matter described in Condition C.1 above.

3. The developer must contact the Lee County Disaster Preparedness Director to discuss the designation and use of certain non-residential areas as an alternative public emergency shelter.

4. All finished floor levels within the development must be at a minimum elevation of 17 feet NGVD.

D. TRANSPORTATION

1. The traffic impact assessment upon which this Development Order for Alico Interchange Park is based, assumes a maximum generation of 4,489 peak hour external trips at build out.

2. A biennial monitoring program to be performed by traffic engineers engaged by the developer must be established to monitor the development's impact upon the area's roadways. The monitoring program must be designed in cooperation with the Lee County Department of Transportation and Engineering, which will determine specific information needed, frequency of information gathered, critical roadway points, and any other necessary information. At minimum, the Biennial Monitoring Report must contain:

(a) average daily and PM peak-hour traffic counts with turning movements at the following intersections:

(1) All project access points onto Alico Road, Three Oaks Parkway (Corlico Parkway) and Winged Foot Drive (Ohio Boulevard);

2) Three Oaks Parkway (Corlico Parkway) at ~~Alico Road~~, Corkscrew Road, Pittsburgh Boulevard, and Winged Foot Drive (Ohio Boulevard);

(3) Oriole Road at Alico Road, ~~Winged Foot Drive (Ohio Boulevard) and Pittsburgh Boulevard~~;

(4) U.S. 41 at Alico Road;

(5) U.S. 41 at Gladiolus Drive/Ben C. Pratt/Six Mile Cypress Parkway;

~~(6) U.S. 41 at Corkscrew Road~~;

(~~7~~6) ~~Alico Road~~ Colonial Boulevard at all I-75 ramps; and

(~~8~~7) Daniels Parkway at all I-75 ramps.

(~~9~~8) ~~U.S. 41 and San Carlos Boulevard~~ State Route 82 at all I-75 ramps.

(b) a level of service analysis on the following significantly impacted road segments:

(1) U.S. 41 from Alico Road to Island Park Road

(2) U.S. 41 from Island Park Road to Briarcliff Road

(3) U.S. 41 from Briarcliff Road to Gladiolus Drive/Ben C. Pratt/Six-Mile Cypress.

(4) I-75 from Colonial Boulevard to State Route 82

(5) Corkscrew Road - from Three Oaks Parkway to I-75

(6) Colonial Boulevard from Six Mile Cypress Parkway to Forum Boulevard

~~(1) Alico Road - from US 41 to Ben Hill Griffin Parkway~~

~~(2) Ben Hill Griffin Parkway - from FGCU entrance to Alico Road~~

~~(3) Corkscrew Road - from U.S. 41 to Three Oaks Parkway~~

~~(4) Daniels Parkway - from Metro Parkway to Fiddlesticks Boulevard~~

~~(5) Daniels Parkway - from Chamberlin Parkway to Gateway Boulevard~~

~~(6) Daniels Parkway - from Chamberlin Parkway to SR 82~~

~~(7) Gunnery Road - from SR 82 to SW 23rd Avenue~~

~~(8) Lee Road - from San Carlos Boulevard to Pittsburgh Boulevard~~

~~(9) Lee Road - from San Carlos Boulevard to Alico Road~~

~~(10) Oriole Road - from North Cypress Drive to Alico Road~~

~~(11) Oriole Road - from San Carlos Boulevard to Alico Road~~

~~(12) Pittsburgh Boulevard - from Lee Road to Three Oaks Parkway~~

~~(13) San Carlos Boulevard - from Corkscrew Road to Daniels Parkway~~

~~(14) San Carlos Boulevard - from U.S. 41 to Lee Road~~

~~(15) Three Oaks Parkway - from Corkscrew Road to Daniels Parkway~~

~~(16) Treeline Avenue - from Alico Road to Daniels Parkway~~

~~(17) Treeline Avenue - from Alico Road to SWFIA west entrance~~

~~(18) U.S. 41 - from Alico Road to Ben C. Pratt/Six Mile Cypress Parkway~~

~~(19) U.S. 41 - from Old 41 to Corkscrew Road~~

~~(20) Winged Foot Drive - from Oriole Road to Three Oaks Parkway~~

~~(21) I-75 from Alico to Daniels Parkway~~

The developer or his representative must submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for Alico Interchange Park DRI. Reports will then be submitted to the agencies listed above each year until buildout of Alico Interchange Park DRI. Actual buildout will occur when the developer has constructed the maximum number of dwelling units and commercial area permitted by the Development Order. Declared buildout would occur if the

developer formally declared in writing to the County Administrator that no more units or commercial area will be constructed despite the fact that less than the permissible maximum had been built to date. The purpose of this program is to (a) determine whether the traffic levels projected in the Traffic Impact Statement for Alico Interchange Park are exceeded by actual traffic; and (b) assist Lee County in determining the proper timing of necessary roadway improvements.

3. During each phase of development, the developer must construct, at no cost to Lee County, all improvements deemed necessary by the Lee County Engineer at the project's access points onto Alico Road, Three Oaks Parkway (Corlico Parkway), and Winged Foot Drive (Ohio Boulevard), including those necessary to accommodate the specific access configurations listed below.

The developer must also construct, at no cost to Lee County, all improvements deemed necessary by the Lee County Engineer to interconnect DRI internal roads with Oriole Road, Winged Foot Drive (Ohio Boulevard), and Pittsburgh Boulevard.

The developer's obligation for these improvements must include the full costs of design/engineering, utility relocation, right-of-way acquisition, construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization and construction schedule for these improvements must be approved by the Lee County Engineer.

In order to maintain efficient traffic operation in the I-75/Alico Road interchange area, no direct access to Alico Road will be allowed between the I-75 interchange and Three Oaks Parkway (Corlico Parkway).

Unless additional access is approved by the Director of Lee County Department of Transportation, access from the project shown on Map H to Alico Road and Three Oaks Parkway is approved and will be permitted as follows:

(a) The access to the site to and from Alico Road will include a median opening that will accommodate all turning movements, and signalization if warranted. If the Traffic Impact Statement (TIS) submitted for the local development order demonstrates that a signal is warranted, then the signal will be built as part of the access construction.

(b) The north and south accesses from Three Oaks Parkway to and from the commercial site west of Three Oaks Parkway and the commercial

property east of Three Oaks Parkway will be right-in/right-out accesses only.

(c) The middle access from Three Oaks Parkway to and from the commercial site west of Three Oaks Parkway and the commercial property to the east of Three Oaks Parkway will be a full median opening that will accommodate all turning movements and signalization, if warranted. Notwithstanding, the County retains the right to modify the median cut and remove the signal if the median cut or signalization presents a threat to public health, safety and welfare.

(d) The intersection of Winged Foot Drive and Three Oaks Parkway will include a median opening that will accommodate all turning movements.

(e) All other accesses to the project will be as depicted on Map H.

The developer is not eligible for credits against roads impact fees for construction or dedication of right-of-way associated with the specific improvements listed in Condition D.3 above because they are site-related as defined in the Lee County Roads Impact Fee regulations

4. The developer is responsible for:

(a) Dedicating, at no cost to Lee County, sufficient right-of-way to provide a total of one hundred (100) feet of right-of-way for Three Oaks Parkway (Corlico Parkway) from Alico Road to the southern boundary of the DRI[3]; and

(b) Constructing an additional two lanes to Three Oaks Parkway (Corlico Parkway) from Alico Road to the southern boundary of the DRI when deemed necessary by the Lee County Engineer to maintain the adopted level of service prior to buildout of Alico Interchange Park; and

(c) Providing all intersection improvements deemed necessary by the Lee County Engineer as a result of the development of Alico Interchange Park at the intersection of Alico Road and Three Oaks Parkway (Corlico Parkway) during buildout of Alico Interchange Park.

[3]This requirement has been satisfied.

At a minimum, the developer must provide, at no cost to Lee County, the following improvements at the intersection of Three Oaks Parkway (Corlico Parkway) with Alico Road: on the Three Oaks Parkway (Corlico) approach to Alico Road, dual left-turn lanes, and a free flow right-turn lane with a full acceleration lane on Alico Road. These improvements are necessary due to the traffic generated by Alico Interchange Park DRI. The timing of these improvements will be established by the Lee County Engineer. The developer's obligation for these improvements includes the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization, and construction schedules for these improvements must be approved by the Lee County Engineer.

Road impact fee credits will be issued for construction and any additional right-of way dedication associated with the widening of Three Oaks Parkway from 2 lanes to 4 lanes, including the intersection improvements required at Three Oaks Parkway and Alico Road in conjunction with this widening, in accordance with the Roads Impact Fee regulations in effect at the time the developer applies for the credits.[The issuance of road impact fee credits for this improvement is appropriate because it is in the 5 year CIP of 2000 and considered a class one road.] For dedication purposes, the value of the land will be established as of the date the Lee County Engineer determines the widening is necessary to maintain the adopted level of service. Improvements to Three Oaks Parkway have also been identified in the MPO 2020 Financially Feasible Plan as a means to relieve traffic volumes on I-75.

5. The developer must: (a) dedicate a total of eighty (80) feet of right-of-way for the extension of Winged Foot Drive (Ohio Boulevard) from Oriole Road to Three Oaks Parkway (Corlico Parkway); and (b) construct the two-lane extension of Winged Foot Drive (Ohio Boulevard) from Oriole Road to Three Oaks Parkway (Corlico Parkway).

The developer's obligation for these improvements includes the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization and construction schedule for these improvements must be approved by the Lee County Engineer.

Credits against roads impact fees for construction and right-of-way dedication associated with this extension of Winged Foot Drive (Ohio Boulevard) will be granted in accordance with the Roads Impact Fee regulations in effect at the time credits are claimed.

No credit against roads impact fees may be granted for right-of-way dedication in excess of the eighty (80) feet required in Condition D.5.

6. In accordance with the traffic impact analysis prepared for the second development order amendments the total proportionate share obligation for the development of the Alico Interchange Park DRI through 2005 is $10,484,427.[4]

7. The Developer and Lee County entered into a Developer Agreement on November 15, 2005, that provides for a lump sum payment of the development's proportionate share obligation (as adjusted), in exchange for concurrency vesting until 2014 for the build out level of development up to a maximum of 4,489 peak hour external trips. The project may not exceed a maximum of 4,489 peak hour external trips without further DRI review and approvals.

8. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Taxing or Benefit Units or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree that this development generates demand or is benefited.

~~F~~E. RESIDENTIAL DENSITY

1. Residential development is limited to a maximum total of 800 units in the mix identified in Exhibit A, except as provided in the following paragraph.

2. The Lee Plan does not allow residential density in the area of this development to exceed 6.0 units per acre without the use of "bonus" provisions for low and moderate income housing. The oval-shaped residential area shown on the Master Concept Plan and bounded by Winged Foot Drive, Three Oaks Parkway (Corlico Parkway), Pittsburgh Boulevard, and the new road parallel to Three Oaks Parkway (Corlico Parkway), is an appropriate location for bonus density units in the event the developer applies and qualifies for such additional units in the future, as the potential density would be compatible with the intensity of the surrounding land uses. The developer may apply for bonus density units. In order to qualify for bonus density units in the future, the developer must amend his zoning approval and comply with all other Lee County requirements. Bonus density may only be granted to the extent permitted by the Lee Plan and Housing Bonus Density Ordinance in effect at the time of approval of bonus density units.

~~G~~F. EDUCATION

[4] The proportionate share payment requirement has been satisfied.

1. The original DRI Development Order required the dedication of a 10-acre school site or fee-in-lieu for Alico Interchange Park.[5] That dedication is revised so that:

(a) Instead of 10 acres or fee-in-lieu for Alico Interchange Park, the dedication must consist of a 5-acre site adjacent to the middle school site in the Villages of San Carlos Development of Regional Impact and provision for road access improvements. The developer of Alico Interchange Park must construct an east bound left turn lane from Koreshan Boulevard onto Cypress View Drive, and Cypress View Drive must be extended to connect Koreshan Boulevard to Three Oaks Elementary School. The access improvements must be completed no later than 18 months after the effective date of the First Development Order Amendment.

(b) Consistent with the requirements of §380.06(16)(b), Florida Statutes, the developer is entitled to impact fee credit for the school site dedication and road access improvements, if a school impact fee is enacted at a later date and such credit is provided for, or if required by law.

2. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations are to be determined by the Lee County School Board and the developer as part of the local development order process for each appropriate phase.

~~H~~G. FIRE PROTECTION

1. The original development order approval required the developer to donate to the Lee County Board of County Commissioners, for shared use by the Sheriff's Department, Emergency Medical Service and the San Carlos Fire District, a 2.7+/- acre Sheriff's Substation/EMS Substation/Fire Station site to be known as the emergency services site. It has been determined that this site is no longer necessary to meet the public safety needs generated by the project. Therefore, the donation is no longer required. Also, a total of $58,412 (or a contribution of equal or greater value, acceptable to the fire district) must be provided to the fire district. The size, location, and timing of any monetary contribution must be negotiated with and satisfactory to the San Carlos Fire District. For any payment that is deferred, the amount due upon eventual payment should be the original amount adjusted for changes in the Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications). Such donation and payment must

[5] This condition has been satisfied.

be made no later than the developer's first biennial report, unless a binding contract between the developer and the District agreeing to a different schedule is executed. The developer must provide a copy of any such agreement to the Department of Community Development. If this payment has not been made in a timely manner, no further building permits will be issued until payment is made, including 10% interest per annum.

2. If the height of any buildings in the development exceeds three (3) habitable stories, or if other construction styles or occupancy types so warrant, the developer must purchase ladder trucks and other equipment deemed necessary for this specialized fire protection by the San Carlos Fire District, and donate said equipment to the District.

3. Consistent with the requirements of §380.06(16), Florida Statutes, and if allowed by and pursuant to the applicable ordinances, or if required by law, the developer is entitled to:

(a) Fire impact fee credits equal to the amount of the contribution the developer makes to the San Carlos Fire District, pursuant to Condition ~~H~~G.1. and ~~H~~G.2.

4. The aforesaid impact fee credits will be established, in the case of fire and EMS, at the time the contribution is made.

~~I~~H. HEALTH CARE

The developer must designate a site to be used by Lee County Emergency Medical Services as an emergency helicopter landing site. The site should have road frontage and be free of aerial obstacles, and is subject to the approval of Lee County Emergency Medical Services.

~~J~~I. RECREATION AND OPEN SPACE

1. The original DRI Development Order required the dedication of a 15-acre park site to Lee County. That dedication is revised so that instead of 15 acres within Alico Interchange Park, the obligation consists of a 15-acre transfer to a park site in the Villages of San Carlos Development of Regional Impact so that the park will total 38.2 acres within that project.[6]

2. There must be no reduction in open space relative to the original DRI Development Order approvals ~~as a result of this amendment~~. The development must consist of no less than 86.36 acres of open space excluding lakes.

[6] This condition has been satisfied.

~~K~~J. VEGETATION AND WILDLIFE/WETLANDS

1. All lake bank slopes must be constructed with broad littoral zones not steeper than 6:1 to a depth of 4 feet below the dry season water table. These littoral areas must be planted with native vegetation (with a total cattail population of not more than 20 percent); if the survival rate of the native vegetation after one year is less than 80 percent, replanting will be required. These requirements apply also to the existing borrow pit just north of the wellfield.

2. The developer must prepare a proposal for a long-term exotic vegetation control program. The Lee County Department of Community Development must review this proposal, and either accept or reject the plan, with the basis of any rejection clearly stated. The developer or his successors are responsible for the implementation of this program for those portions of the subject property that have not been conveyed to their final users. This proposal must be submitted with the developer's first biennial report.

3. The developer must coordinate construction of bird roosting areas within the southern lake system with the Florida Wildlife Commission (FWC) in order to ensure improved wildlife habitats.

4. The developer or his successor(s) must utilize a strong native landscaping program throughout the project, with an effort to save and/or create native upland habitat. This program must be submitted to the Lee County Department of Community Development. The Department must review this proposal, and either accept or reject the plan, with the basis of any rejection clearly stated. This plan must be submitted as part of the local development order process for each phase.

5. The developer or his successor(s) shall provide a 7.8± acre gopher tortoise recipient area along the western property boundary. All gopher tortoise burrows located within the development footprint will be excavated and the resident gopher tortoises relocated into the 7.8± acre gopher tortoise recipient area. The submitted Lee County Indigenous Area Management Plan contains the gopher tortoise relocation plan. This plan shall be submitted as part of the local development order process for each phase.

~~L~~K. WATER SUPPLY

The Wellfield protection regulations set forth in Lee County Land Development Code Chapter 14 will be used to establish groundwater travel times applicable to providing protection to the potable water wellfields operated by Gulf Utility Company located in easements on this property. The following special conditions apply:

1. The developer must install and maintain a dual piping system for those parts of the project outside the 100-day travel time contour, in order to provide properly treated

wastewater effluent to meet irrigation requirements. Any such system should meet all relevant requirements and standards of the South Florida Water Management District, the Florida Department of Environmental Regulation, Lee County, and other pertinent agencies.

2. Within the 100-day travel time contour of the potable water wellfield, the following additional regulations apply:

(a) No spray irrigation, or other disposal method for sewage effluent may be conducted;

(b) Lakes may not be excavated closer than four (4) feet to the limestone portion of the aquifer, as determined by test borings submitted to the Division of Environmental Services at the time of final plan approval;

(c) If the limestone is encountered during excavation, it must be covered with four (4) feet of clean sand; and

(d) Bulk storage of fuels or pesticides, gasoline stations, and sewage effluent disposal ponds are not permitted.

3. Irrigation withdrawals from surface or ground water resources are only permitted for those parts of the project inside the 100-day travel time contour.

4. The use, generation, or storage of hazardous materials within the 210-day travel time contour of the wellfield is hereby prohibited in order to protect the potable water wellfield.

5. For those areas within the proposed project that are outside the 210-day travel time contour, any use, generation, or storage of hazardous materials should be preceded by the development and approval (by appropriate agencies) of containment features, as well as an emergency response plan in the event a spill occurs.

6. Any gasoline station must be located the maximum distance from the wellfield, and designed with an extra bentonite (or comparable) liner outside of the tank to prevent any potential contaminant from entering the aquifer. Monitoring wells must be constructed around such facilities to check the quality of the groundwater on a regular basis.

7. Water Conservation

a) Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:

Toilets: 1.6 gallons per flush
Shower heads: 2.5 gallons per minute
Faucets: 2.5 gallons per minute

b) Drought-Tolerant Landscaping: The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site.

c) Reuse Water: If available at the time of development permitting, irrigation water will utilize reclaimed water produced by the water reclamation facility. During times when irrigation demand exceeds reclaimed water supply, irrigation water will be derived from the on-site lake system. The lake system will be replenished with ground water derived from Floridian aquifer wells.

8. Leak Detection Program: Reports of water leaks will be directed to personnel during business hours. Site tours and routine maintenance personnel trips along water supply and distribution lines will also be conducted. On a monthly basis, customer metered usage will be compared to the master meter reading.

9. Irrigation System Design: Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas.

10. Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program. The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The program will also identify appropriate buffer requirements for all areas on the site with respect to wetlands and all natural or created bodies of water.

11. The proposed water treatment and distribution and wastewater collection and treatment systems will be designed consistent with County standards. The project wastewater management will plan to comply with SWFRPC Resolution 2007-02.

12. All potable water facilities will be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a flow rate approved by the County Fire Department.

13. The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.

14. The applicant will establish water and wastewater services with Lee County Utilities for the Three Oaks Regional Planning Center within the Alico Interchange Park DRI.

~~M~~L. PHASING

The development phasing schedule attached to this document as Exhibit A is hereby incorporated as a condition of approval of this Development Order. The Development Order conditions and applicant commitments based upon and incorporated the Application for Development Approval, sufficiency documents, NOPC applications and amended Development Order are intended to mitigate regional impacts. If these conditions and commitments are not generally carried out as indicated, to the extent or in accord with the timing schedules specified within this Development Order and phasing schedule, then a substantial deviation for the affected regional issues will be deemed to have occurred.

M. AFFORDABLE HOUSING

1. To satisfy the project's affordable housing impacts cumulatively the applicant shall contribute $90,258 to Lee County's Affordable Housing Trust Fund. The payment will be due and payable contemporaneously with obtaining the first building permit for any commercial portion of the CPD zoned property (Three Oaks Regional Center) in excess of the original 750,000 square feet of office and 146,000 square feet of retail.

N. STORMWATER MANAGEMENT

1. All internal storm water management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the South Florida Water Management District. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.

2. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

3. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with South Florida Water Management District ("SFWMD"), Florida Department of Environmental Protection ("FDEP"), and Lee County requirements and shall be planted in native emergent or submergent aquatic vegetation. The Developer shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

4. The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD Environmental Resource Permit ("ERP"), and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

5. The Developer shall undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the project. The Developer shall encourage any private parcel owners within the development to institute regularly scheduled vacuum sweeping of their respective streets and/or parking areas.

6. Design considerations will be given to ditch and swale slopes, where practical, so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process.

7. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

8. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

9. The master stormwater management system will be maintained by the Developer or legal assignee.

O. HISTORICAL AND ARCHAEOLOGICAL

If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), SWFRPC, and Lee County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. Resolution. This Development Order constitutes the response of the Board to the Development of Regional Impact Application for Development Approval and subsequent NOPC applications filed for Alico Interchange Park DRI. ~~by Paul H. Freeman.~~

2. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval, subsequent NOPC applications and supplementary documents and not in conflict with conditions or stipulations specifically enumerated, above are hereby incorporated into this Development Order by reference.

3. Binding Effect. This Development Order is binding upon the developer and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, may not be construed to be binding upon future residents of single dwelling units. It will be binding upon any builder/developer who acquires any tract of land within Alico Interchange Park that would allow the construction of commercial facilities or more than one residential unit on such tract.

4. Reliance. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

5. Enforcement. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, will be paid by the defaulting party. Conditions B (Energy) number 17 through 23, J (Vegetation And Wildlife/Wetlands) number 5, K (Water Supply) number 7 through 14, N (Storm Water Management) number 1 through 9, and O (Historical and Archaeological), as set forth in the Fifth Amendment to the Development Order, will apply only to the CPD zoned property (Three Oaks Regional Center) located west of Three Oaks Parkway and south of Alico Road.

6. Successor Agencies. Any reference herein to any governmental agency will be construed to mean any future instrumentality that may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

7. Severability. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

8. Applicability of Regulations. The approval granted by this Development Order is limited. Such approval may not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval does not obviate the duty of the applicant to comply with any applicable ordinances or other regulations adopted after the effective date of this Development Order.

9. Further Review. Subsequent requests for local development permits will not require further review pursuant to §380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or

(b) An expiration of the period of effectiveness of this Development Order as provided herein; or

(c) Any other requirements of Chapter 380, Florida Statutes, that would require additional review.

Upon a finding that any of the above are present, the Board will order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes, and all local approvals have been obtained.

The established build out date is April 20, ~~2011~~2013. Based upon the conditions applicable to approval of the second DRI development order amendment, extensions of the build out date beyond ~~2011~~ 2013 may be subject to further development-

of-regional-impact review pursuant to F.S. §380.06(19). Subject to the Developer Agreement referred to in Section II.D.7, the developer may be required to submit a cumulative traffic reanalysis and address mitigation of additional traffic impacts identified by the reanalysis in accordance with Condition II.D.7. For the purpose of calculating when a build out date has been exceeded, the time will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

11. Assurance of Compliance. The Administrative Director of the Lee County Department of Community Development or his/her designee is the local official responsible for assuring compliance with this Development Order.

12. Biennial Reports. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report biennially to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The biennial report must contain information as specified in Exhibit D. The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than November 1, 1987. Subsequent reports must be submitted no later than November 1st of ~~each~~ every other calendar year. Failure to comply with this reporting procedure is governed by §380.06(18) Florida Statutes, and the developer must so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This condition will not be construed to require reporting from residents or successors of individual home sites, or dwelling units.

13. Protection of Development Rights. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until April 20, 2013, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, and welfare.

14. Transmittal and Effective Dates. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded in the Office of the Clerk of the Circuit Court by the developer, as provided in §380.06(15), Florida Statutes.

Commissioner Judah made a motion to adopt the foregoing fourth amendment, seconded by Commissioner Bigelow. The vote was as follows:

Vacant	
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 19th day of April 2010.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

SEAL

Approved as to form

By: _____
Assistant County Attorney

Exhibits:
A. Phasing Schedule
B. Map H (reduced copy)
C. Legal Description
D. Biennial Monitoring Report Guideline

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
CHARLIE GREEN, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA
DATED: 4-30-10

BY: Marcia Wilson
Deputy Clerk

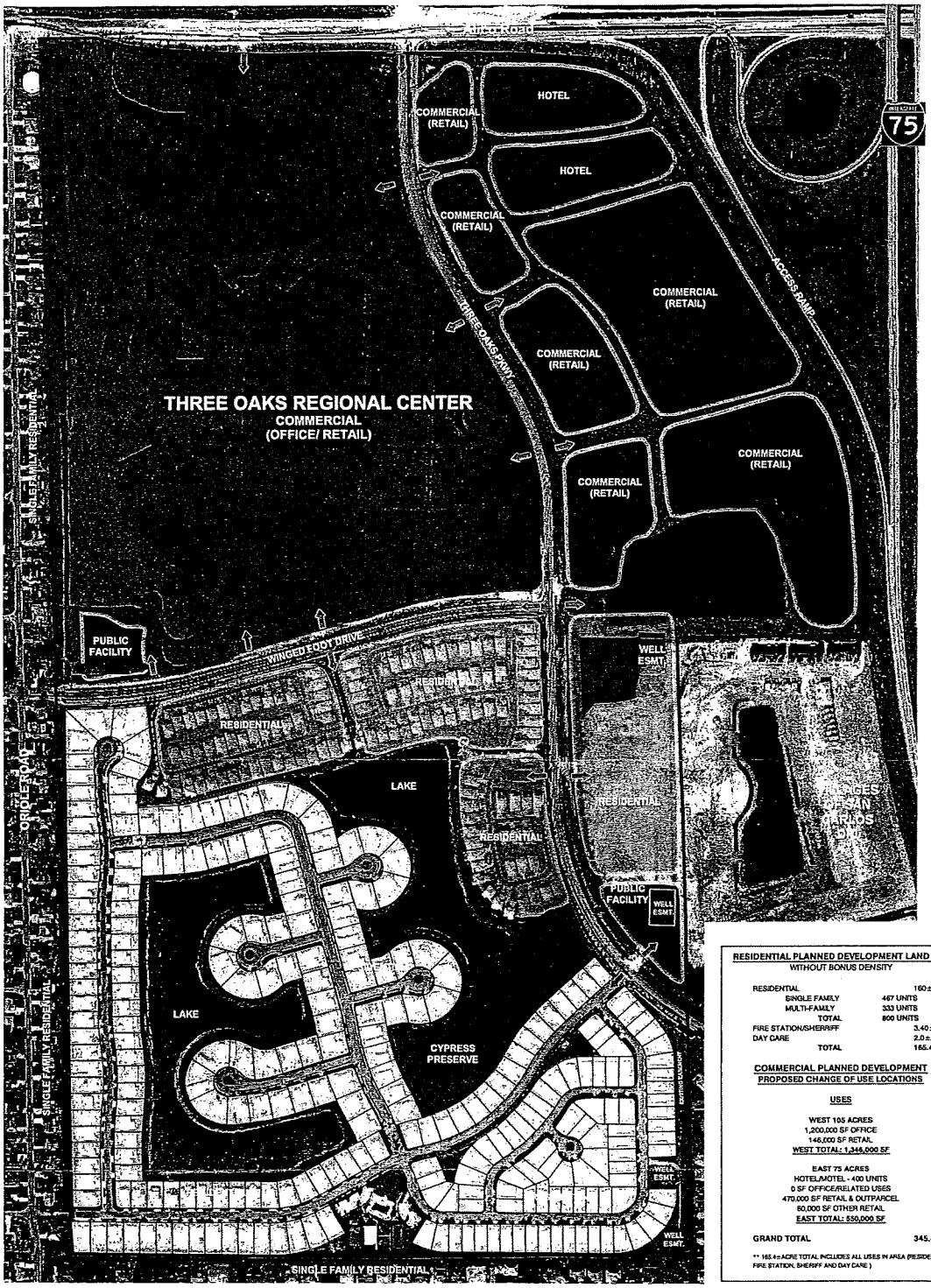
SUMMARY OF PROPOSED DEVELOPMENT PROGRAM AND PHASING SCHEDULE*

ALICO INTERCHANGE PARK DRI

Land Use	**Buildout ~~2011~~2013**
Single Family	467 d.u.
Multi-Family	333 d.u.
Hotel	400 rooms
Office/Retail	1,896,000 sq. ft.**~~1,446,000 sq. ft.**~~

*The ~~Third~~ Fifth Amendment to the DRI Development Order contemplates one phase ending on April 20, ~~2011~~2013.

** The 1,896,000 square feet of combined office/retail square footage includes up to a maximum of 696,000 square feet devoted to retail uses.~~The 1,446,000 square. feet. includes up to 750,000 square. feet. devoted to for corporate headquarters/office use; total retail usessquare footage will not exceed 1,120,000 sq. ft.~~



RESIDENTIAL PLANNED DEVELOPMENT LAND USE
WITHOUT BONUS DENSITY

RESIDENTIAL		160± AC
SINGLE FAMILY	467 UNITS	
MULTI-FAMILY	333 UNITS	
TOTAL	800 UNITS	
FIRE STATION/SHERIFF		3.40±AC
DAY CARE		2.0±AC
TOTAL		165.4±AC

COMMERCIAL PLANNED DEVELOPMENT
PROPOSED CHANGE OF USE LOCATIONS

USES

WEST 105 ACRES
1,200,000 SF OFFICE
146,000 SF RETAIL
WEST TOTAL: 1,346,000 SF

EAST 75 ACRES
HOTEL/MOTEL - 400 UNITS
0 SF OFFICE/RELATED USES
470,000 SF RETAIL & OUTPARCEL
80,000 SF OTHER RETAIL
EAST TOTAL: 550,000 SF

GRAND TOTAL 345.4±AC

** 165.4±ACRE TOTAL INCLUDES ALL USES IN AREA (RESIDENTIAL FIRE STATION, SHERIFF AND DAY CARE)

SINGLE FAMILY RESIDENTIAL | COMMERCIAL | PRESERVE

MULTI FAMILY RESIDENTIAL | PUBLIC FACILITY

Approved as Exhibit B
Map H Page 1 of 1
Resolution # Z-09-041

Alico Interchange Park DRI
Map H

EXHIBIT B

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

DRI 2008-00002

EXHIBIT C

Legal Description

A parcel of land lying in part of Section 10, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of Section 10; thence run S.1° 15' 49" E. along the West line of the Northwest Quarter (N.W. ¼) of said Section 10 for 50.00 feet to the point of beginning; thence run N.89° 22' 49" E. along the southerly right of way of Alico Road for 244.41 feet; thence run S.74° 28' 23" E. for 141.38 feet; thence run S.85° 16' 39" E. for 201.00 feet; thence run S.87° 24' 43" E. for 400.78 feet; thence N.89° 00' 43" E. for 400.00 feet; thence run S.87° 25' 17" E. for 225.04 feet; thence run N.89° 00' 43" E. for 296.95 feet; thence run S.87° 10' 27" E. continuing along said southerly right of way of Alico Road for 493.03 feet; thence run S.58° 57' 34" E. along the westerly right of way line of the southbound I-75 entrance ramp for 204.08 feet; thence run S.30° 48' 27" E. for 1414.02 feet; thence run southeasterly for 737.74 feet on the arc of a curve concave westerly having a radius of 1543.02 feet (chord distance 730.72 feet; chord bearing S.17° 06' 38" E.); thence run S.3° 24' 50" E. for 225.00 feet; thence continuing along said right of way line of Highway I-75 run southeasterly for 260.98 feet on the arc of a curve concave easterly having a radius of 5823.58 feet to a point on the South line of the Northeast Quarter (N.E. ¼) of said Section 10 (chord distance 260.96 feet; chord bearing S. 4° 54' 53"); thence run S.89° 18' 02" W. along said South line for 835.53 feet to the Northeast corner of the Southwest Quarter (S.W. ¼) of said Section 10; thence run S.1° 23' 47" E. along the East line of said Southwest Quarter (S.W. ¼) for 2664.23 feet to the Southeast Corner of said Southwest Quarter (S.W. ¼); thence run S.89° 49' 38" W. along said South line for 2650.40 feet to the Southwest corner of said Section 10; thence run N. 1° 26' 04" W. along the West line of said Southwest Quarter (S.W. ¼) for 2641.04 feet to the Northwest Corner of said Southwest Quarter (S.W. ¼); thence run N. 1° 15' 49" W. along the West line of the Northwest Quarter (N.W. ¼) of said Section 10 for 2637.03 feet to the point of beginning.

Tract herein described contains 345.3 acres.

Biennial MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report that must be submitted by the developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the biennial report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

Agenda Item

3g

Miromar Lakes DRI - NOPC

3g

3g

Agenda Item 3(g)

MIROMAR LAKES DRI
DRI #11·9798·142
NOTICE OF PROPOSED CHANGE

Background

The Miromar Lakes Development of Regional Impact (DRI) is a 1,271 acre mixed-use project located in the unincorporated south central portion of Lee County surrounding the Florida Gulf Coast University east of I-75 between Alico Road and Corkscrew Road. The project was approved with conditions to include 250,000 square feet of retail commercial uses, 340,000 square feet of office space, 40,000 square feet of research and development (industrial) uses, a 450 room hotel, 675 freshwater wet slips (425 added in 2nd Amendment) , and 2,600 residential units, 263 acres of lakes/buffers and recreation, a minimum of 186 acres of conservation and the appropriate infrastructure. The recreational uses will include a 36-hole golf course (18 holes added in 2nd Amendment), a 20,000 square-foot clubhouse, a maintenance facility, tennis, and active and passive recreational amenities. The DRI was approved by the Lee County Board of County Commissioners via the Miromar Development Order on November 29, 1999.

Previous Changes

The first amendment was approved by the Lee County Commission on December 10, 2002. The applicant is requested to amend several provisions of the Development Order, which reference the State Highway Bid Price Index. The change will allow the proportionate share calculations for the project's road impact payments to indicate the County's cost of borrowing money or seven percent, whichever is less. In summary, the change revised the adjustment rate applicable to the unpaid balance of the proportionate share assessment.

The second amendment was approved by the Lee County Commission on December 15, 2003. The proposed change involves the addition of 499.56 acres to the DRI, and subsequent changes to the land use parameters of the development. The only DRI threshold land use affected by the increase in property is the number of wet slips on the DRI's freshwater lake. This will increase from 250 to 675. The acreage of onsite lakes, buffers, recreational and conservation areas will also increase, and finally adding another 18-hole golf course to the project. The applicant has also submitted a comprehensive plan amendment request to Lee County. The amendment seeks to amend the land use designation for approximately 28.4 acres of land from "Density Reduction/Groundwater Resource" to "University Community". These lands were originally to have their land use designation altered as part of the DRI Application process. However, the lands were part of an active mining operation that was not complete at the time of the DRI review. The "Density Reduction/Groundwater Resource" land use designation allows mining operations, but the "University Community" designation does not. The mining operation required more time to complete their activities, so the land use designation was not changed from "Density Reduction/Groundwater Resource". The mining operation is complete and the applicant requested the proposed comprehensive plan amendment in order to allow DRI development to occur on the subject lands.

The automatic three year extension of the build out date was acknowledged by the Board of County Commissioners on August 21, 2007.

The BOCC also approved the automatic two year extension permitted by the legislature in 2009. The two year extension in 2009 changed the buildout date to December 31, 2013.

Proposed Changes

The proposed change is to the build out date. The request is to change the date from December 31, 2013 to December 31, 2020. The proposed change also seeks to amend the termination date resulting in a new date of December 31, 2026. An amendment is proposed to change the annual reporting to biennial reporting and to eliminate Conditions II.A2. and 3. related to re-analysis of affordable housing needs, and revision of conditions that have been complied with. Finally, Exhibit B Development Parameters and Phasing Schedule include a conversion provision to change 340,000 square feet of office to Research and Development use on a one-square foot to 1.1 square foot ratio.

Regional Staff Analysis

The proposed extension to the buildout by less than seven years is a Subparagraph 380.06(19)(c) and is presumed not to create a substantial deviation. The application included a traffic analysis that showed no additional regional transportation impact is likely to occur through the new buildout date. They have also paid their transportation mitigation fees required in the DO.

The other changes related to annual monitoring reports to biennial, revision of conditions that have been complied with and the conversion provision falls under Subparagraph 380.06(19)(e)3., Florida Statutes, which reads as follows:

"Except for the change authorized by sub-paragraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence."

In order to rebut the presumption of a substantial deviation, the applicant needs to provide a letter from the U.S. Fish and Wildlife Service (USFWS) that the panther mitigation has been stratified for the buildout of the project. Also the maximum and minimum limits of development to be converted within each land use shall be subject to the substantial deviation criteria set forth in Subsection 380.06(19), Florida Statutes. The elimination of affordable housing conditions has been proposed because the amount of affordable housing has been significantly increased due to the downturn in the housing market throughout Lee County.

Character, Magnitude, Location

The character of the development would not change as a result of the proposed changes.

Regional Goals, Resources and Facilities

The transportation analysis provided in the application showed no additional regional impact to transportation facilities through buildout of the project. Once the applicant provides the letter from the USFWS that panther mitigation has been satisfied this wildlife resource impact will be addressed.

Potential Multi-Jurisdictional Issues

No multi-jurisdictional issues have been identified for the proposed changes.

Need For Reassessment of the DRI

There will be no need to reassess the impacts of the project since the regional resources and facilities impacts have been addressed with the traffic analysis through the new buildout.

Acceptance of Proposed D.O. Language

The applicant provided an acceptable revised DO except as it related to satisfying the Florida Panther mitigation and including language that the maximum and minimum limits of development to be converted within each land use shall be subject to the substantial deviation criteria set forth in Subsection 380.06(19), Florida Statutes. Once the USFWS letter is provided stating that panther mitigation has been met and the conversion language is included the amended DO it will be acceptable.

RECOMMENDED ACTIONS:

1. Notify Lee County, the Florida Department of Community Affairs and the applicants of the Southwest Florida Regional Planning Council's recommendations, as stated in this agenda item.

2. Notify Lee County, the Florida Department of Community Affairs and the applicant that, if the applicant addresses the Council's recommendations through the provision of additional information, the proposed changes would not appear to create a substantial deviation. Thus, Council participation at the local public hearing would not be necessary, unless requested by Lee County for the purpose of providing technical assistance.

3. Request that Lee 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.

Agenda Item

3h

North Port Gardens DRI –

Sufficiency Response Extension

3h

3h

Agenda Item

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 initial extension set the new deadline for sufficiency responses to May 19, 2008.

Subsequent sufficiency response extensions:

Request Received	Prior Deadline	New Deadline	Meeting Date	Council Action
May 07, 2008	May 19, 2008	August 17, 2008	May 15, 2008	Approved
May 30, 2008	August 17, 2008	November 15, 2008	June 19, 2008	Approved
October 07, 2008	November 15, 2008	December 17, 2008	October 16, 2008	Approved
November 12, 2008	December 17, 2008	January 31, 2009	November 20, 2008	Approved
January 07, 2009	January 31, 2009	March 02, 2009	January 15, 2009	Approved
February 11, 2009	March 02, 2009	May 31, 2009	February 19, 2009	Approved
April 09, 2009	May 31, 2009	August 29, 2009	April 16, 2009	Approved
June 01, 2009	August 29, 2009	September 28, 2009	June 18, 2009	Approved
September 04, 2009	September 28, 2009	December 27, 2009	September 17, 2009	Approved
November 03, 2009	December 27, 2009	February 25, 2010	November 19, 2009	Approved
January 12, 2010	February 25, 2010	March 27, 2010	January 28, 2010	Approved
March 04, 2010	March 27, 2010	May 26, 2010	March 18, 2010	Approved

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 June 25, 2010. 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.

From: kelley.klepper@kimley-horn.com
To: Jason Utley
Cc: Peter.Vanbuskirk@kimley-horn.com; Christopher.Hatton@kimley-horn.com; JBoone@boone-law.com; JCollins@boone-law.com; RLoraine@entrix.com; mnorton@cityofnorthport.com
Subject: re: North Port Gardens
Date: Wednesday, May 05, 2010 1:33:10 PM

Jason –

Per our discussion earlier today, we are requesting a 30-day extension in filing our Second Sufficiency Response for the North Port Gardens Development of Regional Impact. As you are aware, our team has been meeting with the various agencies to provide updated information and obtain further input on the project prior to the resubmittal of these responses.

We appreciate your consideration of this request and the RPC's willingness to work with us on this project.

Please do not hesitate to contact Peter Van Buskirk, P.E., AICP or myself with any questions or comments.

Sincerely,

Kelley Klepper, AICP

Kimley-Horn and Associates, Inc.
URBAN RESOURCE GROUP
2601 Cattlemen Road, Suite 200 (new)
Sarasota, FL 34232-6249
Voice: 941 379-7600
Cell: 941 527.9070
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www.urbanresourcegroup.com

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Agenda Item

3i

The Fountains DRI – Sufficiency Response Extension

3i

Agenda Item

THE FOUNTAINS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the Fountains 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 August 02, 2007. The 45-day extension set the new deadline for sufficiency responses to September 23, 2007. Subsequent to the granting of the 45-day extension, the applicant's agent submitted an incomplete sufficiency response to the Southwest Florida Regional Planning Council (SWFRPC) in September of 2007. SWFRPC staff had been awaiting a complete submittal from the applicant until the applicant's attorney submitted a formal letter requesting an extension on August 04, 2009. The Council heard the applicant's request for an extension and unanimously granted an extension at the October 21, 2009 Council meeting. The new deadline for sufficiency responses was set to December 03, 2009. Subsequent to the granting of the extension, the applicant's agent submitted a letter requesting a sufficiency response period extension on November 10, 2009. The Council heard the applicant's request and unanimously granted an extension on November 19, 2009. The new deadline for sufficiency responses was set to March 10, 2010. Subsequent to the granting of the extension, the applicant's agent submitted a letter requesting a sufficiency response period extension on January 29, 2010. The Council heard the applicant's request and unanimously granted an extension on February 18, 2010. The new deadline for sufficiency responses was set to June 08, 2010. The applicant's agent submitted a letter requesting a 90-day extension to the sufficiency response period on April 23, 2010 (please see Attachment I). The new proposed deadline for sufficiency responses would be September 26, 2010. 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.

PAVESE LAW FIRM

STEVEN C. HARTSELL

Direct dial: (239) 336-6244
Email: SteveHartsell@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

April 23, 2010

Mr. Jason Utley, Regional Planner/Asst. DRI Coord'r
Southwest Florida Regional Planning Council
1926 Victoria Ave.
Fort Myers, FL 33901

VIA E-MAIL & U.S. MAIL

RE: The Fountains - Lee County DRI2006-00001

Dear Mr. Utley:

On behalf of the owner/applicant for the above project, we hereby request a 90-day extension beyond the current May 18, 2010, deadline for filing sufficiency responses. Lee County adopted the DR/GR and Lehigh Community Plan Amendments which will affect the Fountains March 3, 2010, but it is not clear whether other affected owners might challenge the adoption. The additional extension should provide enough time the status to be reevaluated.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Steven C. Hartsell

SCH:llg

cc: Dan Trescott, SWFRPC
Donna Marie Collins, Lee County Attorney's Office
Matt Noble, Lee County Planning
Tony Palermo, Lee County zoning
William Keyes, Esquire
Ed Mace, Trustee

F:\WPDATA\SCH\1-- CLIENTS\Bennett TR, Richard K 82464.001\DRI 2006-00001\Utley ltr requesting extension 4-23-10.wpd

Agenda Item

3j

Big Cypress DRI – Sufficiency Response Extension

3j

3j

Agenda Item

TOWN OF BIG CYPRESS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant for the Town of Big Cypress Development of Regional Impact Application for Development Approval (ADA) has requested an 18 month extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The applicant chose not to pursue a 45-day extension. The applicant's agent submitted a letter requesting a lengthier 120-day extension to the sufficiency response period. The 120-day extension set the deadline for sufficiency responses to November 05, 2008. The applicant submitted the Town of Big Cypress First Round Sufficiency Responses prior to the sufficiency response deadline. The Southwest Florida Regional Planning Council responded to the applicant's sufficiency response with additional sufficiency questions on October 30, 2008. The 120-day sufficiency response period was set to expire on February 27, 2009.

Subsequent sufficiency response extensions:

Request Received	Prior Deadline	New Deadline	Meeting Date	Council Action
January 27, 2009	February 27, 2009	May 30, 2009	February 19, 2009	Approved
April 07, 2009	May 30, 2009	September 30, 2009	April 16, 2009	Approved
August 03, 2009	September 30, 2009	December 29, 2009	September 17, 2009	Approved

The applicant submitted the Town of Big Cypress Second Round Sufficiency Responses on December 16, 2009 prior to the sufficiency response deadline. Council staff reviewed the sufficiency response and provided additional questions to the applicant on January 28, 2010. The 120-day sufficiency response period is set to expire on May 28, 2010. The applicant has met with Council staff and expressed their commitment to create a Habitat Conservation Plan for the project site. The creation of a Habitat Conservation Plan can be a time consuming process. In light of this fact, the applicant is requesting an 18 month extension to the sufficiency response deadline. The new proposed deadline for sufficiency responses would be November 28, 2011. If the Council is not agreeable with granting this 18 month request, the applicant would respectfully request a 120-day extension to the sufficiency response period. 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.

Plan will protect multiple species in Eastern Collier's Rural Lands Stewardship area

NAPLES, Fla., Feb. 17 /PRNewswire/ -- Collier Enterprises today announced that it will delay permitting for the Town of Big Cypress in order to participate in a new Habitat Conservation Plan (HCP) being created by a coalition of conservation organizations and Collier County landowners. The HCP will provide protection for multiple species in eastern Collier's Rural Lands Stewardship area, including the endangered Florida panther.

The idea for a Habitat Conservation Plan for eastern Collier County originated from the Florida Panther Protection Program, a collaboration of landowners and conservation organizations, including Florida Wildlife Federation, Audubon of Florida, Collier County Audubon Society and Defenders of Wildlife, working together to promote recovery of the panther species. The program recommends additional protective measures for the panther associated with new development in the Collier County Rural Lands Stewardship Area.

"For the last few years we've been working with a number of large and small landowners and leading conservation organizations in an effort to balance economic development and the protection of the Florida panther in eastern Collier County," said Christian Spilker, vice president of land management for Collier Enterprises. "The next logical step in the process is to move ahead with an overall Habitat Conservation Plan for the area and that's what we've agreed to do."

Habitat Conservation Plans under the Endangered Species Act provide a scientifically supported framework for landowners to complete projects while conserving at-risk species of plants and animals. Congress established the program to reduce conflicts between listed species and economic development, encourage cooperation and creative partnerships between the public and private sectors, and integrate land-use activities with conservation goals. Large-scale plans like this one take about two years to complete and require a minimum 60-90-day public comment period.

The recent decision by the U.S. Fish and Wildlife Service to deny petitions for critical habitat designation in favor of continuing a more collaborative approach among landowners and conservation organizations was also a clear signal that the HCP was the best way to protect the Florida panther.

"We are pleased that the U.S. Fish and Wildlife Service has been supportive of the collaboration between landowners and conservation organizations regarding the panther and has recently reaffirmed its decision to encourage this process to continue," said Spilker. "This support by the USFWS was a key factor in our decision to delay permitting for the Town of Big Cypress and participate fully in the HCP process. We look forward to continuing our work with landowners, conservation organizations and the Service on this important next step."

Agenda Item

3k

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

3k

3k

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 Statues (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 May 3, 2010, staff of the Southwest Florida Regional Planning Council received the attachment Memorandum of Contractual 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**

5/2010

Agenda Item

31

Glades & Hendry TD Joint Planning Grant

31

31

APPROVAL OF THE 2010-11 TRANSPORTATION DISADVANTAGED PLANNING GRANT APPLICATION

RECOMMENDED ACTION: Review and Approve the Planning Grant Application (Attached) for fiscal year 2010-2011 for Glades and Hendry Counties and authorize the Chairman to execute Resolution 2010-04.

Rule 41-2.014(2) *Florida Administrative Code*, describes planning related grant funds as those that may be used by the Designated Official Planning Agency – which, for the Joint Service Area of Glades and Hendry County, is the Southwest Florida Regional Planning Council (SWFRPC) – to undertake their responsibilities under Chapter 427, *Florida Statutes*. This includes staff support to the Local Coordinating Board to implement planning services for the non-sponsored transportation disadvantaged in its service area. The money comes from the Transportation Disadvantaged Trust Fund, which was set up to provide a dedicated funding source for some of the operational and planning expenses of the Commission for the Transportation Disadvantaged in carrying out its legislative responsibilities.

For the 2010/11 planning grant year, which runs from July 1, 2010 to June 30, 2011, the grant allocation for Glades and Hendry County is $35,137. The grant application which contains Resolution 2010-04 authorizing the SWFRPC's Executive Director to file the grant, is provided as an attachment.

The SWFRPC staff recommends approval of this item.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RESOLUTION #2010-04

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (APPLICANT), HEREINAFTER BOARD, HEREBY AUTHORIZING THE EXECUTIVE DIRECTOR OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL TO FILE A TRANSPORTATION DISADVANTAGED TRUST FUND GRANT APPLICATION WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

WHEREAS, this BOARD has the authority to file a Transportation Disadvantaged Trust Fund Grant Application and to undertake a transportation disadvantaged service project as authorized by Section 427.0159, Florida Statutes, and Rule 41-2, Florida Administrative Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD THAT:

1. The BOARD has the authority to file this grant application.

2. The BOARD authorizes Ken Heatherington to file and execute the application on behalf of the BOARD with the Florida Commission for the Transportation Disadvantaged.

3. The BOARD'S Registered Agent in Florida is Liz Donley. The Registered Agent's address is 1926 Victoria Avenue, Fort Myers, FL 33901.

4. The BOARD authorizes Ken Heatherington to sign any and all agreements or contracts which are required in connection with the application.

5. The BOARD authorizes Ken Heatherington to sign any and all assurances, reimbursement, invoices, warranties, certifications and any other documents which may be required in connection with the application or subsequent agreements.

DULY PASSED AND ADOPTED THIS 20TH DAY OF MAY, 2010.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____
Vice-Mayor Mick Denham, Chairman
Southwest Florida Regional Planning Council

_____
Ken Heatherington, Executive Director
Southwest Florida Regional Planning Council

2010/2011 Transportation Disadvantaged Trust Fund Grant Acknowledgment Form

GRANT RECIPIENT LEGAL NAME: **SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

FEDERAL IDENTIFICATION NUMBER: **59-1515448**

REGISTERED ADDRESS: **1926 Victoria Avenue**

CITY AND STATE: **Fort Myers, Florida** **ZIP CODE:** **33901**

CONTACT PERSON FOR THIS GRANT: **Brian Raimondo**

PHONE NUMBER: **(239) 338-2550, Ext. 211** **FAX NUMBER:** **(239) 338-2560**

(REQUIRED) E-MAIL ADDRESS: **braimondo@swfrpc.org**

PROJECT LOCATION [County(ies)]: **Glades and Hendry**

PROPOSED PROJECT START DATE: **July 1, 2010** **ENDING DATE:** **June 30, 2011**

PLANNING FUND ALLOCATION TRANSFERRED TO TRIP & EQUIPMENT GRANT	GRANT AMOUNT REQUESTED FOR THIS APPLICATION PERIOD
-0-	$35,137

I, Ken Heatherington, as the authorized Grant Recipient Representative, hereby certify that the information contained in these forms is true and accurate and is submitted in accordance with the instructions.

_____ _____

Grant Recipient Representative (Signature) Date

STANDARD ASSURANCES

The recipient hereby assures and certifies that:

(1) The recipient will comply with the federal, state and local statutes, regulations, executive orders, and administrative requirements which relate to discrimination on the basis of race, color, creed, religion, sex, age and handicap with respect to employment, service provision and procurement.

(2) Public and private for-profit, transit and paratransit operators have been or will be afforded a fair and timely opportunity by the local recipient to participate to the maximum extent feasible in the planning and provision of the proposed transportation planning services.

(3) The recipient has the requisite fiscal, managerial and legal capacity to carry out the Transportation Disadvantaged Program and to receive and disburse State funds.

(4) The recipient intends to accomplish all tasks as identified in this grant application.

(5) Transportation Disadvantaged Trust Funds will not be used to supplant or replace existing federal, state or local government funds.

(6) Consultant services purchased through this grant comply with the competitive procurement requirements of Chapter 287 and Chapter 427, Florida Statutes.

This certification is valid for no longer than the contract period for which the grant application is filed.

Date: _____ Signature: _____

Ken Heatherington
Executive Director, SWFRPC

2010/2011 PLANNING GRANT ESTIMATED BUDGET

County: Glades and Hendry

ACCOUNTING CATEGORY	DOLLAR ($) AMOUNT OF TDTF GRANT*	PERCENT (%) OF TDTF GRANT
Personnel (See chart below)	$ 14,907	42.43%
Fringe Benefits (See chart below)	6,559	18.67%
Travel	350	1.00%
Supplies	50	0.14%
Contractual		
Other	600	1.71%
TOTAL DIRECT CHARGES	22,466	63.94%
Indirect Charges **	12,671	36.06%
TOTAL FOR TDTF GRANT	$ 35,137	100%

Personnel and Fringe Benefit totals of both charts must equal. **If indirect charges are to be applied, you must attach a cost allocation plan to this budget.

PERSONNEL/POSITION	TDTF $ ALLOCATED TO SALARY	TDTF $ ALLOCATED TO FRINGE BENEFITS
Debbie Kooi	$ 4,994	$ 2,197
Brian Raimondo	$ 9,913	$ 4,362
	$	$
	$	$
	$	$
TOTAL *	$ 14,907	$ 6,559

Agenda Item

4

Harborview Substantial Deviation DRI Continuance - Staff Assessment

4

4

AGENDA ITEM (4)

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR THE HARBORVIEW SUBSTANTIAL DEVIATION DRI # 08-0607-181

The Harborview DRI is located in north central unincorporated Charlotte County immediately north and adjacent to the Peace River on both sides of the I-75 interchange and Harborview Road for a total of three quadrants on the interchange. The site was originally approved as a DRI in 1992. A notice of proposed change amended the development order in 2006 to add 106 acres on the southeast corner of the interchange. This substantial deviation application for development approval submitted in 2007 requests 139 additional acres to be added at the southwest corner of the interchange. The now 653 ± acre DRI is proposing 350 hotel rooms, 3,859 units (245 single family and 3,614 multi-family units), a marina with 400 wet slips, 192 dry slips, 20 ancillary slips with single family units and a public boat ramp with 40 parking spaces for trailer and tow vehicles, 655,000 square feet of commercial and 50,000 square feet of office, 66 acres of easements and roadways, and 187 acres of preservation and open space (150 acres of salt marsh to be deed to the State). The Charlotte Harbor Water Association will provide potable water and wastewater treatment will be provided by Charlotte County Utilities. The project, as proposed will be constructed in eight one year phases starting in 2011 with a 2018 buildout date. The proposed marina and canals are not recommended for approval at its proposed location instead it is recommended at the boat ramp location in the west village.

RECOMMENDED ACTION: The Southwest Florida Regional Planning Council recommends Conditional Approval of the Harborview Substantial Deviation DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Charlotte County Board of County Commissioners.

MAY 2010

Southwest Florida Regional Planning Council
1926 Victoria Avenue, Fort Myers, Florida

Staff is providing all the recommendations again to Council instead of providing the entire Harborview Assessment that was given to Council at the March meeting. Changes to staff recommendations are found primarily in Section 9 Vegetation and Wildlife, Wetlands and Marina on page 28.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

REGIONAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL DATED JULY 27, 2007 AS AMENDED BY THE SUFFICIENCY REPORTS DATED JUNE 6, 2008 AND SEPTEMBER 2009 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. AFFORDABLE HOUSING (Refer to Appendix I-A)

The Southwest Florida Regional Planning Council, in recent years, has asked DRI applicants to meet one of three conditions below related to affordable housing. Past DRI applicants have worked with the local jurisdiction in which the project exists to meet one of the three conditions. The most recent draft development order proposes to provide "a minimum of 5% of the affordable housing demand to be generated by the on-site commercial and office uses...on-site". Charlotte County staff representatives have expressed concern that this proposal does not meet the intent of Charlotte County's Comprehensive Plan which requires providing a minimum of 10% of all housing units for low to moderate income households. Council staff encourages the applicant to continue working with Charlotte County to ensure project related affordable housing concerns are met prior to issuance of the local development order.

RECOMMENDATIONS

Any DRI Development Order issued by Charlotte County shall contain the following provision:

a. "Charlotte County has completed an affordable housing study as a prelude to updating the Housing Element of its Comprehensive Plan in 2010. Any appropriate mitigation required within the Harborview DRI as a result of the study shall be reviewed as a Notice of Proposed Change by the Southwest Florida Regional Planning Council and Charlotte County. If mitigation is required, a minimum of 5% of the affordable housing demand to be generated by the on-site commercial and office uses shall be provided on-site."

b. Commit to one or more of the three conditions recommended by the Southwest Florida Regional Planning Council. The three standard housing recommendations

are as follows:

1) Construct or have constructed an appropriate number of affordable housing units on a site provided by the applicant within the DRI property boundaries. These units must be made available for sale or rent to the workers in the development. Also, the units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of the local government.

2) Provide an off-site affordable housing tract with the appropriate number of affordable housing units. This option would require the applicant to provide the same number of affordable housing units, but would allow the units to be located on a parcel off the DRI site. As a condition to this mitigation option, the off-site parcel must be located within a 20-minute drive or 10 miles from the DRI and it must be located in an area satisfactory to the local government assessing the DRI. These units must be made available for sale or rent to the workers in the DRI. Also, the units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of the local government where the off-site development is located.

3) Provide a financial contribution to the local government for affordable housing. The amount of the contribution would be as negotiated between the local government and the applicant. This option would allow the applicant to provide a monetary contribution to the local government for affordable housing and must be approved by the Charlotte County Board of County Commissioners. The amount of the contribution would be based on the 5% down payment necessary to get a 95% mortgage for a house within the DRI.

c. Finalize appropriate agreements with Charlotte County prior to the issuance of the development order regarding affordable housing.

2. ENERGY (Refer to Appendix I-B)

The proposed development will be electrically powered and will increase the energy demands of the region.

RECOMMENDATIONS

Any DRI Development Order issued by Charlotte County shall contain the following provisions:

a. The provision of a bicycle/pedestrian system connecting all land uses, to be constructed within the project in such a way that facilities nonautomotive traffic internal and external to the site. This system is to be constructed in accordance with Charlotte County standards, and include walking/jogging paths and the

extension of the bicycle/pedestrian system along all public streets within the development;

b. The provision of bicycle racks or storage facilities in recreational, commercial and office areas which are located closer to the building entrances than non-handicapped parking spaces ;

c. The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating, should be located no further than one quarter mile from building entrances and the transit system should have an acceptable level of service during project peak hours;

d. The material choices for streets, parking lots, sidewalks, and any other path system should be evaluated in order to reduce the heat island effect. Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be an integral component of the design.

e. The use of energy-efficient features in window design (e.g., tinting, low solar heat gain coefficients (SHGC) and exterior shading) and use of operable windows and ceiling fans in appropriate structures;

f. The installation of energy-efficient appliances and equipment;

g. The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);

h. The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat;

i. Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

j. The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;

k. The planting of native shade trees to provide shade for all streets, parking areas, recreation areas and building solar heat gain;

l. The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;

m. The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;

n. The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;

o. The inclusion of porch/patio areas in residential units whenever possible;

p. The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15.

q. Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

r. Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

s. All thermostats installed in any structure shall be programmable.

t. Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards.

u. All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows.

v. Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed structures. Green roofs shall be evaluated at the time of building design.

w. The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification should be given serious consideration for all structures constructed within the DRI.

x. One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.

y. The above conditions shall be reported in the annual monitoring report.

3. FLOODPLAINS (Refer to Appendix I-C)

The proposed development plans to construct improvements within the 100-year floodplain. The addition of fill in the 100-year floodplain will change the character and extend of the 100-year floodplain on site and possible off site.

RECOMMENDATIONS

Any Development Order issued by Charlotte County shall contain the following provisions.

a. The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to reduce the heat island effect. These materials shall be pervious when practical.

b. Green roofs shall be utilized where feasible.

c. The developer shall allow potential home buyers to select a green roof as an option that is clearly listed in marketing materials for all home buyers.

d. The developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil. Bridges shall be used instead of culverts where practical.

e. Minimum finished floor elevations will be protected from a 100 year/3 day storm event with zero discharge.

f. The above conditions shall be reported in the annual monitoring report.

4. HISTORICAL AND ARCHAEOLOGICAL SITES (Refer to Appendix I-D)

The original Review for the Harborview DRI (1991) did include an on-site archaeological and historical resource survey. At that time no cultural resources eligible for listing on the National Register of Historic Places were found by Archaeological Consultants, Inc. and DHR concluded that development of the project was unlikely to affect historic properties.

In October 2005, Southeastern Archaeological Research, Inc. (SEARCH) conducted an investigation of the proposed Harborview West Development on behalf of Benderson Development, LLC. It was the opinion of SEARCH that the proposed development will have no effect of cultural resources listed or eligible for listing in the National Register of Historic Places, or otherwise of historical, architectural or archaeological value. The Florida Department of State's Division of Historical Resources (DHR) issued a letter dated August 02, 2006 which concurred with the report provided by SEARCH.

The following standard and project specific recommendations reflect the existing

development order for the project and protections for regionally significant resources.

RECOMMENDATIONS

Any Development Order issued by Charlotte County shall contain the following provisions:

a. If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), SWFRPC, and Charlotte County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

5. HURRICANE PREPAREDNESS (Refer to Appendix I – G)

The Harborview DRI is located in an area subject to storm surge flooding during a tropical storm, Category 1, 2, and 3 landfalling hurricanes. The site ranges in elevation from (4 to 13 feet msl) so for the provisions of Administrative Rule 9J-20256, only the north village residential area is suitable for onsite hurricane shelter or vertical evacuation because it is in the Category 3 Zone. According to the Sea Lake and Overland Surges from Hurricanes (SLOSH) Model for this area the Category 3 storm surge level is predicted to be 17.4 feet NGVD. The applicant did commit to the base floor elevation shall be raised from the minimum nine (9) feet above mean seal level to fourteen (14) feet above mean sea level for the first residential (nonamenity) floor of all multi-family buildings. Also, all buildings 3 stories or greater with a minimum of 40 units will include an emergency power supply raised to or above the first residential floor. The emergency power may be utilized by one or more multi-family buildings.

Because the applicant has not committed to a building elevation of 17.4 feet the Category 3 located units will be required to evacuate along with all other units in lesser Category Storm Zones. The Charlotte County Emergency Management Director has required a 20% shelter rate for residential and hotel units of the DRI. Therefore, a total of 1,331 shelter spaces will require mitigation. The project could add as much as 51.8 minutes to the existing evacuation time. Because the number of vehicles is more than 25% of the combined road LOS E, a significant hurricane evacuation route impact will occur in accordance with the provisions of 9J-2.0256(4)(c).

RECOMMENDATIONS

Any DRI Development Order issued by Charlotte County shall contain the following provisions:

a. As required by 9J-2.0257 all deeds to property located within the Harborview shall be accompanied by a disclosure statement in the form of a covenant stating that the property is located in a hurricane vulnerability zone, that the hurricane evacuation clearance time for Charlotte County or the Southwest Florida Region

is high, and/or hurricane shelter spaces are limited.

b. The applicant is also proposing to develop a 350-room hotel or motel, within the Harborview DRI. In the interest of protecting hotel/motel guests and property, the hotel/motel developer shall contact Charlotte County Emergency Management, prior to receipt of the development order for the hotel/motel, for the purpose of establishing written hurricane preparation and evacuation/sheltering procedures. These procedures shall be in the form of a written plan, prepared by the hotel/motel developer, and subject to approval by Charlotte County Emergency Management.

c. As mitigation for shelter impacts the project applicant shall be required pay for generator set for one of the county's vital facilities (such as the Salvation Army Post) that would support the residents of this proposed DRI in a high-hazard area.

d. As mitigation for evacuation route impacts one of the following 5 conditions must be met. Provision for the establishment and maintenance of a public information program within an existing homeowners association for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters; and the identification of steps to minimize property damage and to protect human life. In order to use this mitigation option, the developer must develop a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan shall address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program which addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, friends and public hurricane shelter locations, and other protective actions which may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. Where hurricane shelter space is being made available by the developer, it shall be addressed in the plan and shelter managers identified, and specific responsibilities established. Where the proposed development will include a private security force, the plan shall identify how the force will be integrated with the local sheriff's personnel or other responsible agencies during an impending hurricane event in order to assist in the notification, warning, and evacuation of the development's residents. The plan shall be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies.

e. Provision for the elevation of all roads within the proposed development above the anticipated category three hurricane flood levels when these roadways are anticipated to flood during the category three hurricane event, therefore making evacuation impossible. This provision could also include the requirement of

special drainage treatment for low-lying flood prone roads, elevation of roads leading to hurricane shelters which would be utilized by the development's residents, or elevation of off-site roads which are low-lying and flood prone and which would serve as the only evacuation route for the development's residents during a hurricane event.

f. Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.045, Florida Administrative Code, when those regional roadways anticipated to be impacted by the proposed development are also identified hurricane evacuation routes. Such provisions shall be consistent with adopted state, regional, and local infrastructure policies.

g. Provision of funds to be used for the purpose of procuring communications equipment which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the developer must provide reasonable assurance from local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts.

h. Provision for the limitation of development to a density that does not cause substantial impact on regional hurricane preparedness as identified in subsection (4), paragraph (c) above (see 9J-2.0256).

i. A maximum of 732 residential dwelling units in the CHHA.

j. Prepare and get approval from the County Emergency Management Director a DRI and Community-wide Hurricane Awareness Program and Response Plan.

k. Each proposed building will be constructed to provide for hurricane shuttering of or will have impact glass for all windows.

l. All buildings 3 stories or greater with a minimum of 40 units will include an emergency power supply raised to or above the first residential floor. The emergency power may be utilized by one or more multi-family buildings.

m. The base floor elevation shall be raised from the minimum nine (9) feet above mean seal level to fourteen (14) feet above mean sea level for the first residential (nonamenity) floor of all multi-family buildings provided that the County allows a corresponding increase in the maximum allowable building height for each building so raised.

n. In the case of minor flooding vertical evacuation to higher floors will be utilized.

o. Single family residences within the Coastal High Hazard Area shall be constructed with reinforced stem-wall foundations which shall be resistant to

flood erosion.

p. Two-way radio communication equipment shall be provided to the (hotel, harbormaster building, ~~clubhouse~~and clubhouse?) with an integrated evacuation siren warning system.

q. The applicant shall coordinate with the Emergency Management Director or designee in establishing a community emergency management program including the support and encouragement for a Community Emergency Response Team (CERT) and an annual presentation by the EMS Director or designee which promotes hurricane preparedness for the Harborview residents and which shall be sponsored by the applicant or any subsequently created property owners association or community development district.

6. SOLID/HAZARDOUS/MEDICAL WASTE (Refer to Appendix I, Section F)

The project will increase the solid waste demands in the region. Solid waste generated at the project will be disposed at the Charlotte County Zemel Landfill.

RECOMMENDATIONS

Any DRI Development Order issued by the Charlotte County shall contain the following provisions:

a. Harborview will establish Best Management Practices and Marina Environmental Measures at the proposed marina and boat ramp. This includes ensuring boaters use environmentally friendly cleansing agents, recycling of oil, batteries, etc., and proper disposal of trash at the marina.

b. The development will coordinate with Charlotte County ~~and contracted~~and contracted waste haulers and implement recycling efforts to minimize the solid waste stream.

c. The marina will provide limited repair service consistent with DEP's Clean Marina Program. Boat maintenance and repair work will be limited to tasks like refueling, battery replacement, other minor maintenance activities, etc., consistent with the Clean Marina Program. The marina will incorporate measures to separate hazardous materials from the solid waste stream.

d. No hull cleaning, major repair work, etc., will occur at this facility. A battery recycling company with pick-up service will be contracted to minimize on-site storage of old/used batteries.

e. Hazardous materials and waste are regulated by 40 CFR 260-266 and are adopted by reference by the State of Florida. Responsibility and liability for the handling, storing, and use of hazardous materials rests with the person or entity, handling,

storing, or using the material.

f. The applicant will incorporate the solid waste demands of the project into the county solid waste management program and explore possibilities of extending the life of the landfill by reducing the solid waste volumes by incorporating practices such as conservation, recycling, trash compaction, and mechanical shredding.

g. Any business within the development that generates hazardous waste shall be responsible for the temporary storage, siting, and proper disposal of the hazardous waste generated by such business. However, there will be no siting of hazardous waste storage facilities contrary to the County zoning regulations.

h. The project will be bound by all applicable recycling requirements in effect in the County at the time of the development.

i. Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.

j. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

k. It is unlikely that commercial operations dealing with extremely hazardous chemicals will locate onsite. However, the applicant is certainly willing to install safety equipment for all uses that is required by law.

l. The specific number of restaurants is not known at this time. The applicant will install required grease traps and other devices as required by the permitting agencies.

m. The specific number or types of medical facilities are not known at this time. Any business located within the Harborview DRI that handle bio-hazardous materials will be required to coordinate with a licensed bio-hazardous waste hauler consistent with State law.

n. Harborview will establish a Petroleum Spill Recovery Plan/Fueling Contingency Plan, a Stormwater Pollution Prevention Plan, and other preventatives as described in the FDEP's Clean Marina Program, to be applied at the proposed marina.

o. The applicant should consider source recycling of construction materials to reduce the amount of construction materials that will be deposited in the landfill.

p. Source reduction and recycling during the construction phase should include the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.

q. There shall be no discharge of medical waste from medical facilities into the sewage systems.

r. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

s. Prior to construction, the applicant should provide assurance that medical and hazardous waste transporters have been identified to serve the project.

7. STORMWATER MANAGEMENT

The Florida Department of Environmental Protection, Southwest Florida Water Management District, and Charlotte County will permit and oversee the implementation of the stormwater management system on the Harborview DRI project.

RECOMMENDATIONS

Any DRI Development Order issued by the Charlotte County should contain the following provisions:

a. The stormwater management system shall be designed to maintain wetland hydroperiods and drainage flow patterns.

b. The Applicant shall develop pre- and post-hydrographs to confirm that natural hydroperiods will be sustained after development.

c. The existing borrow lake previously constructed on-site shall be utilized in the stormwater management system only and shall not be utilized as a marina facility.

d. The design storm for the project shall be the 100-year, 24-hour storm event.

e. All stormwater facilities shall be maintained through the creation of a maintenance entity.

f. Silt fences or silt screens will be installed prior to land clearing to protect water quality and to identify areas to be protected from clearing activities and maintained for the duration of the project until all soil is stabilized.

g. Floating turbidity barriers or other devices will be in place on flowing systems or in open water lake edges prior to initiation of earthwork and maintained for the duration of the project until all soil is stabilized.

h. The installation of temporary erosion control barriers will be coordinated with the construction of the permanent erosion control features to the extent necessary to assure effective and continuous control of erosion and water pollution throughout the life of the construction phase.

i. Turbidity resulting from construction dewatering will be managed using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include, but are not limited to, vegetated systems, detention systems (e.g., sedimentation basins), geotextiles, and other methods. Turbidity and other pollutants from construction dewatering on the Property will be reduced to meet the levels required by applicable State Water Quality Standards and as required by the National Pollutant Discharge Elimination System ("NPDES") generic permit for construction. Copies of any reports required by the NPDES permit will be maintained at the appropriate construction site with a copy being sent to County's Planning Department.

j. Clearing and grubbing will be so scheduled and performed such that grading operations can follow thereafter. Grading operations will be so scheduled and performed that permanent erosion control features can follow thereafter if conditions on the project permit, and not beyond the time limits established in the NPDES general construction permit.

k. Exposed soils will be stabilized as soon as possible, especially slopes leading to wetlands. Stabilization methods include solid sod, seeding and mulching or hydro-mulching to provide a temporary or permanent grass cover.

l. Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be installed at the discharge point of pipes or swales if scouring is observed.

m. Implementation of storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.

n. The allowable discharge in a 25 year 3-day design event will be limited to the Southwest Florida Water Management District ("SWFWMD") permit for the site.

o. The development within the FEMA floodplain will have finished floor elevations in each development pod which exceeds the 100 year 3-day design event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be provided to replace lost storage as part of the SWFWMD permit requirements. The SWFWMD standard of head loss in a 25-year 3-day design event will be met at each water crossing.

p. The proposed development will be designed such that the potential for offsite flooding of other private property will be mitigated. This will primarily be accomplished by maintaining the existing conveyances without additional control structures except for restoration efforts. Water management control will be accomplished primarily by structures off-line from these conveyances. Off-site discharges onto the property will be properly routed around and through the property to maintain or lessen off-site flooding.

q. Open stormwater ponds will be used for the primary volume attenuation and wet detention of water quality in accordance with Best Management Practices as outlined in the current Southwest Florida Basin Rule criteria of the SWFWMD for water quality improvement.

r. On-site wetlands within the project may be incorporated into the stormwater management system. Those wetlands outside that system will continue to store and transmit water as they do today except where modifications are necessary to facilitate hydrologic restoration.

s. The stormwater treatment will include a backbone system consisting of wet detention areas and dry detention areas. Dry detention areas will not be used as the primary detention/retention component, but may be utilized in combination with wet detention/retention facilities. The stormwater treatment system will be designed in accordance with the current Southwest Florida Basin Rule Criteria and will provide 50% more retention/detention water quality treatment above that required by the SWFWMD Basis of Review. Best Management Practices will include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto-zones, extended hydraulic residence times and increased flow paths.

t. The low edge of pavement for local roads to be at or above the peak stage for the 5 year-1 day event. The arterials and collectors will have one lane above the 25 year-3 day event peak stage. Parking lots will be at or above the 5 year-1 day event. Minimum swale grades in urban and suburban areas will have a minimum longitudinal slope of 0.2%. Ditches may have flatter longitudinal slopes. The minimum longitudinal slope on roads with curb and gutter will be 0.3%.

u. The perimeter berm elevation will be 0.3 feet above the peak stage for the 25 year-3 day event and the 100 year-1 day event.

v. The treatment system will provide equal or greater post development storage volume for the 100 year-3 day event than provided by predevelopment conditions.

w. There will be no increase in stream stage elevation offsite, except as permitted by the SWFWMD.

x. Finish floor elevations will be at least the 100 year-3 day event peak stage plus

0.5 feet.

y. All internal stormwater management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the SWFWMD, or other appropriate governmental entity with a compliance monitoring staff. Stormwater lakes shall include adequate maintenance easements around the lakes, with access to a paved roadway, as required by the appropriate governmental entity.

z. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

aa. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD, Florida Department of Environmental Protection ("FDEP"), and Charlotte County requirements and shall be planted in native emergent or submergent aquatic vegetation. The Applicant shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

bb. The Applicant shall conduct annual inspections in accordance with the conditions of the approved SWFWMD ERP, Charlotte Master Stormwater Management System and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

cc. The Applicant shall undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the non-residential areas of the Villages. The Applicant shall encourage any private parcel owners within the non-residential areas of the Villages to institute regularly scheduled vacuum sweeping of their respective parking areas.

dd. Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands shall accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non-vehicular travel ways.

ee. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular

basis. Any erosion to banks shall be repaired.

ff. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

gg. Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, consistent with SWFWMD, FDEP, and County requirements.

hh. The open drainage system will be designated to provide additional water quality treatment prior to discharge. Design elements may include rainwater gardens, treatment swales planted with native vegetation, and entrainment systems. These will be reviewed and approved during the ERP approval process.

ii. Stormwater runoff will be minimized through a variety of rainwater harvesting techniques that may include cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces.

jj. Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

kk. The master stormwater management system will be maintained by the private property owner, homeowners associations, or community development district.

ll. The applicant shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater and water quality management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

8. TRANSPORTATION (Refer to Section I-H)

This impact assessment for the Harborview Development of Regional Impact has been prepared by the Southwest Florida Regional Planning Council as required by Chapter 380.06, Florida Statutes (F.S.); and in accordance with Regional Planning Council rules adopted pursuant to Chapters 80, 186 and 120, F.S..

The DRI assessment is largely based on information supplied by the applicant in the Substantial Deviation ADA including sufficiency responses and in follow-up meetings and correspondence, current and previous development orders and related documents, additional information obtained by contacting local officials, state and regional agencies, consulting official plans, and by reviewing reports related to the application. The Florida Department of Transportation reviewed transportation related elements; their comments are included as part of this assessment.

SWFRPC staff believes that the requested Substantial Deviation to the existing development order for Harborview DRI can be recommended for conditional approval **only** if the Development Order includes specific commitments for mitigation that address the significant and adverse transportation impacts identified in the most recent and previous transportation studies as being needed within the phase of development for which approval is sought. This would require commitments to mitigate all significant and adverse impacts since only one phase of development is proposed. The draft development order provided to the SWFRPC in early February does not assure mitigation in accordance with:

1) Section 380.06(15), Florida Statutes, which requires a development order issued by a local government to make adequate provision for the public transportation facilities needed to accommodate the impacts of the proposed development;

2) with Rule 9J-2.045, Florida Administrative Code (FAC) which spells out options for minimum sets of conditions which must be included in a development order to make adequate provision for transportation roadway facilities; and

3) the recommendations and recommended conditions contained in this assessment consistent with the Strategic Regional Policy Plan.

It is noted that the applicant chose the option not to answer additional sufficiency questions as allowed under Chapter 380.06(10)(b) F.S., and the application was deemed insufficient for lack of information necessary to evaluate the local and regional impacts of the development proposal. The unanswered sufficiency questions regarding transportation included the following:

- What agreements are in place or will be needed, with which parties, to ensure that proportionate share funds are applied to the identified mitigation projects, and that all needed improvements will be constructed in time to satisfy applicable statutes and rules?

- What is the proposed schedule for paying proportionate share funds, and will all funds be paid to Charlotte County or will FDOT received funds directly?

- Has the applicant provided updated information demonstrating that all needed improvements are included in a capital improvement plan or the FDOT Five Year Work Program, including schedules and estimated amounts for each improvement?

- The applicant was also asked to provide all proportionate share cost calculations and totals for roadway and intersection improvements identified as needed improvements.

It is also noted that Chapter 380.06(19)~~()~~ (f) requires the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. This has not been provided, and removal of many of the current conditions would result in additional regional impacts which have not been reviewed

through the NOPC process, and will result in mitigation responsibility being shifted to the local government and taxpayers.

Trip Generation

The applicant's initial transportation analysis indicated the Harborview DRI has the potential to generate 53,594 daily trips, 4,999 p.m. peak hour trips, and 2,352 a.m. peak hour trips.

The Harborview DRI, with the proposed changes according to the applicant's transportation analysis, is expected to generate 53,954 daily trips, 5,022 p.m. peak hour trips, and 2,353 a.m. peak hour trips.

After reductions for internal and pass-by trips, based on methodology approved by Charlotte County and review agencies in 2007, the Harborview DRI is expected to generate 34,072 net new external daily trips, 3,112 net new p.m. peak hour trips, and 1,652 net new a.m. peak hour trips.

The DRI phasing plan was eliminated to create just one phase phase with a build-out year of 2018. Elimination of the currently approved phasing plan and combining of all development into one phase, originally designated as a 10 year phase, may be inconsisent with Rule 9-2.045(2)(i) F.A.C., which defines "Project phase" as "a discrete, five year or lesser construction timeframe of development, including the local government issuance of certificates of occupancy for that construction or its functional occupancy." Although a conceptual phasing table consisting of eight one-year phases beginning in 2011 with build-out in 2018 was provided in the 2nd Sufficiency Response, phasing was not analyzed in the transportation impact analysis, phasing is not proposed in a manner which relates to a schedule of improvements for transportation mitigation, and the devleoper has not included any phasing provisions in the draft development order.

Previous transportation analyses, including the initial Transportation Impact Assessment for the Substantial Deviation submitted in 2007, identified a large number of improvements in Charlotte County and Punta Gorda that would be needed to mitigate the significant and adverse impacts of the Harborveiw DRI to the transportation system. In previous and in the latest transportation study, numerous additional roadway segments and intersections are projected to be signficantly impacted by the Harborview DRI, but the impacts are not considered to be adverse so mitigation is not required by Charlotte County in accordance with the Count's Comprehensive Plan and land use regulations. The significantly impacted include portions of Rampart Boulevard, Harborview Road, King's Highway, Melbourne Street, I-75, and Rio de Janeiro Avenue. The magnitude of the transportation impacts of this DRI is indicated in the following excerpt from the 2003 Transportation Impact Assessment prepared by the SWFRPC:

The traffic analysis identified 10 (ten) road segments as potentially significant and adverse (see Table 5) by 2008 build out and 18 (eighteen) by 2013 build out (Table 6).

Table 5

2008 Significant and Adverse Test Summary

Roadway	From	To	Phase 1 Build out LOS	LOS C Significant >5%	LOS C Significant & Adverse
I-75	Kings Highway	Harborview Road	D	Y	Y
Harborview Road	E of Melbourne	East	D	Y	Y
Harborview Road	Melbourne St	I-75	D	Y	Y
Harborview Road	I-75	Rio De Janerio Avenue	F	Y	Y
Harborview Road	Rio De Janerio Avenue	Sulstone Dr	D	Y	Y
Kings Highway	Desoto County Line	Sandhill Boulevard	F	Y	Y
Kings Highway	I-75	Peachland Blvd	F	Y	Y
Peachland Blvd	Kings Highway	Orlando Blvd	F	Y	Y
Rampart Boulevard	Kings Highway	I-75	D	Y	Y
Rio De Janerio Avenue	Harborview Road	Rampart Boulevard	D	Y	Y

Table 6

2013 Significant and Adverse Test Summary

Roadway	From	To	Phase 2 Build out LOS	LOS C Significant >5%	LOS C Significant & Adverse
I-75	Kings Highway	Harborview Road	F	Y	Y
I-75	Harborview Road	SR 35 / US 17	E	Y	Y
Deep Creek Boulevard	Sandhill Boulevard	North	D	Y	Y
Harborview Road	E of Melbourne	East	E	Y	Y
Harborview Road	Melbourne St	I-75	D	Y	Y
Harborview Road	I-75	Rio De Janerio Avenue	F	Y	Y
Harborview Road	Rio De Janerio Avenue	Sulstone Dr	F	Y	Y
Kings Highway	Desoto County Line	Sandhill Boulevard	F	Y	Y
Kings Highway	Sandhill Boulevard	I-75	F	Y	Y
Kings Highway	I-75	Peachland Blvd	F	Y	Y
Kings Highway	Peachland Blvd	Rampart Blvd	D	Y	Y
Kings Highway	Rampart Blvd	Midway Blvd	D	Y	Y
Peachland Blvd	Kings Highway	Orlando Blvd	F	Y	Y
Rampart Boulevard	Kings Highway	I-75	E	Y	Y
Rampart Boulevard	I-75	Rio De Janerio Avenue	D	Y	Y
Rio De Janerio Avenue	Sandhill Boulevard	Rampart Boulevard	D	Y	Y
Rio De Janerio Avenue	Harborview Road	Rampart Boulevard	D	Y	Y
Sandhill Boulevard	Kings Highway	E of Kings Hwy	D	Y	Y

Since the earlier studies, Charlotte County adopted a lower transportation Level of Service for roadways under its jurisdication, LOS D versus the previous LOS C standard. This change, along with lower projected background traffic growth rates and manipulation of internal capture and pass-by traffic rates, partially explains how more traffic generation can be considered to produce fewer significant and adverse impacts to the roadway network.

REQUIRED IMPROVEMENTS

The applicant's most recent transportation analysis identified the following improvements as being needed ***prior to or coincident with*** the development of the Harborview DRI in order to maintain the County's adopted levels of service for road segments and intersections significantly and adversely impacted as a result of the DRI:

Road segment improvements

Harborview Road
- Melbourne Street to West Village project site: Widen to 4 lanes
- North Village project site to Rio de Janeiro Avenue: Widen to 4 lanes

Rio de Janeiro Avenue
- East/West Road to North Village project site: Widen to 4 lanes

- North Village project site to Harborview Road: Widen to 4 lanes

Intersection Improvements

- Rampart Boulevard & Rio de Janeiro Avenue: Signalize when warranted

- Harborview Road & U.S. 41: Construct one westbound right-turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.

- Harborview Road & I-75 West Ramps: Signalize when warranted. Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.

- Harborview Road & I-75 East Ramps: Signalize when warranted

- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)

- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

MITIGATION IS UNCERTAIN

While the developer has identified certain transportation roadway improvements as needed to mitigate the DRI, and several strategies for mitigation appear to be included, specific mitigation projects, funding and timetables are not proposed. Nonetheless, a development order is required to meet minimum criteria of Chapters 380 and 163 of Florida Statutes and Rule 9J-2 of the Florida Administrative Code (FAC). Although Rule

9J-2.045(7)(a)5, F.A.C., provides for the use of a combination of mitigative measures in subparagraphs 1,2,3, and 4, none of these individual or combined approaches as outlined in the applicant's draft development order are consistent with the provisions of Rule 9J-2.045(7), F.A.C. or Chapter 163.3180(12), F.S., and it is not clear how they will be working together.

FDOT also expressed the concerns regarding the proposed Substantial Deviation to the Harborview DRI; their comments are attached and included as part of this assessment.

RECOMMENDATIONS:

Any DRI Development Order issued by the Charlotte County must make adequate provisions for transportation facilities needed to accommodate the impacts of the proposed development, consistent with the provisions of applicable sections of Chapters 380 and 163, Florida Statutes and as defined in Rule 9J-2, Florida Administrative Code, and must contain the following provisions:

a. All conditions in the currently approved Development Order shall be included in any new Development Order unless specifically removed through the NPOC process and unless the SWFRPC, DCA and review agencies agree and find that elimination of a condition will not result in additional regional impacts or result in impacts which have not been reviewed. Conditions in any new Development Order shall not reduce commitments that are contained in the currently approved Development Order.

b. Any land use equivalency matrix included in the Development Order must undergo review and approval by DCA, FDOT, the SWFPRC and other review agencies as appropriate. No equivalency matrix for the Harborview DRI has undergone such a review or received approval.

c. Based on the developer's traffic study and ADA submittals, and on Charlotte County's comments, FDOT's comments, and the SWFRPC staff assessment of regionally significant transportation impacts, construction of the following improvements shall be needed prior to, or concurrent with, development of the Harborview DRI, in order for the adopted LOS to be maintained through buildout (2018):

   Road segment improvements

   Harborview Road
   from Melbourne Street to West Village project site: Widen to 4 lanes
   from North Village project site to Rio de Janeiro Avenue: Widen to 4 lanes

Rio de Janeiro Avenue
from East/West Road to North Village project site: Widen to 4 lanes
from North Village project site to Harborview Road: Widen to 4 lanes

Intersection Improvements

Rampart Boulevard & Rio de Janeiro Avenue: Signalize when warranted

Harborview Road & U.S. 41: Construct one westbound right-turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.

Harborview Road & I-75 West Ramps: Signalize when warranted. Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.

Harborview Road & I-75 East Ramps: Signalize when warranted

Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)

Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

d. Prior to any commencement of development including site preparation, utility work, temporary facilities or on-site activity, or the issuance of any building permits for the DRI, the developer shall submit evidence pursuant to Subsection 380.06(19)(f), F.S., to Charlotte County, SWFRPC, and DCA which indicates that the necessary roadway improvements as listed above for the impacts of the Harborview DRI are committed for construction, or other mitigation is provided for as allowed in Rule 9J-2.045(7), to be provided through an NOPC. A committed roadway improvement for the purpose of meeting these requirements shall be recognized as either:

1) A roadway improvement scheduled for construction within the first three years of the appropriate local government's Comprehensive Plan capital improvement element;

2) A roadway improvement scheduled for construction within the first three years of the FDOT Five Year Work Program (or five years for Strategic Intermodal System or Florida Intrastate Highway System facilities); or

3) Any alternative agreed upon by Charlotte County, SWFRPC, DCA, FDOT, and the developer, which is consistent with Rule 9J2.045(7) and is incorporated into the development order by amendment through the Notice

of Proposed Change process. The developer may propose, as an alternative, the use of a Local Government Development Agreement pursuant to Sections 163.3220-163.3243 F.S., which contains commitments by the Applicant (potentially including a proportionate share payment) and the local government to provide necessary improvements which ensure concurrency on all significantly impacted roads and intersections.

e. The developer must construct, at no cost to Charlotte County or FDOT, all site related improvements deemed necessary by FDOT and Charlotte County at all project access points and all site-related improvements required within the DRI. The Developer's obligation for these improvements will include the full costs of design and engineering, utility relocation, right-of-way acquisition (if needed), construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization and construction schedule for these improvements is subject to the approval of Charlotte County and, for improvements subject to FDOT jurisdiction, FDOT.

f. In addition to any other required reports, the Developer must establish, if LOS Monitoring will be part of the project's transportation impact mitigation, an LOS monitoring program in accordance with the requirements of Charlotte County and applicable statutes, subject to methodology approval by FDOT, DCA and the SWFRPC in accordance with Rule 9J-2.045(7)(a)(4)(b). The Developer or his representative must submit the monitoring reports to Charlotte County, the SWFRPC, FDOT and DCA in accordance with the requirements of the DRI Development Order. The traffic monitoring program shall be based on the conditions contained in the existing Development Order and will commence no later than two years after issuance of this development order, and shall continue as required in the development order. The following excerpts from the existing Development Oder related to monitoring shall be considered and retained, to the extent possible, in any new Development Order:

> To determine the existing Levels of Service (hereinafter LOS) on regional facilities and the need for improvements in a timely manner, the Applicant shall submit an annual monitoring report to Charlotte County, FDOT, the FDCA and the SWFRPC for review. The annual monitoring report shall, in addition to current counts and traffic information related to the roadways and intersections listed below, provide a projection for the following year

until after buildout of the project, and at a minimum, shall contain p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the regional intersections listed below, and a calculation of the existing LOS at these intersections and on the road segments listed below.

Roadways
Harborview Road
- U.S. 41 to Melbourne Street
- Melbourne Street to I-75
- I-75 to Rio DeJaniero
- Rio DeJaniero to Broadpoint Drive

Rio DeJaniero
- Deep Creek Boulevard to Sandhill Boulevard
- Sandhill Boulevard to Rampart Boulevard
- Rampart Boulevard to Harborview Road

Rampart Boulevard
- Rio DeJaniero to Kings Highway

Kings Highway
- DeSoto County Line to I-75
- I-75 to Peachland Boulevard
- Peachland Boulevard to Rampart Boulevard

Intersections

- I-75/Harborview Road
- Harborview Road/Rio DeJaniero
- Harborview Road/Melbourne Street
- Harborview Road/Kings Highway
- Harborview Road/U.S. 41
- Rio DeJaniero/Rampart Boulevard
- Rampart Boulevard/Kings Highway
- Kings Highway/Peachland Boulevard
- Kings Highway/I-75

In the annual monitoring reports, for peak season, peak hour conditions on all roadways and intersections identified in either paragraphs "c" or "g", the developer shall document existing conditions and include a projection of project traffic for the following year and an analysis of the LOS on those roadways and intersections. The projection will include traffic generated by all of the completed project development, all of the portion of the project for which building permits have been issued, and the amount of project development for which the developer intends to seek building per-

mits in the following year. If the analysis indicates that any of the identified roadways and intersections will operate at or below the LOS standards adopted by the County and the project is projected to utilize more than 5% of the LOS "D" capacity for urban areas or "C" for rural areas, then further building permits shall not be granted until the affected roadway improvements, as identified in this Development Order or any subsequent traffic analysis submitted by the Applicant or Developer, are committed for construction based on the definition of committed roadway improvement within paragraph "h" below. Prior to any construction in Phase I, the Applicant or the Developer shall undertake a traffic analysis to show that no unmitigated impacts will occur on the portion of Kings Highway between the DeSoto County line and I-75, or on Harborview Road between Rio DeJaneiro and I-75, during Phase 1.

In any monitoring report or transportation analysis submitted for this project, the LOS shall be calculated according to current professional standards and shall provide an indication of when the adopted LOS is expected to be exceeded on any roadway or intersection identified in this Development Order, and an estimate of project impact on those facilities. The LOS shall be re-evaluated under any new model of professional standards adopted by Charlotte County, and found acceptable by the SWFRPC and the FDCA, within a reasonable time after such model is adopted. Should any of the reviewing agencies find that this reanalysis contains projections significantly different from the original analysis, the Applicant will be required to file a notification of change with SWFRPC, FDCA and Charlotte County.

Should the development mix of the Harborview Development of Regional Impact for any individual phase or for the project buildout be such that the trip generation and external traffic of the project exceed the levels identified in the Application for Development Approval, on a p.m. peak hour basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380 of the Florida Statutes.

Should this transportation analysis update and project impact reassessment reveal the need for transportation improvements on impacted links and intersections (which must be mitigated in order to provide an adequate LOS on those links and intersections) and those transportation improvements have not been identified as committed roadway improvements (as defined in Section 14(h) of this Development Order), building permits shall not be issued for Phase II or Phase III until the Applicant mitigates those transportation impacts. The Developer may propose:

(1) The use of a Local Government Development Agreement pursuant to Section 163.3220 Florida Statutes which contains commitments by the Applicant (potentially including a proportionate share payment) and local government to provide the necessary improvements. This Agreement must be approved by Charlotte County, SWFRPC, FDCA and the Developer, and incorporated into the Development Order by amendment. This Agreement must include identification of the transportation improvements necessary to mitigate those transportation impacts identified in the analysis as well as a project impact reassessment which shows an adequate LOS on impacted links and intersections.

OR

(2) Scaling down Phase II and Phase III development to compensate for the unmitigated transportation impacts identified in the analysis and project impact reassessment, so that an adequate LOS can be achieved on impacted links and intersections. This scale down shall be accomplished by either a decrease in residential dwelling units (RSF-Single Family or RMF-Multi-Family) or a reduction in Gross Square Footage (GSF) for Commercial and Office/Medical/Institutional uses. This scale down must be approved by Charlotte County, SWFRPC, FDCA and the Developer, and incorporated into the Development Order by amendment.

g. Biennial monitoring reports will include updates as to whether all committed transportation improvements are constructed as planned. If any committed improvement is not constructed as planned or has been moved out of the first three years of the adopted Charlotte County Comprehensive Plan capital improvement element or the FDOT Five Year Work Program, or moved out of the FDOT Five Year Work Program for Strategic Intermodal System or Florida Intrastate Highway System facilities, the developer shall conduct a new transportation impact study using methodology to be approved by Charlotte County, FDOT, DCA, the SWFRPC and any other impacted jurisdictions. If the study projects impacts

significantly different than originally projected or indicated in most recent transportation analysis which was found to be sufficient, the applicant will be required to file an NOPC to address the changes.

h. Changes in land uses from the parameters described herein will be required to undergo further DRI review, except as noted herein, unless such changes are determined not to be a substantial deviation pursuant to Section 380.06, Florida Statutes.

i. Any departure from Project buildout from the phasing schedule set forth in this Development Order shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Chapter 380.06(19)(c), Florida Statutes.

j. The applicant shall coordinate with the Florida Department of Transportation and mitigate significant and adverse impacts to I-75, including interchanges and ramps, which result from the project as indicated by monitoring.

k. The applicant will facilitate and promote transit service through the inclusion of a transit center, bus stops, park and ride facilities, and other appropriate transit access points in site design, consistent with County, Metropolitan Planning Organization and regional transit development plans, and will ensure accommodation of and provisions for, and facilitate use of public transit services.

l. The applicant will provide for bicycle and pedestrian access within the development and connecting to the nearest public bicycle and pedestrian facilities by constructing no less than the facilities indicated in their application and sufficiency responses within the site, as well as facilities suitable for bicycle and pedestrian use connecting to the nearest existing sidewalks to the east and west.

m. If proportionate share mitigation is proposed, justified and based on the DRI's location or mix of land uses and design to encourage pedestrian or other nonautomotive modes of transportation, grade-separated bicycle and pedestrian facilities must be provided over Harborview Drive to connect the North and East areas of the DRI, and bicycle and pedestrian facilities meeting FDOT design standards must be provided through the interchange to facilitate access between the East and West areas of the DRI, as site-related improvements.

n. No development will be permitted beyond that approved for buildout (Year 2018) or based on a land use conversion that exceeds substantial deviation thresholds until a Notice of Proposed Change/Substantial Deviation application including a cumulative transportation analysis has been reviewed and approved in accordance with Chapter 380.06(19), F.S.

o. The development order will include provisions for the transfer of funds to the appropriate agency with maintenance and improvement responsibility for those

roadways (upon which the project has significant and adverse impacts) which are not under Charlotte County's jurisdictional responsibility, consistent with Rule 9J-2.045. This requires a signed funding/roadway improvement agreement with the appropriate agency which must be included as part of the D.O., or amended to the D.O. through an NPOC, before development occurs.

p. The developer will not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements at the projects access points that are site-related pursuant to the Charlotte County Land Development Code.

q. Credits against impact fees will be in accordance with the Land Development Code. If road impact fees are repealed, reduced or made unenforceable by court action, a substantial deviation will be deemed to have occurred, and the traffic impacts of the DRI must be reanalyzed to determine appropriate alternative mitigation. This DRI Development Order will be amended as appropriate to include the new mitigation prior to the issuance of subsequent building permits.

r. Development under this Development Order is subject to compliance with the Charlotte County concurrency requirements as set forth in the Comprehensive Plan and Land Development Code.

s. The Development Order must include conditions to ensure that, should any monitoring report indicate a projected failure to maintain the adopted LOS or indicate the need for transportation improvements not identified in this development order, the County shall cease issuing building permits until appropriate mitigation is assured in accordance with Rule 9J-2.045 and the Development Order is modified though the NOPC process to incorporate the additional ~~mitigation requirements~~mitigation requirements.

t. Development Order options may be considered by the County and the applicant to the extent that the options provide adequate commitments for improvements indicated above to significantly impacted regional roadways and intersections. Whatever options are exercised, however, will be done with the understanding that the following conditions will be met:

1) The transportation impacts to the roads and intersections above will be appropriately addressed consistent with Transportation Uniform Standard Rule, SWFRPC policies, and the determination of proportionate share of the regional road improvements necessary in accordance with Section 163.3220, F.S., which requires a Local Government Development Agreement and a commitment by the applicant and/or the local government to ensure concurrency on all significantly impacted regional roads.

2) If application transportation analysis and/or monitoring reports lead to the conclusion that one or more regional roadways and intersections are

operating at below the adopted level of service standard, or are projected to operate at or below the adopted of level of service during the next phase or sub-phase of the development identified in the transportation analysis, and the project is contributing or projected to contribute more than 5% of the adopted level of service capacity, then further building permits and certificates of occupancy will not be granted until the requirements listed in Rule 9J-2.045(7) F.A.C. and standards of the local government's concurrency management system have been met. The development order will identify how the DRI will be treated in relation to the concurrency management system.

9. VEGETATION AND WILDLIFE, WETLANDS, and MARINA (Refer to Appendix I-I)

The proposed Substantial Deviation proposes the addition of 139 acres of land to the DRI, for a total of 653 acres, at a location southwest of Interstate 75, located north of the Peace River. There would be an increase to 245 single family residential units, 3,614 multi-family residential units, ~~a~~an elimination of 364,270 square feet office/institutional uses, a decrease of commercial area by 215,928 square feet, the addition of a 400 slip private marina, and ~~192 slips~~192 slips of private dry storage. The location and alignment of Luther road extension is addressed in the project design. The plan appears to include new dredged finger canals to connect an existing borrow pit lake to the Peace River and the public marina facility to the Peace River. Details of the design and impacts to habitat of the new canals are not provided.

The location of revised gopher tortoise and Florida scrub jay preserves are separated into three separate locations that total 29 acres. The project area is currently in native habitat. The applicant reports different landcover in the first sufficiency response than in the initial application. The applicant is reporting 459.14 acres of upland and 193.96 acres of wetlands and other surface waters. The upland habitats include: dry prairies (6.42 acres), palmetto prairie (27.03acres), xeric oak and pine (38.19 acres), xeric oak hammock (19.44 acres), shrub and brushland (45.56 acres), pine flatwoods (231.91 acres) mesic oak (8.37 acres), cabbage palm (16.94 acres), disturbed upland (15.84 acres) and 1.91 acres of paved roadway.

The applicant reports the following wetland habitats: Brazilian pepper (36.32 acres), open water (32.89 acres), bay swamp (8.08 acres), freshwater marsh (4.92 acres) saltmarsh (98.89 acres), and mangrove swamp (12.86 acres). This is a total of 82.21 acres of freshwater wetlands, and 111.75 acres of saltwater wetlands. Significant landscape features include two tributary streams to the Peace River and occupied Florida scrub jay habitat in the north eastern portion of the site.

According to a geographic information system (GIs) analysis by the FWC, 25 listed species potentially occur in the area (Table 1). The area queried in the GIS analysis provides (I) Strategic Habitat Conservation Areas (SHCA) primarily adjacent to the Peace River, (2) Biodiversity hotspots of 7or more focal species spanning the majority of

the property, **(3)** multiple Florida scrub jay territories within and adjacent to the property (Attachment B), and (4) priority wetlands for 1-3focal species with associated priority upland habitat for 4-6 focal species (Attachment A).Therefore, FWC has recommended a s conservation easement for the northeast portion, which contains an existing Florida scrub-jay group and southern portion adjacent to the Peace River, which contains nesting and breeding habitat for bald eagle, manatee, and a wood stork rookery.

Listed species observed on site during site visits, the Geographic Information System (GIS)Analysis and our staff knowledge, or as reported in the applicant wildlife surveys, include the wood stork (*Mycteria americana*) (endangered-E), ~~,~~West Indian manatee (*Trichechus manatus latirostris*) (E), Florida scrub jay (*Aphelocoma coerulescens*) (threatened-T), bald eagle (*Haliaeetus leucocephalus*) (T), Florida sandhill crane (*Grus canadensis pratensis*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), Florida mouse (*Podomys floridanus*) (species of special concern-SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), snowy egret (*Egretta thula*) (SSC), little blue heron (*Egretta caerulea*) (SSC), roseate spoonbill (*Platalea ajaja*) (SSC), gopher tortoise (*Gopherus polyphemus*) (SSC), and American alligator (*Alligator mississippiensis*) (SSC).

The potential listed species that may occur on site include the endangered peregrine falcon (*Falco peregrinus*) (E), small-toothed sawfish (*Pristis pectinata*) (E), southeastern American kestrel (*Falco sparverius paulus*) (T), Sherman's fox squirrel (*Sciurus niger shermani*) (SSC), Sherman's short-tailed shrew (*Blarina carolonensis shermani*) (SSC), burrowing owl (*Athene cunicularia floridana*) (SSC), red-cockaded woodpecker (*Picoides borealis*) (SSC), Florida pine snake (*Pituophis melanoleucus mugitus*) (SSC), gopher frog (*Rana capito*) (SSC) and Atlantic (Gulf) sturgeon (*Acipenser oxyrinchus*) (SSC).

As designed, the project will change 468.43 acres of wildlife habitat to developed human uses and fragment a contiguous landscape into a set of development areas connected by roadways that cross at least one slough preserve corridor. Permanent hydro period development lakes will be inserted into the landscape and sheet flow hydrology interrupted and directed into the water management system with point discharges.

A new isolated marina basin and two new boating accesses to the Peace River will be constructed adding 400-500 boats to this part of the Peace River.

A variety of secondary and cumulative impacts from traffic with associated wildlife road-kill, interruption of sheet flow, introduction of domestic animals, fugitive lighting, fertilizers, oils and greases, stormwater management systems changing hydro-patterns, introduction of exotic landscaping plants, yard waste dumping, mosquito control and other pesticides, boating impacts and associated propeller dredging, etc., will result from development of the site.

FDEP has identified that there is a history associated with the construction of canal systems behind weirs with locks or boat lifts to provide access to open waters in

southwest Florida. There are inevitable demands from the users of these facilities to remove them from the system. These typically occur when the system is several years old, the original developer has given up control of the system operation and maintenance, and there are a significant number of system users. Even with "permanent" guarantees as strict as Federal Court settlements there have been requests to open up the enclosed canal systems either in advance or post-violation of the block removal. The history of boat-lift, unconnected canal facilities in southwest Florida demonstrates a pattern of request to remove the block and open the enclosed canal system to free flow to tide. The Winchester Canal system, the northwest Cape Coral Canal System, the Eco-Park Canal System, the Palmetto Point Canal System are but some of the examples of this practice. At the time of this project review only the south Spreader Waterway of Cape Coral remains as a separate canal system and there has been interest in removing those boat locks due to the repetitive failure and maintenance costs of the locks.

The proposed enclosed boat basin and associated access canals will have major problems with the accumulation of a variety of pollutants associated with the operation and maintenance of the vessels, the developed landscape and impervious surfaces. These large enclosed lake features develop BOD loads, can become anoxic, and generate winter fish kills. In its current design the proposed project has the strong potential for regionally significant deleterious impacts to vegetation and wildlife, including listed species and **does not merit a recommendation for approval.**

If this project did not have the isolated marina basin with associated specified and unspecified channels, followed the guidance provided by the USFWS and GFC with regard to listed species including wood stork (*Mycteria americana*) (endangered-E), West Indian manatee (*Trichechus manatus latirostris*) (E), Florida scrub jay (*Aphelocoma coerulescens*) (threatened-T), small-toothed sawfish (*Pristis pectinata*) (E), Florida sandhill crane (*Grus canadensis pratensis*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), Florida mouse (*Podomys floridanus*) (species of special concern-SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), snowy egret (*Egretta thula*) (SSC), little blue heron (*Egretta caerulea*) (SSC), roseate spoonbill (*Platalea ajaja*) (SSC), gopher tortoise (*Gopherus polyphemus*) (SSC), and American alligator (*Alligator mississippiensis*) (SSC); upland and wetland habitat preserve designs and management, and withdrew proposed comprehensive plan amendment PA 09-08-10-LS; **then it would be possible to generate a set complementary development order conditions that would commend a recommendation of conditional approval for such a redesigned project.**

This redesigned project would retain the two boat access points and have dry storage facilities associated with the Danforth Canal, located on the western area of the site, access point with a number of vessels concordant with the USFWS/FWC recommendations for the protection of West Indian manatees. There would be less wet slips but potentially more dry storage. Assuming the project is redesigned to:

1. Eliminate the isolated marina basin with associated specified and unspecified channels,

2. Follow the guidance provided by the USFWS and GFC with regard to listed species-, upland and wetland habitat preserve designs and management, and

3. Withdraw proposed comprehensive plan amendment PA 09-08-10-LS

RECOMMENDATIONS

Any DRI Development Order issued by Charlotte County shall contain the following provisions, with additions to applicant offered conditions indicated in ***bold italics***, to accompany and conditional approval:

VEGETATION AND WILDLIFE

a. ~~a.~~ The developer shall preserve, in its natural state, the areas identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These areas shall include approximately 150 acres of salt marsh and bay swamp, combined, approximately 12.5 acres of xeric oak hammock and water course and approximately 16 acres of existing scrub jay and gopher tortoise habitat. The exact location of the preservation areas may be subject to change, but the acreage shall remain fixed unless modified to increase pursuant to applicable agency permits or regulations, which modification shall not require a notice of proposed change.

b. The Developer and their assignees shall follow the guidance provided by the USFWS and FWC with regard to listed species including wood stork (*Mycteria americana*) (endangered-E), West Indian manatee (*Trichechus manatus latirostris*) (E), Florida scrub jay (*Aphelocoma coerulescens*) (threatened-T), small-toothed sawfish (*Pristis pectinata*) (E), Florida sandhill crane (*Grus canadensis pratensis*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), Florida mouse (*Podomys floridanus*) (species of special concern-SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), snowy egret (*Egretta thula*) (SSC), little blue heron (*Egretta caerulea*) (SSC), roseate spoonbill (*Platalea ajaja*) (SSC), gopher tortoise (*Gopherus polyphemus*) (SSC), and American alligator (*Alligator mississippiensis*) (SSC)The size and design of the on-site Florida Scrub Jay preserves and any off-site Florida Scrub jay mitigation will be determined by the FWC and USFWS. Any decrease in preserve commitments shall constitute and substantial deviation.

~~b.~~c. Wildlife Utilization Areas, as shown on Map F-1 which is incorporated by this reference shall provide connectivity of the onsite wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas ***(WUA)*** consist of approximately 198 acres of wetland and upland habitats. Any decrease in WUA preserve commitments shall constitute and substantial deviation.

~~c.~~d. The developer shall follow the Best Management Practices ("BMPs") described in the Harborview DRI Land Management Plan ("Land Management Plan"), contained in **Exhibit "D,"** attached hereto and incorporated herein by this reference, to protect and

enhance habitat for listed species and other wildlife within the Wildlife Utilization Areas, including gopher tortoise management plan, and a Florida Scrub Jay management plan. Any amendments to the Land Management Plan required by or consented to by Charlotte County, the FWC, USFWS, or applicable regulatory agencies shall not require a notice of proposed change.

~~d.~~e. A qualified biologist shall monitor all on-site clearing activities for any listed species nesting attempts. If attempts are made, clearing shall stop immediately.

~~e.~~f. In accordance with federal and state permits, a long-term monitoring and maintenance program will be implemented and monitoring reports will be submitted to the Southwest Florida Water Management District ("SWFWMD"), U.S. Army Corps of Engineers and Charlotte County Natural Resources Section.

~~f.~~g. Preservation areas may be used for relocation of gopher tortoises from other onsite areas as long as the density of the gopher tortoise population, per the gopher tortoise relocation guidelines of the Florida Fish and Wildlife Conservation Commission ("FWC") within that preservation area allows for such relocation. Other onsite relocation areas, or offsite relocation areas, that comply with the FWC gopher tortoise relocation guidelines may be used. —Since gopher tortoises are keystone species in that their burrows may accommodate shelter for multiple species, FWC recommends that onsite conservation areas should be planned around high density gopher tortoise populations and only a minimal number of tortoises be relocated (FWC 2007). According to the approved gopher tortoise management plan (FWC 2007) FWC prefers that high density areas be placed in perpetual conservation and only a minimal number of tortoises be relocated. Any tortoises that are relocated should be placed in an area similar in vegetation and soil composition and where gopher tortoises already exist. To ensure acclimation to the recipient site, the relocated tortoises should be confined for at least 6 months to 1 year either with low fencing or hay bales. A survey and relocation plan of gopher tortoises is necessary in order to obtain a relocation permit. The survey and relocation plan shall be made available for the preliminary review during Site Plan Review for each parcel. All relocation of gopher tortoises shall be conducted in accordance with the FWC's guidelines for gopher tortoise relocation. Gopher tortoise population monitoring may be required by the relocation permit.

~~g.~~h. Species-specific nesting surveys shall be completed in the nesting season immediately preceding all clearing or construction activities for each potentially-affected listed species. These species-specific surveys should follow established survey protocols and guidelines where applicable and follow established survey protocols by USFWS and FWC and be conducted by qualified wildlife biologists.

~~h.~~i. Cleared or dredged sites may attract ground nesting species such as least tern or other coastal bird species during nesting season. Therefore, a FWC approved biologist should be present to monitor and detect disturbances or nesting attempts during all clearing and construction activities where potential nesting habitat occurs. If least terns or other ground nesting species start to nest in a dredged, cleared, or graded area, the activity will stop in that area, and the nest site will be marked, allowing the species to nest and then

resuming construction activities in that area once all birds have fledged.

~~i.~~j. The continuing consultation on the potential project impacts to the West Indian manatee needs to be completed with the FWC and USFWS prior to approval of the marina design.

~~j.~~k. To ensure connectivity of habitat and maintenance of regional wildlife corridors a habitat management (HMP) plan be created for the project, which should include (1) identification of an entity that will accept responsibility for coordinating the long-term and perpetual management of conservation areas (2) perpetual long-term habitat management of all wetland and upland conservation areas consistent with adjacent public land management and (3) incorporation of the HMP into the development order and or community covenant.

~~k.~~l. During high water conditions many wildlife species are unable to use the type of culvert underpass that is typically used to maintain hydrologic connectivity across wetlands. Therefore, the wildlife undercrossings issue will be addressed by having elevated roadways span wetland habitat and an appropriate amount of upland habitat rather than using culverts Further, by designing elevated roadways to an appropriate height and width to accommodate wide ranging species, additional wildlife species will be allowed to maintain home range and migratory movement.

~~l.~~m. The developer shall design and construct a wildlife crossing across the relocated Discovery Drive in order to provide a connection between the East Village Wildlife Utilization Area and the Linear Oak Park Wildlife Utilization Area. Proposed wildlife underpasses shall be designed to attract wildlife using specific lighting, fencing, and vegetative cover. Lighting should be directed away from areas where wildlife may cross under roadways. Fencing may be installed to guide wildlife to underpass locations and native vegetation should be maintained to provide cover and noise reduction from the roadway. Additionally, installation of riprap or similar substrate at either end of underpasses may provide refugia for smaller species.

~~m.~~n. In order to reduce the risk of wildlife-vehicular accidents further, signage that warns drivers of the presence of designated wildlife underpasses and traffic-calming devices will be incorporated into the internal roadway network design. The use of passive control devices to slow traffic will be incorporated into the project near wildlife crossings. These include, but are not limited to, speed bumps, paver strips, stamped concrete and signage to alert drivers of the presence of designated wildlife crossings.

~~n.~~o. Applicable educational materials regarding wildlife protection and potential encounters will be provided to all residents and tenants. Proactive measures to protect interactions between humans and wildlife will be addressed in the educational materials. Since the property is located adjacent to fire-dependent conservation lands where prescribed burns occur, a fire-wise educational program will be included in the HMP. As a condition of the D.O., prospective home buyers should sign an acknowledgment of the prescribed burning regime in adjacent conservation areas and smoke sensitive facilities should not be planned within the smoke shed.

~~o.~~p. The project requires the use of wildlife resistant residential and commercial waste containers.

WETLANDS

~~p.~~a. The project site contains three wetland categories, Bay Swamp, Small Isolated Wetlands, and the Saltwater Marsh. The developer shall preserve approximately 150 acres of existing wetlands as shown on Map F-1, attached hereto as **Exhibit "E"** and incorporated herein by this reference, through the prohibition of development in those areas except that isolated wetlands may be impacted and/or removed provided that such impacts, together with mitigation which may include enhancement of the Saltwater Marsh and Bay Swamp, are approved by all ***local,*** state and federal agencies with permitting jurisdiction.

~~q.~~b. The applicant shall provide a minimum 100 foot wide buffer along the wetland boundary of the Saltwater Marsh, identified as the Green Zone, and a minimum 25 foot buffer along all other jurisdictional wetland boundaries. Uses such as commercial or residential buildings, parking lots, roads, other impervious surfaces and fertilizer use are prohibited in the Green Zone. Other isolated impacts, such as flow-ways, may be authorized by all local, state and federal agencies with permitting jurisdiction.

~~r.~~c. The proposed development shall not impact through dredging and filling the freshwater wetland areas that are the upper reaches of tidal creeks. The development shall incorporate steps to establish the hydrology necessary to maintain the integrity of the downstream tidal creek habitats (including their salinity regimes). Appropriate minimum 25 foot buffers around these wetlands that contribute freshwater to the downstream tidal creeks shall be established to protect the downstream biological communities in the tidal creeks.

~~s.~~d. The Saltwater Marsh and associated buffers shall be further protected and enhanced consistent with the Land Management Plan.

~~t.~~e. The Saltwater Marsh shall be conveyed in fee simple ownership to the Board of Trustees of the Internal Improvement Trust Fund for preservation as a park in perpetuity and consistent with the restrictions contained in Chapter 704.06, Florida Statutes, as may be amended. The State of Florida shall become the successor in interest upon conveyance and shall be responsible for performing all required maintenance of the Saltwater Marsh in a natural state at no cost to the Applicant or any homeowners association or community development district ("CDD"), except for permitted structures which are the maintenance responsibility of the Applicant, a master property owners association or CDD, as appropriate. The conveyance to the State of Florida shall occur within fifteen (15) days after receipt of the Environmental Resource Permit from the State of Florida, or WMD, or upon completion of any mitigation required by the ERP, whichever is later. All accrued mitigation, transferred development entitlements, and any other credits granted either through agency action or interlocal agreement shall be retained by the Applicant. This conveyance to the State of Florida shall be duly recorded in the Official Records of Charlotte County, Florida.

~~u.~~f. Freshwater wetlands and Small Isolated Wetlands not proposed to be impacted will be placed into a perpetual conservation easement if required by SWFWMD as part of the SWFWMD permitting process. The Wild Pine and Air Pine shall be preserved in the live oak stream habitat and Bay Swamp

~~v.~~g. Nuisance plant species within the Saltwater Marsh and Bay Swamp and associated buffers shall be eradicated and replaced with planting of native plants (trees, shrubs and understory plants) selected by a professional wetland biologist.

MARINA AND DOCK FACILITIES

a. No in-water marina is authorized. A dry storage marina facility with a fork lift tram-way system through the upland portions of the development to deliver vessels to the existing canal system for access to the Peace River is authorized at East Village on the DeSoto Canal in association with the Residential Land Use Area. The number of wet slips will be commiserate with jurisdictional agency permitting standards and available space.

b. A marina operations plan which abides by the recommendations of the Florida Department of Environmental Protection's Clean Marina Act will be implemented at the proposed marina site on the canal. The operations will promote environmentally friendly alternatives which will include Best Management Practices and Marina Environmental Measures.

c. Stormwater flows into the proposed marina site on the canal shall meet water quality standards at the time they are received by the basin.

d. A Clean Marina Plan based on the Florida Department of Environmental Protection's ("FDEP") Clean Marina Program and Best Management Practices will be implemented.

e. Introduction of pollutants in to the marina shall be limited by prohibitions against heavy boat repairs, painting of boats and pressure washing.

f. The Marina may contain dry storage facilities for not more than the number of boats approved by all local, state and federal agencies with permitting jurisdiction.

g. The Marina will include dry storage facility **(ies)** with an associated staging area and a ship store which will include restrooms, showers and retail shops. Sewer pump out facilities and a fueling dock shall also be provided.

h. Operation of the Marina will comply with the Marina Environmental Measures and Best Management Practices Clean Marina Plan – Harborview Marina attached as **Exhibit "F"** attached hereto and incorporated herein by this reference, as may be amended through the permitting process.

i. A petroleum spill response/fueling contingency plan will be developed and implemented at the Marina and shall include the following:

1) Notify within one hour of a spill your local responder, USCG National Response Center, FWC, and the State Warning Point.
2) The name, location and hours, telephone numbers, radio frequencies, facility waterfront and vessel characteristics, type and amount of petroleum stored, name/phone numbers of owner and trained personnel designated in charge.
3) Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.
4) Staff will be trained on how the equipment should be used and when necessary.
5) Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.
6) The equipment will be kept in key location and maintained by a contracted petroleum response company.
7) The plan will be annually reviewed with staff and updated for any new technology or equipment.
8) Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.
9) Oil and fuel storage containers will be built with a surrounding berm that contains an impervious bottom or equivalent double walled storage containers with petroleum sensors in the interstitial space in order to prevent/detect any leaching.

j. Docks may be constructed within the ~~West Village~~ Marina and along the DeSoto Canal, upon receipt of all local, state and federal agencies with permitting jurisdiction.

k. Powerboats with drafts in excess of five (5) feet will be prohibited from utilizing the Marina facilities.

l. Personal motorized watercraft (i.e. jet skis) will be prohibited in the Marina.

m. The Marina will be designed in general accordance with the "Layout Design and Construction Handbook for Small Craft Boat Launching Facilities" prepared by the State of California Department of Boating and Waterways.

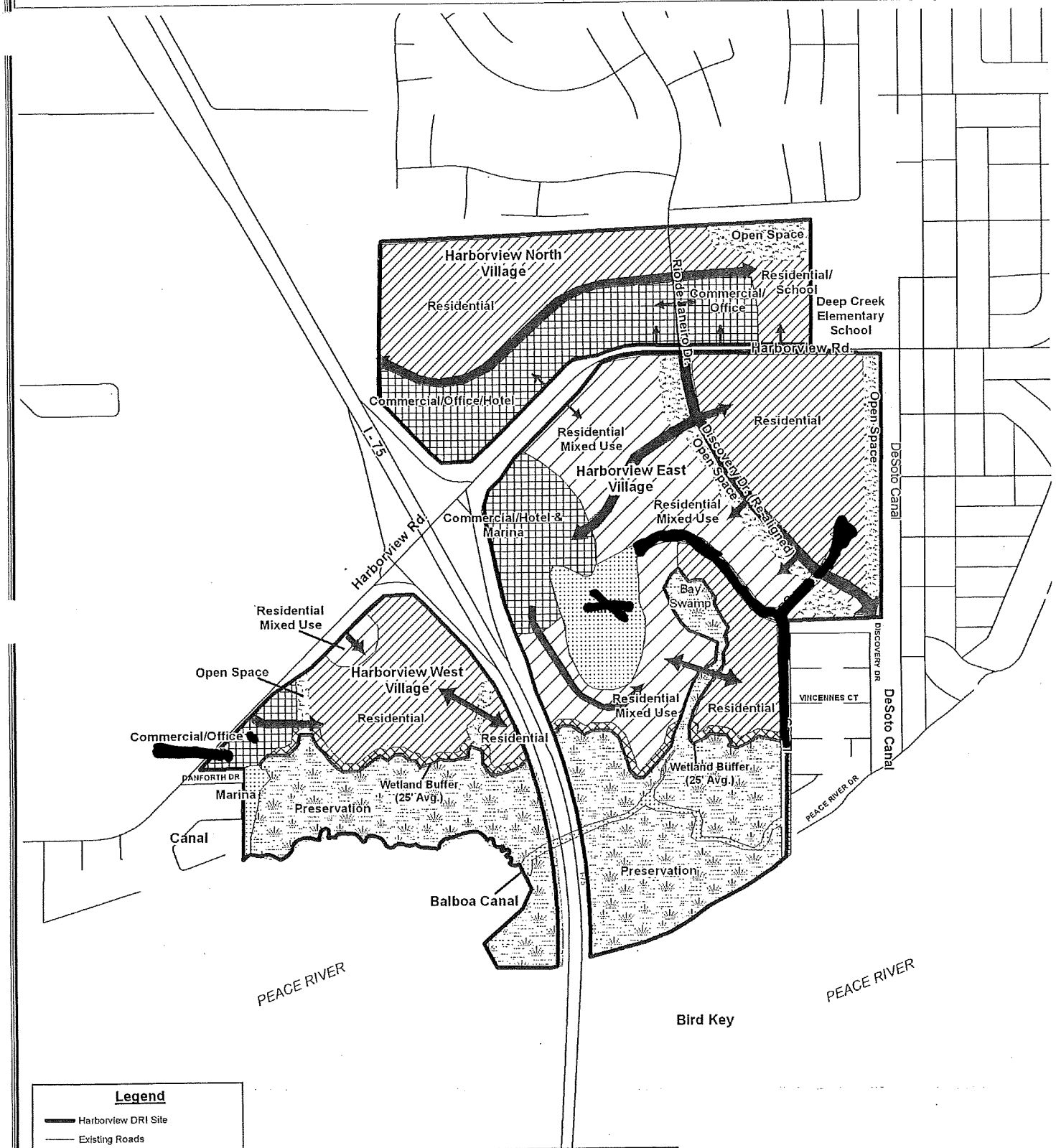
n. The entire shoreline of the Marina basin and the associated canal system, the public boat ramp and the single family dock area will include stabilization by either revetment riprap or bulkhead seawall with riprap.

~~o. The West Village boat ramp and associated facilities will be dedicated to Charlotte County as a public boat ramp. A minimum of 40 boat trailer spaces will be provided at the West Village boat ramp.~~

~~p.~~ o. No cargo will be shipped through the Marina.

UPDATED MASTER DEVELOPMENT PLAN

HARBORVIEW DRI - Charlotte County, Florida



Legend

- Harborview DRI Site
- Existing Roads
- Other Internal Roads
- Commercial/Office/Hotel/Marina
- Residential Mixed Use
- Marina, Canals & Public Boat Ramp
- Residential
- OpenSpace
- Preservation
- Green Zone (see note 4)
- Wetland Buffer (Avg. 25')
- Roadway Full Access
- Roadway Limited Access

SITE DEVELOPMENT DATA		ACREAGE
Hotels (350 Rooms)		10+/-
Residential		229+/-
Multi Family (3,614 Dwelling Units)		
Single Family (245 Dwelling Units)		
Marina, Canals & Public Boat Ramp		66+/-
(400 Wet Slips, 192 Dry Slips, 20 Exempt slips and 40 Parking Spaces)		
Commercial	655,000 S.F.	90+/-
Office	50,000 S.F.	5+/-
Easements and Roadways		66+/-
Preservation & Open Space		187+/-
Total Site Area		653 +/- Acres

Note:
1. Residential mixed use can contain commercial, hotel and office uses.
2. The location of internal roadways and external access points shown are preliminary and are subject to change based on access management requirements and engineering criteria. Right In and Right Out driveway connections are not depicted on this map.
3. The open space and preserve areas shown can be credited toward the land development code open space and native habitat requirements for the developed parcels.
4. Designated land uses adjacent to depicted Green Zone allow same land uses, except within wetland buffers.

10. WATER QUALITY (Refer to Appendix I-J)

The property has an existing Development Order for a Development of Regional Impact (Resolution 93-66 as amended). An application for an Environmental Resource Permit has not been filed with either the Southwest Florida Water Management District or the Florida Department of Environmental Protection. Currently, rainfall sheet flows generally to the south. A portion of the site's surface water flows into the borrow pond created as a result of the construction of I-75. The remainder of the surface water flows south into the Peace River.

Tthe project site receives an average annual rainfall of 53 inches. Of this total, approximately 40 inches is returned to the atmosphere via evapotranspiration. Typical overland runoff is approximately 10 to 12 inches annually, leaving approximately only 1 to 3 inches available for net recharge to the surficial aquifer. This amount of recharge is considered low and does not warrant special protection.

Once the site is developed, wet and dry season water levels of the surficial aquifer will be maintained through surface water management facilities. Through the use of best management practices such as water control structures and detention systems, predevelopment hydrology will be maintained in the new development, as required by SWFWMD rules and regulations.

Best management practices (BMPs) will be implemented at the site to prevent potential adverse impacts to surface water and groundwater. These BMPs will include the proper timing and minimum applications of slow release fertilizers, pesticides, and herbicides on landscaped areas of the property.

RECOMMENDATIONS

Any Development Order issued by Charlotte County shall contain the following provision:

a. Silt fences will be installed on land and floating turbidity curtains will be installed in surface water bodies to protect water quality and will remain in place until land surface is stabilized.

b. Appropriate turbidity controls will be implemented during any necessary dewatering. These controls may include temporary retention areas that allow entrained sediment to settle prior to discharge. Other potential turbidity controls may include use of agents to flocculate or coagulate sediments.

c. The area of exposed soils will be minimized and will be no larger than necessary for efficient construction operations. In addition, the duration of exposed soil will be minimized. Exposed soil will be stabilized by sodding, seeding, or mulching as soon as practical after construction activities.

d. The applicant will install storm drain inlet protection to limit sedimentation within

the storm water management system.

e. Nutrient and pesticide management will be performed by minimizing losses to stormwater and maximizing application effectiveness. This will be accomplished by prohibiting application near surface water bodies and avoiding application on impervious areas. In addition, only registered commercial applicators will be allowed to apply fertilizers or pesticides.

f. Dry weather accumulation of pollutants will be removed from primary streets by street sweeping once every other month. Street sweeping will be performed by a licensed vendor using a vacuum-type sweeping device.

g. Identification of storm water management system maintenance issues will be performed through annual inspections of inlets, culverts, outfall structures, bank slope stabilization, and aquatic vegetation. Any required maintenance will be performed to maintain or improve the surface water management system and water quality.

h. Best Management Practices (BMPs) to insure water quality enhancement of stormwater runoff will be incorporated into the proposed surface water management system. These will include:

1) Control structures designed to detain the required volume runoff in order to allow settling of nutrient pollutants and infiltration to occur.

2) Drop catch basins for closed drainage systems within the development area.

3) Development runoff directed into the proposed swales, grassed areas, and lakes prior to discharge into the on-site preserve.

4) Dry detention/retention areas to provide pretreatment of first %" of runoff from commercial areas.

i. Development stormwater runoff will be directed to onsite detention retention areas, grassed areas, and lakes prior to any offsite discharge in order to provide enhanced water quality treatment.

j. The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes).

k. For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions or other appropriate mechanisms, the utilization of xeriscape principles in the design and installation of the project's landscaping. ~~xeriscape~~Xeriscape principles will be used throughout the project.

l. Irrigation may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary

(treated effluent) system applications.

m. Potable water may not be used for non-potable/irrigation demands.

n. The Developer must obtain all appropriate water use permits and water management permits from the SWFWMD and Charlotte County prior to any on-site construction.

o. The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, to the extent not inconsistent with the above requirements.

p. The developer must participate in any area-wide drainage program directly benefiting the DRI, under the same fiscal terms and conditions as all other benefited properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Charlotte County or by the SWFWMD or by the Applicant, or by a group of benefited property owners.

q. Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.

r. The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SWFWMD.

s. In accordance with nutrient loading treatment methods, stormwater runoff will be treated through a combination of retention facilities prior to discharging offsite.

t. The Developer must obtain all appropriate water management permits from the SWFWMD and Lee County prior to any on-site construction.\

u. The developer must submit all pertinent surface water management submittal documents to Lee County at the same time as those documents are submitted to the SFWMD for review and comment.

v. The developer must coordinate with Charlotte County, FDEP and SWFWMD in the on-site placement of storage and transfer facility for all special and hazardous waste generated by the DRI.

w. The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SWFWMD.

x. All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.

11. WATER SUPPLY, AND WASTEWATER MANAGEMENT (Refer to Appendix I-K)

Potable water will be used to satisfy the domestic demands associated with this proposed mixed use development. Non-potable water will be used to satisfy the landscape irrigation demands for the same land uses. All potable water will be provided by the Charlotte Harbor Water Association via their infrastructure. Wasterwater treatment will be provided by Charlotte County Utilities. The Charlotte Harbor Water Association has provided a letter confirming potable water service capacity. Charlotte County Utilities has provided a letter confirming wastewater treatment capacity. Reclaimed water will not be used on-site due to the proximity of the project to sensitive environmental features and the Peace River. Instead, water from the stormwater management system and other surface waters will supply non-potable water demands. Non-potable water conservation shall be encouraged through the use of xeriscape landscaping principles and plant selection. No septic tanks are proposed for wastewater treatment for the project. The following standard and project specific recommendations reflect the existing development order for the project and protections for regional significant resources.

RECOMMENDATIONS

Any Development Order issued by Charlotte County shall contain the following provision:

a. Charlotte Harbor Water Association or its successors and assigns shall provide potable water service for the project. Documentation of adequate capacity to serve the development must be provided with each local development order application.

b. Charlotte County Utilities or its successors and assigns shall provide wastewater service for the project. Documentation of adequate capacity to serve the development must be provided with each local development order application

c. The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.

d. Development of the project will incorporate strategies to minimize demand for non-potable water. Non-potable water demands will be met by utilizing surface water from the stormwater management system.

e. While the applicant has not expressed interest in withdrawing groundwater for non-potable (landscape irrigation) needs, if the applicant applies for a consumptive use permit for future irrigation needs, a Notice of Proposed Change must be filed. The applicant will be required to meet all District criteria in effect at the time of permit

application. The general and specific conditions relating to this permit are incorporated as conditions of the DO by reference.

f. Irrigation systems for new construction shall comply with County's irrigation and landscaping ordinance, as may be amended from time to time.

g. A building permit shall not be issued unless the developer demonstrates that the Charlotte Harbor Water Association has adequate permitted allocation of potable water and distribution facilities to meet the demands of the development for which the building permit is being requested.

h. The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes). The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, rain-harvesting, water gardens, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the Charlotte Harbor Water Association by the Southwest Florida Water Management District.

i. For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions, or other equally enforceable methods, the utilization of xeriscape principles in the design and installation of the project's landscaping, where public water or well water would be necessary for irrigation purposes. Xeriscape principles will be used throughout the project.

j. Irrigation of green space may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications.

k. Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met through on-site lakes.

l. The Developer must obtain all appropriate water use permits from the SWFWMD and Charlotte County prior to any on-site construction.

m. The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, including the use of spray irrigation and xeriscaping.

n. The developer must submit all pertinent water use permit submittal documents to Charlotte County at the same time as those documents are submitted to the SWFWMD for review and comment.

o. If hazardous wastewater is generated by the on-site facilities, the project's hazardous materials management plan must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.

p. All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Charlotte County's applicable ordinances.

q. The developer shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater

and water quality management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

r. A water quality monitoring plan shall be included into the Land Management Plan to ensure that the downstream waters of the tidal creeks and their biological communities are not adversely impacted by this project, and to allow for corrective actions to be taken if negative impacts to the downstream waters and biological communities are detected.

12. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN

The Florida Department of Community Affairs and Charlotte County will approve and oversee the implementation of the Comprehensive Plan for the Harborview DRI project.

RECOMMENDATIONS

Any DRI Development Order issued by the Charlotte County should contain the following provisions:

a. The Harborview DRI shall be developed in substantial accordance with the Master Development Plan (Map H as amended) and attached hereto as Exhibit "C," including the development parameters (as detailed below) and the Development Criteria as detailed on that plan.

b. The development of Harborview DRI shall be as follows:

Project Summary

Charlotte Land Use Designation	Original DRI	NOPC 2006	Substantial Deviation	Total Change
Acres	408	514	653	139
Residential				
Single-Family	207	207	245	38
Multi-Family	1,016	1,180	3,614	2,434
Total Units	1,227	1,387	3,859	2,472
Commercial (s.f.)	936,540	870,928	655,000	-215,928
Office (s.f.)	468,270	414,270	50,000	-364,270
Hotel	0	0	350	350
Marina				
Wet Boat Slips	0	0	400	400
Dry Slips	0	0	192	192
Trailer Parking	0	0	40	40

c. The Harborview DRI Map H and Project Summary shall be amended to relocate

the proposed marina / commercial land uses located within the East Village area to the public boat ramp area located in the West Village. The size and design of the relocated marina / commercial area shall be determined in consultation with the State permitting agencies.

d. Any departure of the development from the parameters set forth in this Development Order shall be subject to review to determine if such departure constitutes a Substantial Deviation pursuant to Chapter 380.06(19)(c), Florida Statutes.

e. The Harborview DRI Map H shall be amended to show all freshwater wetlands, tidal creeks, and salt marshes along with their required setbacks as preserve areas.

f. The Applicant shall amend the Charlotte County Future Land Use Map depicting the land use designations on the subject site to show the lands that are to be preserved/conserved from the Mixed Use land use designation to Preserve land use designation.

g. To foster intergovernmental coordination in the administration of the Harborview DRI, the Applicant shall furnish to the Charlotte County Planning Department copies of all Monitoring Reports, together with all documents required to accompany said Monitoring Reports.

h. Any commercial or residential component (e.g., lot within a platted subdivision, land lease, condo plat, etc.) of each respective phase shall be entitled to receive a building permit after said phase build-out date providing the residential or commercial component is part of a larger residential or commercial site (e.g., subdivision, land lease, condo plat, etc.) for which the required infrastructure improvements have been completed, approved and accepted by Charlotte County. This is not intended to authorize the issuance of building permits after the final DRI build-out date.

i. At the time of the first Site and Development/Preliminary Plan submittal, the Applicant shall also submit a "Permit Tracking Chart." Once approved by the Charlotte County Planning, this chart will be submitted with each subsequent Site and Development/Preliminary Plan submittal to be used by Charlotte County staff to ensure adequate monitoring of the variable commercial/office square footage and the number of residential units by type, the mix of housing types, and their neighborhood location.

13. GENERAL CONSIDERATIONS

In the Harborview ADA, numerous commitments were made by the applicant to mitigate project impacts. Many, but not all of these commitments are listed in this staff assessment. Additionally, the ADA provided a phasing schedule that provided the timing basis for this review. If this phasing schedule is significantly altered by the applicant,

then many of the basic assumptions of this approval could be substantially changed, potentially raising additional regional issues and/or impacts.

RECOMMENDATIONS

Any DRI Development Order issued by Charlotte County shall contain the provisions that:

a. All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.

b. The developer shall submit biannual report on the development of regional impact to the Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection 380.06(18), Florida Statutes.

c. The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.

d. If the local governments, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the development order was based on substantially inaccurate information provided by the developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred. The monitoring checklist contained in Appendix IV shall be used as a guide by the local government in determining addition substantial regional impacts.

e. Pursuant to Chapter 380.06(16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.

f. The local development order shall state the land uses approved in gross square feet, acreages and parking (if applicable) consistent with the statewide guidelines and standards in Chapter 380.0651 Florida Statutes.

Agenda Item

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ADMINISTRATIVE ISSUES

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Agenda Item

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Lower West Coast Watersheds Implementation Committee

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Lower West Coast Watershed Implementation Committee Report

This month the Lower West Coast Watershed Implementation Committee, the Southwest Florida Regional Planning Council and the Charlotte Harbor National Estuary Program (CHNEP) have been working on and coordinating responses to the potential impacts to our region from the Deepwater Horizon oil spill in the northern Gulf of Mexico.

Jon Iglehart, John Gibbons and Maran Hilgendorf will present and discuss the activities and coordination they have been providing for response information and training.

- John Iglehart is the Director of the South District Office of the Department of Environmental Regulation based in Fort Myers. He will discuss coordination response efforts with state and federal agencies.

- John L. Gibbons is the Principal Planner/Program Manager for the Hazardous Waste/Materials Program at SWFRPC. He will discuss the regional oil spill initiative and a local OSHA 24-hour Oil Spill First Responder Hazardous Materials Technician Course.

- Maran B. Hilgendorf is the Communications Manager for the Charlotte Harbor National Estuary Program. She is the point of contact for the CHNEP on this issue and the point-of-contact for the CHNEP with Senator Nelson's office. She will discuss the CHNEP's activities with regard to organizing volunteer response efforts in the region.

- Chairman Denham will discuss potential SWFRPC recommendations to require safeguard devices on Gulf of Mexico drilling to reduce future vulnerability to this type of off-shore oil well disaster.

05/2010

FOR IMMEDIATE RELEASE: MONDAY, MAY 10, 2010
CONTACT: PUBLIC INFORMATION ESF 14: 850-921-0217

STATE OFFERS GUIDANCE FOR PROTECTING FLORIDA'S SHORELINE FROM OIL SPILL IMPACTS

TALLAHASSEE – As part of the state's ongoing efforts to monitor and prepare for any potential impact from the Deepwater Horizon oil spill, the Florida Department of Environmental Protection (DEP) in coordination with the State Emergency Operation Center (SEOC) is offering guidance for individuals, counties and local governments to protect their coastal communities.

"We have received numerous requests for permission to take proactive measures to protect Florida's shoreline since the Deepwater Horizon crude oil release began in the Gulf of Mexico on April 20," said DEP Secretary Michael W. Sole. "These supplemental efforts, in addition to the work being done by Unified Command, BP and state agencies, are important for preserving our precious beaches, and we want to ensure that all proactive measures are protective of Florida's environment."

While the desire to protect Florida's beaches is understood, some solutions could do more harm than good. In light of the distance of the plume, placing booms, bails, fences and other absorption technologies along the state's beaches could result in several additive problems rather than solutions. If the plume does reach Florida's coast it would largely be sheen and weathered petroleum (in the form of tar balls or floating mats). The shoreline impacts seen with this type of oil usually involves mild staining of sand.

If there is weathered petroleum, it will have significantly changed its consistency to a more solid form (tar like with a consistency of Vaseline). The use of barriers (such as hay bales or sand bags) can actually interfere with removal techniques and generate difficulty for disposing of solid waste. Should individuals observe any evidence of oil on Florida's coastline, they should leave the area and report the incident to 1-866-448-5816.

While the state appreciates the concern expressed by Floridians and the ingenuity of those seeking alternative measures to help protect the state's shoreline, the following tips are offered to ensure that these measures are helpful and not harmful to Florida's coasts, wildlife and water resources:

- Homeowners may be able to help prevent oil from reaching private property or damaging sensitive vegetation by utilizing sorbent booms.
- Booming and alternative absorption measures should be coordinated through the county and state Emergency Operation Centers since incorrect boom placement in navigable waterways can create a serious hazard.
- Coordination with state and local entities is important to ensure that booming or alternative measures being used do not impede navigation and are not more harmful to the natural environment in the long-run.
- If a boom is placed by a private citizen, that individual assumes responsibility for the boom, including the chance it could dislodge into the water or be harmful to wildlife.
- Booms placed by private citizens that become impacted by oil are the responsibility of that individual and require special authorization for removal and proper disposal.
- Alternative absorption methods, such as placing hay bales, homemade hair booms, sandbags or other technology along the shoreline, are not advisable as the overall debris from disposal of such methods would increase and could cause serious long-term damage.
- Oil is a hazardous material and should be handled by highly trained professionals only.
- Volunteers should not attempt to clean impacted beaches themselves or attempt to rescue oiled wildlife on their own. Touching oil is a health risk and disposing of it improperly could cause additional environmental damage.
- Authorized protective measures should be conducted in a manner that provides protection to, and does not disturb, native vegetation, species and their habitat.
- Taking, killing, harming or capturing any species, nests or eggs listed as an endangered species is not permitted.
- Individuals, counties and other entities seeking more information on types of protective measures can also contact BP's community information line at 1-866-448-5816.

For more information on Florida's response to the Deepwater Horizon oil spill, visit www.dep.state.fl.us/deepwaterhorizon or follow www.Twitter.com/FLDEPalert. In addition, the Florida Emergency Information Line, 1 (800) 342-3557, is in operation from 8:00 a.m. to 6:00 p.m.

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CHARLIE CRIST
Governor

SECRETARY MICHAEL W. SOLE
Florida Department of Environmental Protection

DAVID HALSTEAD
State Coordinating Officer

MEDIA ADVISORY: TUESDAY, MAY 11, 2010
CONTACT: PUBLIC INFORMATION (ESF 14): (850) 921-0217

FLORIDA DEEPWATER HORIZON RESPONSE MAY 11, 2010

TALLAHASSEE – Under the leadership of Governor Charlie Crist, the State Emergency Response Team and the Department of Environmental Protection (DEP) are actively coordinating and responding to the Deepwater Horizon response.

The following is a summary of state and BP response actions to date, as well as tips for residents and visitors to take precautions both pre and post-landfall.

Landfall Predictions:

- Deepwater Horizon continues to discharge an estimated 5,000 barrels (210,000 gallons) per day.
- On May 8, 2010 BP encountered a challenge with the dome intended to contain the oil discharge. The dome's opening became clogged with hydrates that form when gas and water mix under certain temperatures and pressures. BP is evaluating options for successfully reinstalling the dome.
- BP continues its efforts to drill a relief well to eliminate the discharge.
- Winds/currents continue to keep the plume away from the Florida coast for at least the next 72 hours.
- The loop current is far south of the oil and there is no imminent threat that the oil will be picked up by the loop current. However, Florida continues to make preparations to safeguard the state's shoreline.
- Floridians and visitors are reminded that the state's beaches and other attractions have not been impacted by the oil spill and remain open for public enjoyment.
- Should any impacts to Florida's coastline occur, these could potentially include tarballs – fragments or lumps of oil weathered into a solid consistency – oil sheen or tar mats –sheets of oil that are thicker than a sheen. Should individuals observe any evidence of oil on Florida's coastline, they should leave the area and report the incident to 1-866-448-5816.

State Actions:

- As of Tuesday, May 11, 2010 at 8:00 a.m. the Florida Oil Spill Information Line was activated to provide Floridians with response information and resources about the Deepwater Horizon oil incident. Live operators will assist callers with questions and direct them to the appropriate source of information on the oil spill

from 8:00 a.m. to 6:00 p.m., 7 days a week. The Florida Oil Spill Information Line phone number is 1-888-337-3569. This number replaces the Florida Emergency Information Line in order to better serve Florida's residents and visitors.

- On May 6, 2010, Governor Charlie Crist sent a letter to President Barack Obama requesting a $50 million disaster National Emergency Grant from the United States Department of Labor as a part of Florida's response plans to the Deepwater Horizon incident. The following link provides a copy of the letter: http://www.dep.state.fl.us/deepwaterhorizon/files/05062010_letter_obama.pdf.
- On May 5, 2010, the United States Coast Guard (USCG) Sector St. Petersburg, DEP, and BP set up a Unified Command (in support of the Unified Area Command) at the USCG Sector St. Petersburg offices in St. Petersburg.
- St. Petersburg Unified Command will be largely geared toward planning and will grow if it becomes necessary. Sector Key West has also set up a virtual Unified Command that will become operational if necessary.
- Governor Charlie Crist confirmed on May 4, 2010 that Florida will receive a $25-million block grant from BP for initial state and local preparation and response costs. Link to the block grant press release: http://www.dep.state.fl.us/deepwaterhorizon/files/block_grant_release050410.pdf
- On May 3, 2010, Governor Charlie Crist extended a state of emergency declaration (Emergency Order 10-100) for the coastal counties of Franklin, Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco, Pinellas, Hillsborough, Manatee and Sarasota.
- On April 30, 2010, Governor Charlie Crist declared a state of emergency (Emergency Order 10-99) for Escambia, Santa Rosa, Okaloosa, Walton, Bay and Gulf Counties.
- The State Emergency Operations Center remains activated at a Level 2 or Partial activation. Two new support cells have been established to handle supplemental boom requests and alternative technology evaluation.
- The State Emergency Response Team has dozens of team members deployed throughout the anticipated impact region to assist with Deepwater Horizon preparation and response.
- DEP conducted water and sediment sampling to use as a baseline for ongoing monitoring.
- DEP is continuously monitoring air quality data. Statewide air quality monitoring is ongoing in coordination with the U.S. Environmental Protection Agency. The public can view this data at http://www.airnow.gov/ or http://www.epa.gov/bpspill/.
- DEP, the Florida Fish and Wildlife Conservation Commission (FWC), county governments, water management districts and several federal agencies continue to conduct pre-impact assessments, including sampling of water, fish, shellfish and habitats along the Florida coastline and into the Gulf of Mexico.

Boom Placement:

- Approximately 175,950 feet of boom has been placed out of the Pensacola and Panama City staging areas in support of Unified Command.
- An additional 12,000 feet is expected to be placed today in the Bay County area.

- There is 66,000 feet of boom staged in Florida and 360,000 feet of boom on order.
- On May 10, 2010, there was 5,200 feet of boom deployed in the Walton County area. Additional boom could not be placed due to bad weather.
- Placement of boom is based on tides and where the oil is threatening, as well as direction given in each region's area contingency plan.
    - To view the Coast Guard Mobile Area Contingency Plan visit: http://ocean.floridamarine.org/ACP/MOBACP/StartHere.html.
    - To view the Coast Guard St. Petersburg Area Contingency Plan visit: http://research.myfwc.com/features/view_article.asp?id=3482
- The booming strategy focuses on identified environmentally sensitive areas.
    - Estuaries and inlets are at the top of the list, not the beach areas.
    - This is to protect sensitive habitat that support wildlife and fish.
    - If the oil washes on the beach, the sand can be cleaned.
    - Note that booms are not a failsafe solution. They can become ineffective in high seas, strong winds, or currents over one knot.
- Florida's counties are working through the State Emergency Operations Center. Each county provides input, but the operational decisions for supplemental boom plans are made through the Florida Emergency Operations Center. The State Emergency Response Team is working with the counties, BP as well as the federal agencies to maximize protection and minimize impacts.
- The Unified Command Operations Group is asking boaters to avoid damaging boom. Boom cut or broken due to boater traffic jeopardizes the protection that has been set up for the environmentally sensitive areas across the coast.

Health Effects:

- At this time, there are no indications of any health risks to Floridians due to the Deepwater Horizon incident. The Department of Health (DOH) and DEP are closely monitoring health and environmental impacts to Florida's beaches and will notice an advisory if conditions become unsafe.
- For most people, an occasional brief contact with a small amount oil, while not recommended, will do no harm. However, some people are sensitive to chemicals, including hydrocarbons found in the crude oil and petroleum products. In general, contact with oil should be avoided. If contact occurs, wash the area with soap and water.
- Consider the following tips for avoiding negative health impacts from an oiled shoreline:
    - Avoid entering areas where oil can be seen or smelled.
    - Avoid direct skin contact with oil, oil-contaminated water and sediments.
    - Do not swim or ski in areas affected by the oil spill, and if traveling through the area by boat, take precautions when hoisting the boat anchor. If oil makes contact with skin, wash it off with soap and water.
    - Do not fish in oil spill-affected waters.
    - Do not harvest or eat dead fish, fish with oily residue or fish that have a petroleum odor.
    - Avoid boating through oil slicks or sheens.

    - Young children, pregnant women, people with compromised immune systems, and individuals with underlying respiratory conditions should avoid the area.
    - Prevent pets from entering oil-contaminated areas.
- To learn more about the potential health impacts and first aid measures regarding the Deepwater Horizon oil spill, download the frequently asked questions at: http://www.dep.state.fl.us/deepwaterhorizon/files/faq_doh_051010.pdf

Fisheries & Seafood:

- The fisheries, wildlife and seafood off of Florida's coast in state waters are safe and there are no alerts at this time.
- On May 3, 2010 NOAA restricted fishing for a minimum of ten days in federal waters most affected by the BP oil spill, largely between Louisiana state waters at the mouth of the Mississippi River to waters off Florida's Pensacola Bay. Details can be found here: http://sero.nmfs.noaa.gov/.
- Fishermen who wish to contact BP about a claim should call 1-800-440-0858.
- FWC is working with DEP, county governments, water management districts and several federal agencies including NOAA and the U.S. Fish and Wildlife Service to conduct pre-impact wildlife assessments.
- These assessments include samples of water, sediments, fish, shellfish and habitats along the Florida coastline and into the Gulf of Mexico. Assessments are needed to provide baseline information prior to the anticipated impact.
- Examples of the assessments include the following:
    - FWC and the University of South Florida College of Marine Science are designing a multi-day scientific research study to obtain information on fisheries resources and plankton in the Gulf of Mexico near the Florida Panhandle.
    - Aerial surveys also are planned to identify locations of marine mammals.
    - Groups are marking the location of bird and sea turtle nesting sites along the beach. Nests are marked to help prioritize response with real-time information.
    - FWC urges citizens to report oiled wildlife to the Wildlife Distress Hotline at 1-866-557-1401.
- For the safety of the public as well as the safety of animals, rescues should be conducted by trained responders. Untrained rescuers may cause more harm than good.
- Anyone involved in volunteer efforts to clear trash from the beaches should be careful of shorebird nesting areas. If birds in the area are acting agitated, calling or swooping at people, there is a good possibility it is a nesting area. The FWC asks the public and oil spill responders to retreat the way they approached and leave the nesting area. Anyone involved in volunteer efforts to clear trash from the beaches should consider the following:
    - Avoid working in areas where shorebirds are nesting; never enter or approach a posted shorebird area.

- When near nesting areas, stay below the high tide (wrack) line. Shorebirds nest on the open beach above this line. Nests are scrapes in the sand and the eggs are small and camouflaged. They easily can be crushed by pedestrians and vehicles.
- Remove only manmade trash. Seaweed and other natural debris are critical to shorebirds.
- Even though the wrack line is important to wildlife, if it becomes oiled it then becomes a death trap for birds and other wildlife and makes removal of oil from the beach more difficult. Timing for removal of beach wrack in oil spill response is critical. It should be left on the beach in areas of active nesting as long as possible but removed immediately prior to beaches becoming oiled. In areas distant from active nesting, cleanup of wrack and other natural debris can be performed to better facilitate future oil removal.
- On some Panhandle beaches, the FWC has installed short, white, PVC tubes in the dunes to track endangered beach mice, and on Perdido Key, small aluminum boxes also are being used. This important equipment should not be removed from the beach.
- Also, sea turtle nests are marked with stakes and orange tape - do not remove these items because they help protect the nests from disturbances.
- Do not place litter above the tide line; this can also interfere or cause harm to nesting birds.
- Do not use equipment such as rakes, shovels or tractors.
- Do not bring dogs onto the beach. Dogs, even when leashed, are very threatening to birds and cause them to panic.
- Seabirds and shorebirds are protected by law. Report anyone harming or harassing these birds or nest disturbances to 1-888-404-FWCC (3922).

Closures:

- Currently there are no Florida State Park or beach closures. For more information about Florida State Parks, visit: www.floridastateparks.org.

Tourism:

- Florida's pristine beaches and famed fishing grounds remain open to residents and visitors. Currently, there are no impacts to Florida's 2,276 miles of tidal shoreline and 663 miles of beaches. Florida's shores are clear and open for business.
- If you are planning a trip to the Sunshine State and are concerned about any potential impact from the Deepwater Horizon Oil incident, VISIT FLORIDA, the state's official tourism marketing organization, encourages you to check with local destinations in order to get the most up-to-date information.
- Through www.VISITFLORIDA.com, vacationers are able to view live Twitter feeds and read up-to-the-minute information on the status of any city or region in Florida, allowing them to see first-hand whether or not an area is currently affected. The following link also provides helpful local links to check on the

status of your Florida destination: http://www.visitflorida.com/florida_travel_advisory/.

- The Florida State Park website will be updated daily and will list any parks that may be impacted by the Deepwater Horizon Incident: http://www.floridastateparks.org/. Visitors with camping or cabin reservations will be notified if their stay will be impacted. If you have any questions, please call 1-850-245-2157.

Tips for Homeowners

- Homeowners may be able to help prevent oil from reaching private property or damaging sensitive vegetation by utilizing sorbent booms.
- Booming and alternative absorption measures should be coordinated through the state and local entities since incorrect boom placement in navigable waterways can create a serious hazard.
- Coordination with state and local entities is important to ensure that booming or alternative measures being used do not impede navigation and are not more harmful to the natural environment in the long-run.
- If a boom is placed by a private citizen, that individual assumes responsibility for the boom, including the chance it could dislodge into the water or be harmful to wildlife.
- Booms placed by private citizens that become impacted by oil are the responsibility of that individual and require special authorization for removal and proper disposal.
- Alternative absorption methods, such as placing hay bales, homemade hair booms, sandbags or other technology along the shoreline, are not advisable as the overall debris from disposal of such methods would increase and could cause serious long-term damage.
- Oil is a hazardous material and should be handled by highly trained professionals only.
- Volunteers should not attempt to clean impacted beaches themselves or attempt to rescue oiled wildlife on their own. Touching oil is a health risk and disposing of it improperly could cause additional environmental damage.
- Authorized protective measures should be conducted in a manner that provides protection to, and does not disturb, native vegetation, species and their habitat.
- Taking, killing, harming or capturing any species, nests or eggs listed as an endangered species is not permitted.
- Individuals, counties and other entities seeking more information on types of protective measures can also contact BP's community information line at 1-866-448-5816.

Tips for Businesses and Consumers:

- Florida residents are discouraged from signing any documents provided to them in return for money from BP or anyone else until they know the extent of their loss, which may be significantly higher than the money being paid. These may be fraudulent or premature.

- The Attorney General's fraud hotline is open to receive any reports of fraud or price gouging. The hotline is 1-866-966-7226.
- The Florida Agriculture and Consumer Services Commissioner gas price-gouging hotline is also operational. The toll-free hotline number is 1-800-HELP-FLA (1-800-435-7352).
- Florida's coastal businesses should be prepared to make loss of earnings claims for damages incurred as a result of the Deepwater Horizon oil spill. The Florida Department of Financial Services provides the following suggestions:
  - Take detailed records of cancelled reservations. It is important that when these cancellations occur, the cancelling party is questioned whether the cause is because of the oil spill. If the answer is yes, keep a record of the person's name and contact information, and also the revenues lost as a result of the cancellation.
  - Calculate estimated losses for a six-week period and be able to provide records, sales receipts and documentation to support such a claim. A good idea would be to compare business now to a five-year average of revenues between May and June, which can offer insight as to the damages incurred.
  - Make a detailed list of assets – including non-structural -- and include appropriate records to support the list. For example: if your hotel or restaurant is within walking distance to the beach and that beach has oil reach its shores, the business' assets are damaged even though there is no physical damage to the structure, and it is important to record this depreciation.
  - Be wary of insurance settlement scams. **--** For businesses who may have already begun the claims filing process with BP, first, make sure you are dealing with authorized representatives from BP and not scam artists; and be careful not to sign waivers of liability too quickly without getting adequate legal and financial counsel.
  - In all circumstances, affected businesses should file a claim with BP via the hotline number – 1-800-440-0858. Additional guidance to help small businesses survive a disaster can be found at www.MyFloridaCFO.com or by calling 1-850-413-3089 or toll-free at 1-877-MY-FL-CFO (1-877-693-5236).

Volunteer Opportunities:

- The Governor's Commission on Volunteerism and Community Service is encouraging Floridians and visitors to watch for oiled wildlife, vegetation, and beaches by becoming a Coast Watch volunteer.
- The "Coast Watchers" will assist BP, the state of Florida and partnering organizations in identifying beaches that need attention.
- Report injured or oiled animals to the Wildlife Distress Hotline: 1-866-557-1401.
- Report oiled shoreline to: 1-866-448-5816.
- Report a change in Air Quality to: http://www.epa.gov/bpspill/.
- For information on scheduled beach cleanups and other volunteer opportunities, visit www.VolunteerFlorida.org.
- Emergency Support Function 15, Volunteers and Donations, successfully spearheaded pre-impact beach cleanups over the weekend of May 1-2. More than 1,200 volunteers participated in cleanups in Escambia, Santa Rosa and

Wakulla counties to minimize the effect of the Deepwater Horizon incident. Volunteer Florida offers guidance for conducting safe pre-impact beach cleanups at www.volunteerflorida.org.

- BP has established a volunteer program and set up a toll-free number for those interested in volunteering. When calling, interested parties should communicate what activities they are volunteering and locations in which they are available to work. For information on assisting with the response efforts, please contact BP's community information line at 1-866-448-5816.

Learn More About Florida's Response:

- DEP launched a Twitter account, @FLDEPalert, dedicated to providing updates on Florida's response to the Deepwater Horizon Oil Spill. Visit www.Twitter.com/FLDEPalert.
- DEP in coordination with the state Emergency Operations Center established an email sign-up for information alerts on its website as well as a resources page containing fact sheets and tips. To view tips and sign up for email updates, visit www.dep.state.fl.us/deepwaterhorizon.

Additional Public Information Resources and Hotlines	
Attorney General's fraud hotline for price gouging.	1-866-966-7226
Florida Agriculture and Consumer Services Commissioner gas price-gouging hotline.	1-800-HELP-FLA (1-800-435-7352) 1-800-640-0886 TTY
Fishermen who wish to contact BP.	1-800-440-0858
To report tarballs or other evidence of oil on Florida's coastline call the Rapid Response Team.	1-866-448-5816
Report oiled wildlife to the Joint Information Center.	1-866-557-1401
Seabirds and shorebirds are protected by law. Report anyone harming or harassing these birds or nest disturbances to Florida Fish and Wildlife Conservation Commission.	1-888-404-FWCC (3922)
Florida State Parks camping or cabin reservations	1-850-245-2157
To file a claim with BP.	1-800-440-0858
Florida Department of Financial Services small business assistance hotline.	1-850-413-3089 or toll-free at 1-877-MY-FL-CFO (1-877-693-5236)
Business Owner Insurance Coverage Hotline	850-413-3100 or toll free 1-800-342-2762 TDD: 850-410-9700
Report injured or oiled animals to the	1-866-557-1401

Wildlife Distress Hotline.	
BP's community information line and volunteer line.	1-866-448-5816
To register as a consultant, contractor, vendor, or submit information on alternative response technology, services, products, vessels of opportunities, or suggestions.	1-281-366-5511
Florida Relay Services, the communications link for people who are Hearing Impaired.	711
Florida Oil Spill Information Line	1-888-337-3569
Joint Information Center at Unified Area Command in Robert, Louisiana	1-985-902-5231 1-985-902-5240
Joint Information Center at Unified Command in Mobile, Alabama	1-251-445-8965
Joint Information Center at Unified Command in St. Petersburg, Florida	1-727-820-3714
Joint Information Center Twitter Updates	http://twitter.com/Oil_Spill_2010
Joint Information Center Facebook Updates	Deepwater Horizon Response
Joint Information Center website	www.deepwaterhorizonresponse.com

For additional information regarding Florida's response to the Deepwater Horizon incident, visit www.dep.state.fl.us/deepwaterhorizon, or follow us on Twitter at www.Twitter.com/FLDEPalert.

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CHARLIE CRIST
GOVERNOR

May 6, 2010

The Honorable Barack H. Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20210

Dear Mr. President:

Florida is currently preparing for what we all know is an environmental disaster of unprecedented proportions for our state and our Gulf of Mexico partner states.

We are aware of relevant laws governing this response and the role of the responsible party, British Petroleum (BP), in this effort which is different than federal responses to natural disasters such as hurricanes, floods and similar tragedies.

However, in responding to those previous emergencies and disasters, Florida and other states have in the past benefited from the application of the Stafford Act, the engagement of Federal Emergency Management Agency (FEMA) and the availability of National Emergency Grants and Disaster Unemployment Assistance for workers not covered by state unemployment laws.

Encouraged by your pledge "*to spare no effort to respond to this crisis for as long as it continues…And we will spare no resource to clean up whatever damage is caused*", we ask that you seek ways to help bring about an application of provisions of the Stafford Act that would permit disaster National Emergency Grants and the payment of Disaster Unemployment Assistance.

Florida seeks a $50 million disaster National Emergency Grant from the United States Department of Labor as part of our collective response effort.

Again, we understand that under the responsible party, BP is liable to provide for all needs in this instance. However, due to the extensive nature of this disaster, the urgency of the disaster response and the longer term recovery implications, we are seeking this assistance because the Department of Labor's established processes have been proven to be effective and timely. Such engagement is urgently needed to help ensure a comprehensive state and federal response.

Due to the ever growing impact resulting from the continuing oil discharge, we urgently seek your full support and assistance.

Sincerely,

Charlie Crist

cc: Secretary Hilda Solis

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BUSINESS | APRIL 28, 2010

Leaking Oil Well Lacked Safeguard Device

By RUSSELL GOLD, BEN CASSELMAN And GUY CHAZAN

(See Corrections & Amplifications item below.)

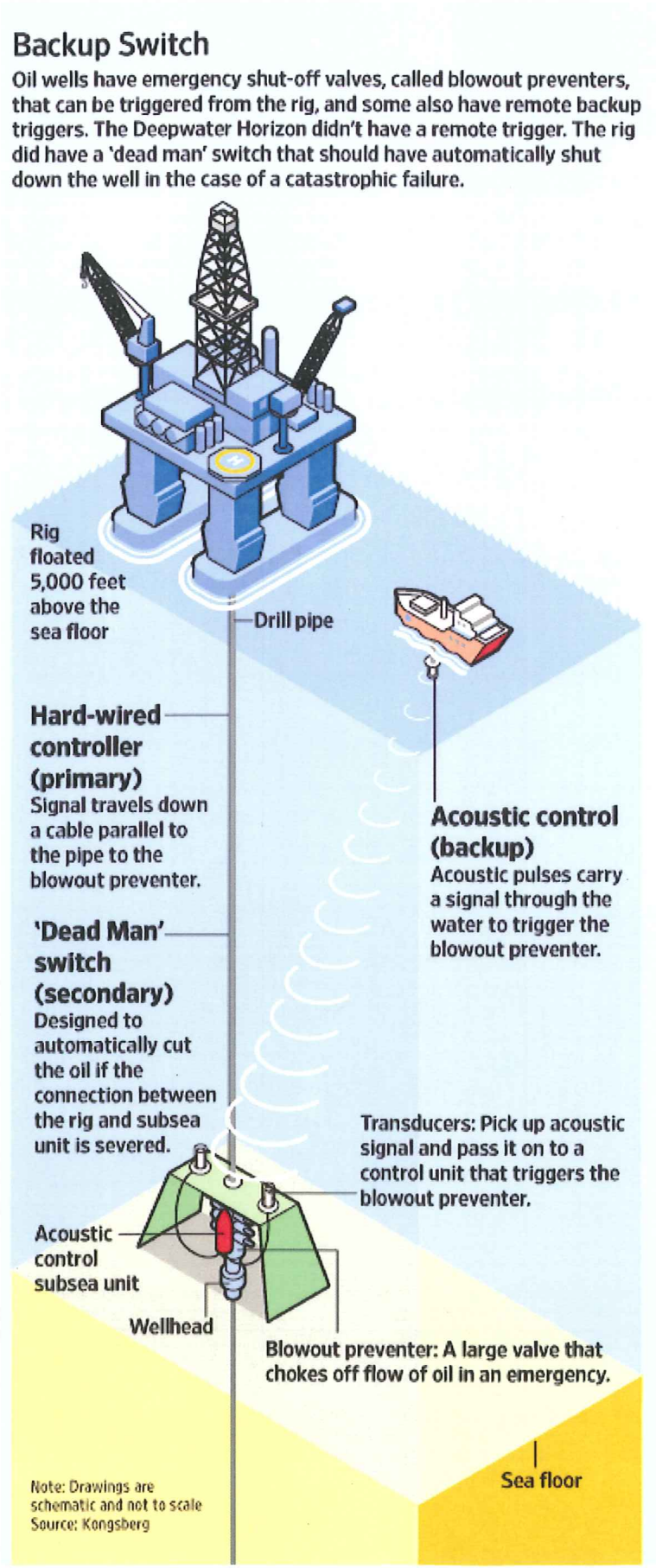
The oil well spewing crude into the Gulf of Mexico didn't have a remote-control shut-off switch used in two other major oil-producing nations as last-resort protection against underwater spills.

The lack of the device, called an acoustic switch, could amplify concerns over the environmental impact of offshore drilling after the explosion and sinking of the Deepwater Horizon rig last week.

The accident has led to one of the largest ever oil spills in U.S. water and the loss of 11 lives. On Wednesday federal investigators said the disaster is now releasing 5,000 barrels of oil a day into the Gulf, up from original estimates of 1,000 barrels a day.

U.S. regulators don't mandate use of the remote-control device on offshore rigs, and the Deepwater Horizon, hired by oil giant BP PLC, didn't have one. With the remote control, a crew can attempt to trigger an underwater valve that shuts down the well even if the oil rig itself is damaged or evacuated.

The efficacy of the devices is unclear. Major offshore oil-well blowouts are rare, and it



remained unclear Wednesday evening whether acoustic switches have ever been put to the test in a real-world accident. When wells do surge out of control, the primary shut-off systems almost always work. Remote control systems such as the acoustic switch, which have been tested in simulations, are intended as a last resort.

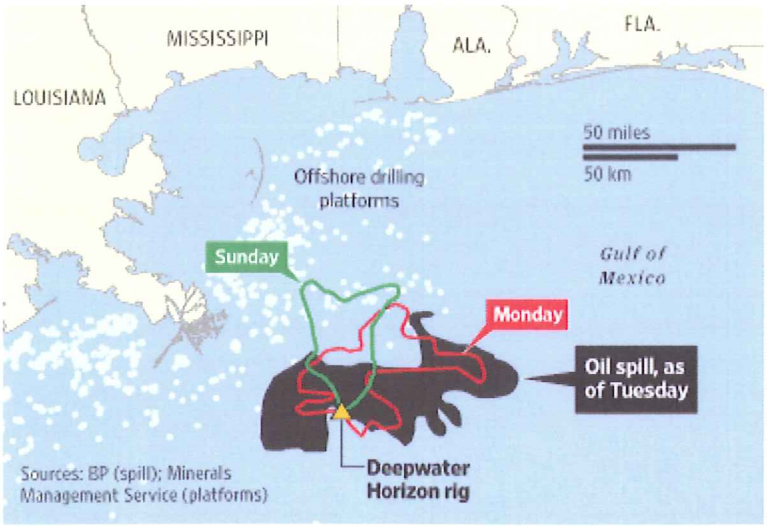
Nevertheless, regulators in two major oil-producing countries, Norway and Brazil, in effect require them. Norway has had acoustic triggers on almost every offshore rig since 1993.

The U.S. considered requiring a remote-controlled shut-off mechanism several years ago, but drilling companies questioned its cost and effectiveness, according to the agency overseeing offshore drilling. The agency, the Interior Department's Minerals Management Service, says it decided the remote device wasn't needed because rigs had other back-up plans to cut off a well.

The U.K., where BP is headquartered, doesn't require the use of acoustic triggers.

On all offshore oil rigs, there is one main switch for cutting off the flow of oil by closing a valve located on the ocean floor. Many rigs also have

automatic systems, such as a "dead man" switch as a backup that is supposed to close the valve if it senses a catastrophic failure aboard the rig.



As a third line of defense, some rigs have the acoustic trigger: It's a football-sized remote control that uses sound waves to communicate with the valve on the seabed floor and close it.

An acoustic trigger costs about $500,000, industry officials said. The Deepwater Horizon had a replacement cost of about $560 million, and BP says it is spending $6 million a day to battle the oil spill. On Wednesday, crews set fire to part of the oil spill in an attempt to limit environmental damage.

Some major oil companies, including Royal Dutch Shell PLC and France's Total SA, sometimes use the device even where regulators don't call for it.

Transocean Ltd., which owned and operated the Deepwater Horizon and the shut-off valve, declined to comment on why a remote-control device wasn't installed on the rig or to speculate on whether such a device might have stopped the spill. A BP spokesman said the company wouldn't speculate on whether a remote control would have made a difference.

Much still isn't known about what caused the problems in Deepwater Horizon's well, nearly a mile beneath the surface of the Gulf of Mexico. It went out of control, sending oil surging through pipes to the surface and causing a fire that ultimately sank the rig.

Unmanned submarines that arrived hours after the explosion have been unable to activate the shut-off valve on the seabed, called a blowout preventer.

BP says the Deepwater Horizon did have a "dead man" switch, which should have automatically closed the valve on the seabed in the event of a loss of power or communication from the rig. BP said it can't explain why it didn't shut off the well.

Transocean drillers aboard the rig at the time of the explosion, who should have been in a position to hit the main cutoff switch, are among the dead. It isn't known if they were able to reach the button, which would have been located in the area where the fire is likely to have started. Another possibility is that one of them did push the button, but it didn't work.

Tony Hayward, BP's CEO, said finding out why the blowout preventer didn't shut down the well is the key question in the investigation. "This is the failsafe mechanism that clearly has failed," Mr. Hayward said in an interview.

Lars Herbst, regional director of the Minerals Management Service in the Gulf of Mexico, said investigators are focusing on why the blowout preventer failed.

Industry consultants and petroleum engineers said that an acoustic remote-control may have been able to stop the well, but too much is still unknown about the accident to say that with certainty.

Rigs in Norway and Brazil are equipped with the remote-control devices, which can trigger the blowout preventers from a lifeboat in the event the electric cables connecting the valves to the drilling rig are damaged.

While U.S. regulators have called the acoustic switches unreliable and prone, in the past, to cause unnecessary shut-downs, Inger Anda, a spokeswoman for Norway's Petroleum Safety Authority, said the switches have a good track record in the North Sea. "It's been seen as the most successful and effective option," she said.

The manufacturers of the equipment, including Kongsberg Maritime AS, Sonardyne Ltd. and Nautronix PLC, say their equipment has improved significantly over the past decade.

The Brazilian government began urging the use of the remote-control equipment in 2007, after an extensive overhaul of its safety rules following a fire aboard an oil platform killed 11 people, said Raphael Moura, head of safety division at Brazil's National Petroleum Agency. "Our concern is both safety and the environment," he said.

Industry critics cite the lack of the remote control as a sign U.S. drilling policy has been too lax. "What we see, going back two decades, is an oil industry that has had way too much sway with federal regulations," said Dan McLaughlin, a spokesman for Democratic Florida Sen. Bill Nelson. "We are seeing our worst nightmare coming true."

U.S. regulators have considered mandating the use of remote-control acoustic switches or other back-up equipment at least since 2000. After a drilling ship accidentally released oil, the Minerals Management Service issued a safety notice that said a back-up system is "an essential component of a deepwater drilling system."

The industry argued against the acoustic systems. A 2001 report from the International Association of Drilling Contractors said "significant doubts remain in regard to the ability of this type of system to provide a reliable emergency back-up control system during an actual well flowing incident."

By 2003, U.S. regulators decided remote-controlled safeguards needed more study. A report commissioned by the Minerals Management Service said "acoustic systems are not recommended because they tend to be very costly."

A spokesman for the agency, Nicholas Pardi, said the decision not to require the device came, in part, after the agency took a survey that found most rigs already had back-up systems of some kind. Those systems include the unmanned submarines BP has been using to try to close the seabed valve.

—Jeff Fick contributed to this article.

Write to Russell Gold at russell.gold@wsj.com, Ben Casselman at ben.casselman@wsj.com and Guy Chazan at guy.chazan@wsj.com

Corrections & Amplifications:

The oil rig that exploded and sank in the Gulf of Mexico was owned by Transocean Ltd. and leased by BP PLC. A previous version of this article incorrectly said that BP owned the rig.

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Agenda Item

5b

SWFRPC Budget Committee Report

5b

5b

DRAFT SWFRPC BUDGET COMMITTEE MEETING
SWFRPC Offices – 1st Floor Conference Room
1926 Victoria Avenue, Fort Myers, FL
MAY 6, 2010

Members

Ms. Laura Holquist, Lee County Governor Appointee (Chair)
Councilman Chuck Kiester, City of Marco Island
Vice Mayor Mick Denham, City of Sanibel

Staff

Mr. Ken Heatherington, Executive Director
Mr. Dave Hutchinson, Planning Director
Ms. Janice Yell, Finance Manager
Ms. Nancy Doyle, HR and Operations Manager
Ms. Nichole Gwinnett, Sr. Administrative Assistant

Ms. Holquist called the meeting to order at 11:03 a.m. and introductions were made.

1. April 2010 Financial Package

    a. Discuss Significant Variances from Budget

    Ms. Yell stated that there were no significant variances from the budget, and the Council has an increase to net income compared to prior year's net income at this time.

2. Investment Report

    Ms. Yell reviewed the Investment Report.

    Councilman Kiester asked if Ms. Yell was proposing to take the $500,000 and divide into two separate CDs ($250,000 each) staggered to mature at different intervals. Ms. Yell explained that she was thinking about withdrawing $450,000 from the pool and divide it among two CDs and a Money Market account.

    Councilman Kiester stated that the remaining $50,000 in Pool A should be sufficient for the Council for a while.

Vice Mayor Denham asked Ms. Yell what her feeling was about Pool B, because that is where the problems were in the past. Ms. Yell replied that she keeps hearing that it will be transferred back to Pool A. Vice Mayor Denham asked if the Council has access to those funds. Ms. Yell replied no and explained that each month the SBA puts a little bit back into Pool A, she never has access to those funds.

Ms. Holquist stated that the Money Market rate is so close to the CD rate for 10 months. Ms. Yell said that she is open to suggestions on which way to go.

Councilman Kiester asked Ms. Yell if she spoke to Bank of America about their touchable CD. Ms. Yell explained that Bank of America has not been very easy to work with. The team that she used to work with was very helpful and very easy to work with, but when Bank of America transferred the Council to another team they are not very helpful.

Vice Mayor Denham stated that he wants someone that staff feels comfortable with dealing with. So if Iberia Bank is staff's recommendation and they also are comfortable with the bank's representative then he feels that some of the money should go into the Money Market and the rest into the two CDs.

Ms. Yell noted that both Iberia and Regions Banks have requested to discuss the Council's promissory note, but she hesitates to do that at this time, but it is something to think about for the future because in 2016 the Council will have a balloon payment of $800,000 for the building.

Ms. Holquist asked Ms. Yell what is the current interest rate on the promissory note. Ms. Yell replied around 6+percent.

Vice Mayor Denham asked about the Council's investment policy. Ms. Yell explained that the Council has a "no written investment" policy. Vice Mayor Denham asked if the Council should have a written investment policy. Ms. Yell replied no; because a written investment policy is only if an organization wants to get into investments such as overnight sweeps.

Ms. Holquist asked what an investment policy would incorporate. Councilman Kiester explained that it would include a policy on how much of the Council's reserves would be tied up for a certain period of time. Ms. Yell stated that it would also include the types of investments and also any overnight sweeps.

Ms. Holquist suggested that the recommendation be that the Council move forward with Iberia Bank based upon how good their investment opportunities are and how strong the bank is and that we still haven't negotiated necessarily with Iberia how to best invest the money in the Money Market versus the two CDs accounts and she feels that there needs to be more information on that.

Ms. Yell stated that she would like to meet with Mr. Dameron of Iberia Bank and go over the details .

Councilman Kiester moved and Vice Mayor Denham seconded to recommend to the Council to move forward with Iberia Bank to set up an investment strategy and be allowed at the Budget Committee's discretion to invest the money. The motion carried unanimously.

Vice Mayor Denham referred to the Executive Director's Summary and requested the following items to be added:

- What is the revenue and how does it compare against budget;
- where does the Council stand with its expenses; and
- comment on reserves.

Vice Mayor Denham also suggested adding an executive summary to the budget. Mr. Heatherington noted that there is a Management and Judgment Report which wasn't included in the packet, but copies were made available prior to the meeting which is to be included with the budget.

Ms. Holquist stated that when you are talking about your reserves, she suggested mentioning that the Council's goal is six months of operating expenses and explain what that figure would be, so when you are comparing your reserves to what you want them to be these are the reserves today and this is what six months of expenses would equate to.

3. Review Budget for 2010-2011

Ms. Yell reviewed the budget and she stated that it is very conservative.

Vice Mayor Denham stated that looking at the total revenue biggest portion of revenue is the federal, state and local grants and staff feels comfortable that portion is stable. Ms. Yell replied yes.

Vice Mayor Denham asked Ms. Yell how she arrived at the DRI budget. Ms. Yell explained that she looked at the last three years, but she knows that the DRI activity is going to drop in the coming year so she projected accordingly. Vice Mayor Denham asked with SB360 doesn't that mean that there could be less DRIs. Mr. Hutchinson explained that most of the DRIs within Southwest Florida have not been within the areas that were designated under SB360 as the dense urban land areas.

Vice Mayor Denham asked Ms. Yell about the assessments? Ms. Yell explained that they are firm and will not change because they are based on population.

Vice Mayor Denham asked about expenses and if there were going to be any changes in salaries for any of the programs. Ms. Yell replied no, there is no cost of living increases and no salary increases.

Ms. Holquist questioned the increase in travel where it went from $25,000 to $48,000. Ms. Yell explained that there are new grants which require staff, trainers and attendees to travel, but the grants will pay for the travel.

Ms. Holquist explained to Councilman Kiester that there was a discussion prior to the meeting about potentially using reserve funds as a loan for oil clean-up and then get it paid back through a grant or reimbursement fund in order for staff to conduct training sessions for volunteers.

Mr. Heatherington explained that there is some concern using reserves when hurricane season is right around the corner and he feels that other funds might be able to be used before having to resort to the reserves.

Ms. Holquist suggested getting authorization from the Council at the May meeting for the Executive Committee to be able to make some sort of emergency call on that issue.

Councilman Kiester stated that he expects that the Federal government is going to fund all of the training for the volunteers and it may funnel through the State.

Vice Mayor Denahm referred to the Budget Summary report and suggested the following additions:

- Note the revenue and how secure the revenue is in order to give the Council confidence that the committee is satisfied in the revenue.
- It should state where the expenses are versus last year expenses.
- What staff expects the ending fund balance to be.
- The reserves.

Vice Mayor Denham moved and Councilman Kiester seconded to recommend approval of the FY 2010/2011 Annual Budget with recommended changes to the Executive Summary. The motion carried unanimously.

4. Other Business

The minutes of April 8, 2010 were approved as presented.

The meeting adjourned at 11:45 a.m.

STATUS REPORT

INVESTMENT OF SWFRPC RESERVE FUNDS

Summary

The SWFRPC has a "No Written Investment Policy" designation. Any investments made by the SWFRPC must follow Florida Statute #218-415 which states:

Those units of local government electing not to adopt a written investment policy may invest or reinvest any surplus public funds in their control or possession in:
(a) The Local Government Surplus funds Trust Fund (FL Prime SBA)
(b) Securities and Exchange Commission registered money market funds
(c) Interest-bearing time deposits or savings accounts in qualified public depositories
(d) Direct Obligations of the U.S. Treasury

Currently, the SWFRPC has approximately $503,000 invested in the FL Prime SBA Pool A and $16,000 in Pool B. The funds are earning 0.2% as of the last statement. Pool B funds are restricted and will be transferred to the Pool A account when they become available.

After discussion of the performance of the FL Prime SBA investments at the Budget Committee meetings on March 11 and April 8, 2010, the Finance Manager contacted seven (7) banks to compare investments options and rates. The seven (7) banks contacted were – Iberia, Regions, BB&T, 1st Bank of Clewiston, Charlotte State Bank, Florida Gulf Bank, and Edison National. All are on the State of Florida list of Qualified Public Depositories.

Bank of America which holds the SWFRPC checking account and note could only recommend that we put all funds in the checking account to offset monthly fees (which average $250 per month). The note payable for the building has a monthly payment of $10,646, including interest, with a final payment of $826,523 due June 1, 2016. We are obligated to keep our main checking account at Bank of America as a condition of the note.

Comparison of Banks:

The attached spreadsheet reflects the results of our contacts and investigation. Included in the spreadsheet are the bank star ratings as provided by Bank Rate and Bauer Financial, along with a composite summary reflecting the condition of each bank. Percentage rates for both money markets and certificates of deposit are also provided.

Iberia Bank has the best overall star ratings and investment rates. They also have a very strong composite summary while Florida Gulf, Charlotte State, and Regions are below average - with Charlotte and Regions questionable in some areas. (Regions' ratings indicate a possibility of decline). There was no data available for a summary on BB&T or 1st Bank of Clewiston.

Florida Gulf Bank has withdrawn their offer to provide CDs, but does have a money market available.
1st Bank of Clewiston will have someone return our call, but has not as yet.
Edison National responded that they were not accepting Public Funds at this time.

Recommendation:

Based on the above comparison, staff recommends initiating discussions with Iberia Bank and proceeding with a plan to move monies from FL Prime SBA and invest in a combination of money market and CD accounts at Iberia. Staff also recommends keeping the FL Prime SBA Pool A account open to accept transfers from Pool B.

Agenda Item

5c

SWFRPC FY 2010/11 Annual Budget

5c

5c

Annual Budget FY 2010/2011

Management Judgment and Report

To: Southwest Florida Regional Planning Council Members and Interested Parties

In accordance with the Council's rules, the annual budget recommendations for the Fiscal Year (FY11) beginning October 1, 2010 and ending September 30, 2011 are hereby presented for Council consideration.

The adoption of the Annual Budget must be completed by August 15th of each year according to the Interlocal Agreement of the Southwest Florida Regional Planning Council.

Today Southwest Floridians face a fiscal condition that has escalated over the past two years only to become more embedded in the local economy this past year. As with many state and local governments, the Southwest Florida Regional Planning Council (SWFRPC) continued to face a challenging year. The SWFRPC adapted to the times and proactively made changes in the way it operates and does business. In an effort to control expenses, staff negotiated new contracts with vendors for the best price available; proactively reduced travel and professional development costs; left unfilled vacant positions; and frozen staff salaries. The SWFRPC staff continues to work at growing revenue by actively pursuing additional grants and contracts; sustainability and energy efficiency continue to be a source of new revenue. Nonetheless, revenue reflects a conservative approach to on-going and forecasted activities. The SWFRPC is resolved to move toward the future with a sharp eye and conservative approach. That does not mean that the SWFRPC can provide less service to local government, tribal communities and to the private sector whose business and legal needs are changing.

The SWFRPC Budget Committee reviewed the 2010-2011 SWFRPC budget and budget narrative on May 6, 2010 and recommended the budget in draft format be presented to the full Council for consideration on May 20, 2010. Discussion was held regarding salary, reserves, and sources of replacement income. The Committee agreed with staff's recommendations that there be no cost of living or merit increases. Reserves should continue to increase rather than be used at this time. Additional sources of income will be researched, and as they become available, the budget will be amended to reflect any changes.

There are three parts to the 2010-2011 budget; the SWFRPC, CHNEP and the MPO, each with its own data- please check them individually and as an agency budget.

Budget for FY 11 in comparison to current FY10 budget reflects a 1.42% increase for the SWFRPC. As submitted by the Program Directors of the CHNEP and MPO, the CHNEP budget reflects a 7.57% increase and the MPO reflects an 18.9% increase from prior year.

Budget Highlights:

- ***The proposed budget FY 11 budget is 7.3% less than year end FY 09 actual***.
- ***Total Income proposed for FY 11 Budget is presented as $2,080,578 increasing by 1.42 % from $2,051,383 FY 10 adopted Budget.***
- ***Total Expenditures proposed for FY 11 Budget are presented as $2,080,578 increasing by 1.42% from $2,051,383 FY 10 adopted Budget.***

  Revenue Sources are indentified by Federal or State grants, core projects funded by dues, contracts, and discretionary programs. Confirmed contract revenue is entered into the revenue line item. Speculative contract revenue is presented with a very conservative approach. Assessments for FY 11 (based on the $0.30 per dues multiplier established by Council in 1973) have an approximate 1% decrease from previous year FY10 budget.

  Operating expenses are presented as $449,278 decreasing by 1.22% at $454,842 from FY 10 adopted Budget. Personnel Services are presented at $1,631,300 increasing by 2.18% from FY 10 adopted budget (related to fringe benefits) with no adjustments to salaries.

The same statutory requirements as provided in the Department of Community Affairs (DCA) budget agreement apply to all RPCs. In this category the number of jurisdictions is the primary indicator of time and cost, since all RPCs must review Comprehensive Plan amendments, Evaluation and Appraisal Reports and Intergovernmental Coordination Reviews. With Amendment Four on the horizon there has been an increase in entitlements this past year. For the SWFRPC, these cases take significant staff time.

I am proud to say that we have accomplished a great deal here at the SWFRPC during the past year. Our outreach and local assistance is once again poised to help communities in every one of our six counties and 16 municipalities.

Ken Heatherington, AICP
Southwest Florida Regional Planning Council
Executive Director

ANNUAL BUDGET CONTENTS

	Pages
Sources of Revenue	1
Proposed Budget for the upcoming fiscal year only	2
Comparsion of fiscal years - for RPC, MPO, NEP, and Combined: 3 prior years actual, YTD and adopted current budget, proposed budget	3 to 7
Proposed Budget and Five Year Plan Adopted current budget, proposed budget as part of a five year plan	8
Facts to be noted for this Annual Budget includes: Pertinent notes, Reserved FB status, and a comparsion of fringe and indirect rates for the purposed, current, and past 4 years.	9
Graphs: Pie Chart to reflect distribution/percentage of the 3 main entities Pie Chart to reflect distribution of revenue Chart reflecting expenses in the comparsion of Actual/YTD/Budgeted	10
Capital Assets Policy	11
Capital Asset Disposal - Computer Disposal Policy	12
Reserve Policy	13
Calculation of the Indirect/Fringe Rates Policy	14

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

REVENUE SOURCES

October 1, 2010 through September 30, 2011

GENERAL REVENUES		SPECIAL REVENUES	
INTEREST/MISC	30,000	FED/STATE/OTHER	3,005,931
ASSESSMENTS	466,669	DRIs/NOPCs	200,000
	496,669		3,205,931
TOTAL REVENUES	**3,702,600**	**Prior Year Fund Balance**	**655,716**

MEMBER	POPULATION	ASSESSMENT
Charlotte	165,455	49,636.50
Collier	333,032	99,909.60
Glades	11,311	3,393.30
Hendry	41,320	12,396.00
Lee	615,124	184,537.20
Sarasota	389,320	116,796.00
TOTAL ASSESSMENTS	1,555,562	466,668.60
INTEREST AND MISC.		30,000.00
TOTAL GENERAL REVENUES	**1,555,562**	**496,668.60**

SPECIAL REVENUES	FEDERAL/STATE	DRI	OTHER	TOTAL
DCA - GENERAL	220,000			220,000
DCA - TITLE III	40,909			40,909
HMEP/SQG/DISASTER PROGS.	52,546		20,000	72,546
ECONOMIC DEVELOPMENT	56,000		20,000	76,000
TDs	64,000			64,000
OTHER (Salt Marsh/Misc.Grants)	178,000		76,738	254,738
FEDERAL/STATE/OTHER	611,455		116,738	728,193
DRIs/NOPCs		200,000		200,000
RPC SPECIAL REVENUES	611,455	200,000	116,738	928,193
MPO	1,028,000		86,038	1,114,038
CHNEP	800,000		363,700	1,163,700
TOTAL SPECIAL REVENUES	**2,439,455**	**200,000**	**566,476**	**3,205,931**

* Assessments based upon official Bureau of Business and Economic Research population estimates. Assessments are estimated at 30 cents/capita as provided for in the Council's Interlocal Agreement, adopted November 8, 1973.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
PROPOSED BUDGET
OCTOBER 1, 2010 TO SEPTEMBER 30, 2011

	GENERAL	RPC Special Revenues	Total RPC	MPO	NEP	TOTAL BUDGET
Revenues						
Assessments	466,669		**466,669**			**466,669**
Federal/State/Local Grants		728,193	**728,193**	1,114,038	1,036,700	**2,878,931**
Dri/Monitoring Fees		200,000	**200,000**			**200,000**
Interest/Misc	30,000		**30,000**			**30,000**
Carry Over Fund Balance*	655,716		**655,716**			**655,716**
Total Income	1,152,385	928,193	**2,080,578**	1,114,038	1,036,700	**4,231,316**
Expenditures						
Direct:						
Salaries	650,000	480,000	**1,130,000**	280,000	296,000	**1,706,000**
FICA	130,000		**130,000**			**130,000**
Retirement	181,300		**181,300**			**181,300**
Health Insurance	180,000		**180,000**			**180,000**
Workers Comp/Unemployment	10,000		**10,000**			**10,000**
Consultant Fees	16,000	24,000	**40,000**	0		**40,000**
NEP Contractual	0		**0**		174,000	**174,000**
MPO Contractual	0		**0**	452,000		**452,000**
Audit Fees	47,000		**47,000**			**47,000**
Travel	14,000	34,000	**48,000**	6,000	21,000	**75,000**
Telephone	6,900	200	**7,100**	1,000	650	**8,750**
Postage	1,500	1,500	**3,000**	5,000	20,000	**28,000**
Equipment Rental	32,000		**32,000**		200	**32,200**
Insurance	33,200		**33,200**			**33,200**
Repair/Maint. (Grounds/Bldg/Equip)	25,000		**25,000**			**25,000**
Printing/Reproduction	1,000	1,000	**2,000**	6,500	85,000	**93,500**
Utilities (Elec, water, garb)	28,000		**28,000**			**28,000**
Advertising	1,100	1,400	**2,500**	10,000	550	**13,050**
Other Miscelleanous	1,500	1,000	**2,500**	500	1,500	**4,500**
Office Supplies	12,000	3,000	**15,000**	2,000	1,500	**18,500**
Computer Related Expenses	27,000	3,000	**30,000**	3,000	6,000	**39,000**
Publications	1,800		**1,800**	1,500	500	**3,800**
Professional Development	16,000	9,000	**25,000**	2,000	7,000	**34,000**
Meetings/Events	7,000	3,000	**10,000**	2,000	43,800	**55,800**
Capital Outlay-Operations	12,000	3,000	**15,000**	6,000	4,000	**25,000**
Capital Outlay-Building	0	10,000	**10,000**			**10,000**
Long Term Debt	0	128,000	**128,000**			**128,000**
Allocation of Fringe/Indirect**	-1,236,538	525,000	**-711,538**	336,538	375,000	**0**
Reserve for Operations Expense*	655,716		**655,716**			**655,716**
Total Cash Outlays	853,478	1,227,100	**2,080,578**	1,114,038	1,036,700	**4,231,316**
Non-Cash Expense:						
Depreciation	70,000		**70,000**			**70,000**
Total Expenses	923,478	1,227,100	**2,150,578**	1,114,038	1,036,700	**4,301,316**

***See note #2** - As per the Auditors, the Fund Balance must be shown as 'carry over fund balance' in the revenue portion and as 'reserve for operations' in the expense portion of the budget.

****See note #4** - The Indirect rate prorates the overhead expenses incurred by the RPC over each active project/agency. This is accomplished by a reallocation of the expenses from General to Special Revenue. These expenses include, but are not limited to, facility costs, office supplies, and support staff.

SWFRPC-MPO-CHNEP COMBINED
OCT. 1, 2010 - Sept. 30, 2011 BUDGET

	Year End			Current	Amended	Proposed
	Actual Y/E 9/30/07	Actual Y/E 9/30/08	Actual Y/E 9/30/09	YTD ACTUAL at 3/31/10	Budget Y/E 9/30/10	Budget Y/E 9/30/11
Revenues						
Assessments	431,470	450,432	464,696	235,276	470,552	466,669
Federal/State/Local Grants	2,743,287	2,528,329	2,820,471	1,223,934	2,500,627	2,878,931
Dri/Monitoring Fees	356,254	423,587	299,605	209,729	200,000	200,000
Interest/Misc	44,308	37,625	15,104	5,972	30,000	30,000
Carry Over Fund Balance	392,967	565,843	637,988		637,988	655,716
Total Income	3,968,286	4,005,816	4,237,864	1,674,910	3,839,167	4,231,316
Expenditures						
Direct:						
Salaries - Direct	1,286,787	1,358,512	1,439,337	660,721	1,401,562	1,429,900
Salaries - Release Time	270,363	262,125	276,105	145,963	276,100	276,100
Salaries - Total	1,557,149	1,620,636	1,715,442	806,683	1,677,662	1,706,000
FICA	115,139	121,301	129,994	59,052	122,000	130,000
Retirement	160,037	165,357	181,381	67,108	166,000	181,300
Health Insurance	166,521	171,950	177,977	97,242	180,000	180,000
Workers Comp/Unemployment	7,950	7,247	6,118	6,394	20,879	10,000
Consultant Fees	58,825	59,109	125,707	15,901	40,000	40,000
NEP Contractual	515,184	380,741	442,497	100,214	121,250	174,000
MPO Contractual	208,969	144,238	173,192	107,818	222,317	452,000
Audit Fees	39,000	49,039	45,686	43,116	47,000	47,000
Travel	51,074	45,866	46,859	23,755	48,000	75,000
Telephone	11,858	9,855	8,192	4,740	12,700	8,750
Postage	21,092	26,175	37,477	14,455	29,000	28,000
Storage Unit Rental	2,242	2,266	2,912	224	224	
Equipment Rental	34,900	31,602	21,585	16,393	35,200	32,200
Insurance	33,093	31,056	29,480	21,564	34,097	33,200
Repair/Maint. (Grounds/Bldg/Equip)	19,972	24,925	24,631	8,203	20,000	25,000
Printing/Reproduction	41,152	93,275	61,147	43,964	70,500	93,500
Utilities (Elec, water, garb)	24,424	23,053	26,089	9,150	25,000	28,000
Advertising	6,940	13,893	13,350	7,014	12,850	13,050
Other Miscelleanous	1,044	1,735	3,403	1,837	3,500	4,500
Office Supplies	23,283	27,367	19,654	9,466	23,000	18,500
Computer Related Expenses	39,575	52,880	61,809	14,762	38,000	39,000
Publications	2,589	2,302	1,625	702	4,000	3,800
Professional Development	34,542	45,665	36,137	31,893	39,000	34,000
Meetings/Events	44,739	39,242	44,679	15,853	44,000	55,800
Capital Outlay-Operations	31,470	41,853	12,175	3,770	27,000	25,000
Capital Outlay-Building	21,742	7,450	5,200	0	10,000	10,000
Long Term Debt (Building Loan)	127,751	127,751	127,751	63,876	128,000	128,000
Allocation of Fringe/Indirect				0	0	0
Reserve for Operations Expense	392,967	565,843	637,988	0	637,988	655,716
Total Cash Outlays	3,795,223	3,933,671	4,220,136	1,595,147	3,839,167	4,231,316
Net Income/(Loss)	173,063	72,145	17,728	79,763	0	0
Non-Cash Expenses:						
Depreciation	61,653	61,653	71,028		60,000	70,000
Total Expenses	3,856,876	3,995,324	4,291,164	1,595,147	3,899,167	4,301,316

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCT. 1, 2010 - Sept. 30, 2011 BUDGET

	Year End			Current	Amended	Proposed
	RPC Actual Y/E 9/30/07	RPC Actual Y/E 9/30/08	RPC Actual Y/E 9/30/09	RPC YTD ACTUAL at 3/31/10	RPC Budget Y/E 9/30/10	RPC Budget Y/E 9/30/11
Revenues						
Assessments	431,470	450,432	464,696	235,276	470,552	466,669
Federal/State/Local Grants	733,606	698,361	820,549	419,037	600,115	728,193
Dri/Monitoring Fees	356,254	423,587	299,605	209,729	200,000	200,000
Interest/Misc	44,308	37,625	15,104	5,972	30,000	30,000
Carry Over Fund Balance	392,967	565,843	637,988	0	637,988	655,716
Total Income	1,958,605	2,175,848	2,237,942	870,014	1,938,655	2,080,578
Expenditures						
Direct:						
Salaries - Direct	865,799	954,034	993,159	486,663	836,562	938,900
Salaries - Release Time	187,174	181,471	191,150	101,051	191,100	191,100
Salaries - Total	1,052,973	1,135,505	1,184,309	587,714	1,027,662	1,130,000
FICA	115,139	121,301	129,994	59,052	122,000	130,000
Retirement	160,037	165,357	181,381	67,108	166,000	181,300
Health Insurance	166,521	171,950	177,977	97,242	180,000	180,000
Workers Comp/Unemployment	7,950	7,247	6,118	6,394	20,879	10,000
Consultant Fees	58,825	59,109	125,707	15,901	40,000	40,000
NEP Contractual	0	0	0	0	0	
MPO Contractual	0	0	0	0	0	
Audit Fees	39,000	49,039	45,686	43,116	47,000	47,000
Travel	24,213	27,075	26,173	13,203	25,000	48,000
Telephone	8,884	8,455	7,068	4,144	9,000	7,100
Postage	12,604	1,453	-711	1,582	4,000	3,000
Storage Unit Rental	1,492	1,376	1,573	121	121	
Equipment Rental	34,900	31,602	21,455	16,393	35,000	32,000
Insurance	33,093	31,056	29,480	21,013	33,200	33,200
Repair/Maint. (Grounds/Bldg/Equip)	19,972	24,925	24,631	8,203	20,000	25,000
Printing/Reproduction	1,252	8,080	-626	167	4,000	2,000
Utilities (Elec, water, garb)	24,424	23,053	26,089	9,150	25,000	28,000
Advertising	836	1,603	4,588	1,750	2,300	2,500
Other Miscelleanous	1,044	1,285	3,325	1,837	2,500	2,500
Office Supplies	15,534	20,861	14,349	7,242	15,000	15,000
Computer Related Expenses	34,348	50,649	57,994	14,732	32,000	30,000
Publications	1,419	1,877	1,562	677	2,000	1,800
Professional Development	28,143	38,465	29,779	24,275	30,000	25,000
Meetings/Events	13,094	10,612	19,202	4,446	12,000	10,000
Capital Outlay-Operations	12,939	41,853	10,897	1,228	9,000	15,000
Capital Outlay-Building	21,742	7,450	5,200	0	10,000	10,000
Long Term Debt (Building Loan)	127,751	127,751	127,751	63,876	128,000	128,000
Allocation of Fringe/Indirect	-625,554	-631,128	-678,723	-280,314	-700,995	-711,538
Reserve for Operations Expense	392,967	565,843	637,988		637,988	655,716
Total Cash Outlays	1,785,727	2,103,703	2,220,214	790,250	1,938,655	2,080,578
Net Income/(Loss)	172,878	72,145	17,728	79,763	0	0
Non-Cash Expenses:						
Depreciation	68,421	68,769	71,028		60,000	70,000
Total Expenses	1,837,495	2,172,472	2,291,242	790,250	1,998,655	2,150,578

Travel is higher due to fact that several grants are requiring classes/conferences - reimbursement is involved

METROPOLITAN PLANNING ORGANIZATION
OCT. 1, 2010 - Sept. 30, 2011 BUDGET

	Year End			Current	Amended	Proposed
	MPO Actual Y/E 9/30/07	MPO Actual Y/E 9/30/08	MPO Actual Y/E 9/30/09	MPO YTD ACTUAL at 3/31/10	MPO Budget Y/E 9/30/10	MPO Budget Y/E 9/30/11
Revenues						
Assessments						
Federal/State/Local Grants	708,808	734,313	737,699	370,426	936,812	1,114,038
Dri/Monitoring Fees						
Interest/Misc						
Carry Over Fund Balance						
Total Income	708,808	734,313	737,699	370,426	936,812	1,114,038
Expenditures						
Direct:						
Salaries - Direct	165,775	200,598	195,478	86,941	257,500	237,500
Salaries - Release Time	41,594	40,327	42,478	22,456	42,500	42,500
Salaries - Total	207,369	240,924	237,956	109,397	300,000	280,000
FICA	0	0	0	0	0	
Retirement	0	0	0	0	0	
Health Insurance	0	0	0	0	0	
Workers Comp/Unemployment	0	0	0	0	0	
Consultant Fees	0	0	0	0	0	
NEP Contractual	0	0	0	0	0	
MPO Contractual	208,969	144,238	173,192	107,818	222,317	452,000
Audit Fees	0	0	0	0	0	
Travel	6,954	3,394	4,143	1,784	8,000	6,000
Telephone	2,316	856	752	378	3,000	1,000
Postage	1,114	4,814	4,913	1,750	5,000	5,000
Storage Unit Rental	0	0	0	0	0	
Equipment Rental	0	0	0	0	0	
Insurance	0	0	0	0	0	
Repair/Maint. (Grounds/Bldg/Equip)	0	0	0	0	0	
Printing/Reproduction	5,807	3,783	1,336	291	6,500	6,500
Utilities (Elec, water, garb)	0	0	0	0	0	
Advertising	5,845	11,768	8,696	5,264	10,000	10,000
Other Miscelleanous	0	447	28	0	500	500
Office Supplies	4,660	2,367	563	234	5,000	2,000
Computer Related Expenses	115	516	788	0	2,000	3,000
Publications	985	0	0	0	1,500	1,500
Professional Development	350	1,012	523	1,093	2,000	2,000
Meetings/Events	357	443	730	-125	2,000	2,000
Capital Outlay-Operations	6,673	0	0	2,542	3,000	6,000
Capital Outlay-Building	0	0	0	0	0	
Long Term Debt (Building Loan)	0	0	0	0	0	
Allocation of Fringe/Indirect	257,292	319,750	304,078	140,001	365,995	336,538
Reserve for Operations Expense						
Total Cash Outlays	708,808	734,313	737,699	370,426	936,812	1,114,038
Net Income/(Loss)						0
Non-Cash Expenses:						
Depreciation						
Total Expenses	708,808	734,313	737,699	370,426	936,812	1,114,038

CHARLOTTE HARBOR NEP
OCT. 1, 2010 - Sept. 30, 2011 BUDGET

	Year End			Current	Amended	Proposed
	CHNEP - Actual Y/E 9/30/07	CHNEP - Actual Y/E 9/30/08	CHNEP - Actual Y/E 9/30/09	NEP YTD ACTUAL at 3/31/10	CHNEP - Budget Y/E 9/30/10	CHNEP - Budget Y/E 9/30/11
Revenues						
Assessments						
Federal/State/Local Grants	1,300,873	1,095,655	1,262,223	434,471	963,700	1,036,700
Dri/Monitoring Fees						
Interest/Misc						
Carry Over Fund Balance						
Total Income	1,300,873	1,095,655	1,262,223	434,471	963,700	1,036,700
Expenditures						
Direct:						
Salaries - Direct	255,212	203,880	250,700	87,117	307,500	253,500
Salaries - Release Time	41,594	40,327	42,478	22,456	42,500	42,500
Salaries - Total	296,807	244,207	293,178	109,573	350,000	296,000
FICA	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Health Insurance	0	0	0	0	0	0
Workers Comp/Unemployment	0	0	0	0	0	0
Consultant Fees	0	0	0	0	0	0
NEP Contractual	515,184	380,741	442,497	100,214	121,250	174,000
MPO Contractual	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0
Travel	19,907	15,397	16,543	8,768	15,000	21,000
Telephone	658	544	372	218	700	650
Postage	7,374	19,908	33,275	11,123	20,000	20,000
Storage Unit Rental	750	890	1,339	103	103	
Equipment Rental	0	0	130	0	200	200
Insurance	0	0	0	551	897	0
Repair/Maint. (Grounds/Bldg/Equip)	0	0	0	0	0	0
Printing/Reproduction	34,093	81,412	60,436	43,506	60,000	85,000
Utilities (Elec, water, garb)	0	0	0	0	0	0
Advertising	259	521	66	0	550	550
Other Miscelleanous	0	3	50	0	500	1,500
Office Supplies	3,090	4,139	4,742	1,990	3,000	1,500
Computer Related Expenses	5,112	1,714	3,028	30	4,000	6,000
Publications	184	425	63	25	500	500
Professional Development	6,049	6,188	5,835	6,526	7,000	7,000
Meetings/Events	31,287	28,187	24,747	11,532	30,000	43,800
Capital Outlay-Operations	11,857	0	1,278	0	15,000	4,000
Capital Outlay-Building	0	0	0	0	0	0
Long Term Debt (Building Loan)		0		0	0	0
Allocation of Fringe/Indirect	368,261	311,378	374,645	140,313	335,000	375,000
Reserve for Operations Expense						
Total Cash Outlays	1,300,873	1,095,655	1,262,223	434,471	963,700	1,036,700
Net Income/(Loss)						0
Non-Cash Expenses:						
Depreciation						
Total Expenses	1,300,873	1,095,655	1,262,223	434,471	963,700	1,036,700

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Comparison of RPC '09 Actual to Budgets of 2010 and 2011

	A	B	C	A vs.B	A vs.C	B vs.C
	RPC Actual Y/E 9/30/09	Amended RPC Budget Y/E 9/30/10	Proposed RPC Budget Y/E 9/30/11	Percentage change '09 Act to '10 Bud	Percentage change '09 Act to '11 Bud	Percentage change '10 Bud to '11 Bud
Revenues						
Assessments	464,696	470,552	*466,669*			
Federal/State/Local Grants	820,549	600,115	*728,193*			
Future amendment (DCA)		95,000				
Dri/Monitoring Fees	299,605	200,000	*200,000*			
Interest/Misc	15,104	30,000	*30,000*			
Carry Over Fund Balance	637,988	637,988	*655,716*			
Future amendment (FB)		17,728				
Total Income	**2,237,942**	**2,051,383**	***2,080,578***	-8.34%	-7.03%	1.42%
Expenditures						
Personnel						
Salaries	1,184,309	1,027,662	*1,130,000*			
FICA	129,994	122,000	*130,000*			
Retirement	181,381	166,000	*181,300*			
Health Insurance	177,977	180,000	*180,000*			
Workers Comp/Unemployment	6,118	20,879	*10,000*			
Future amendment		80,000				
Total Personnel Services	**1,679,779**	**1,596,541**	***1,631,300***	-4.96%	-2.89%	2.18%
Operating Expenses	540,436	422,114	*449,278*			
Future amendment (server)		15,000				
Future amendment (FB)		17,728				
Total Operating Expenses	**540,436**	**454,842**	***449,278***	-15.84%	-16.87%	-1.22%
Total Cash Outlays	**2,220,214**	**2,051,383**	***2,080,578***	**-7.60%**	**-6.29%**	**1.42%**
Net Income/(Loss)	17,728	0	0			

SWFRPC-MPO-CHNEP COMBINED
PROPOSED BUDGET AND FIVE YEAR PLAN
OCTOBER 1, 2010 TO SEPTEMBER 30, 2015

	Adopted Budget Y/E 9/30/10	5 Year Plan				
		Budget Y/E 9/30/11	Budget Plan Y/E 9/30/12	Budget Plan Y/E 9/30/13	Budget Plan Y/E 9/30/14	Budget Plan Y/E 9/30/15
Revenues						
Assessments	470,552	**466,669**	485,335	504,749	524,939	545,936
Federal/State/Local Grants	2,500,627	**2,878,931**	2,556,770	2,617,284	2,690,792	2,742,293
Dri/Monitoring Fees	200,000	**200,000**	215,000	215,000	250,000	250,000
Interest/Misc	30,000	**30,000**	30,000	30,000	30,000	30,000
Carry Over-Fund Balance	637,988	**655,716**	656,000	656,000	656,000	656,000
Total Income	3,839,167	**4,231,316**	3,943,105	4,023,033	4,151,731	4,224,229
Expenditures						
Direct:						
Salaries	1,677,662	**1,706,000**	1,748,760	1,792,678	1,837,787	1,884,122
FICA	122,000	**130,000**	130,000	130,000	132,000	132,000
Retirement	166,000	**181,300**	185,000	185,000	190,000	190,000
Health Insurance	180,000	**180,000**	200,000	210,000	220,000	225,000
Workers Comp/Unemployment	20,879	**10,000**	10,000	10,000	10,000	10,000
Consultant Fees	40,000	**40,000**	40,000	40,000	40,000	40,000
NEP Contractual	121,250	**174,000**	180,284	186,553	193,621	199,331
MPO Contractual	222,317	**452,000**	101,410	101,039	101,896	101,012
Audit Fees	47,000	**47,000**	48,000	48,000	49,000	49,000
Travel	48,000	**75,000**	53,000	53,000	56,000	56,000
Telephone	12,700	**8,750**	8,700	8,800	9,800	9,800
Postage	29,000	**28,000**	31,000	32,000	33,000	34,000
Storage Unit Rental	224	**0**	0	0	0	0
Equipment Rental	35,200	**32,200**	32,000	33,000	34,000	35,000
Insurance	34,097	**33,200**	33,200	33,200	35,200	35,200
Repair/Maint. (Grounds/Bldg/Equip)	20,000	**25,000**	25,000	25,500	26,000	26,500
Printing/Reproduction	70,500	**93,500**	57,000	58,000	58,500	59,000
Utilities (Elec, water, garb)	25,000	**28,000**	28,000	30,000	32,000	34,000
Advertising	12,850	**13,050**	13,700	13,700	14,250	14,250
Other Miscelleanous	3,500	**4,500**	3,500	3,500	3,550	3,550
Office Supplies	23,000	**18,500**	22,000	24,000	24,000	25,000
Computer Related Expenses	38,000	**39,000**	37,500	37,700	41,000	41,000
Publications	4,000	**3,800**	6,600	6,600	8,100	8,100
Professional Development	39,000	**34,000**	39,000	41,100	41,600	44,600
Meetings/Events	44,000	**55,800**	53,000	53,000	55,000	56,000
Capital Outlay-Operations	27,000	**25,000**	28,000	48,000	43,500	43,500
Capital Outlay-Building	10,000	**10,000**	20,000	20,000	20,000	20,000
Long Term Debt (Building Loan)	128,000	**128,000**	128,000	128,000	128,000	128,000
Allocation of Fringe/Indirect						
Reserve for Operations Expense	637,988	**655,716**	656,000	656,000	656,000	656,000
Total Cash Outlays	3,839,167	**4,231,316**	3,918,654	4,008,370	4,093,804	4,159,965
Net Income/(Loss)						
Non-Cash Expenses:						
Depreciation	60,000	**70,000**	70,000	71,000	71,000	72,000
Total Expenses	3,899,167	**4,301,316**	3,988,654	4,079,370	4,164,804	4,231,965

Facts to be noted for this Annual Budget

1 Included in Employee Benefits Salaries are sick, vacation, and holiday pay. Provision is also included for adjustments (ie: merit increase, reclass, etc.) In the event of any adjustments, transfers can be made to the corresponding project within the same expense line. As always, transfers between Expense Lines will require a Budget Amendment.

2 As per the Auditors, the Fund Balance must be shown in the Budget as 'carry over fund balance' in the revenue portion and as 'reserve for operations' in the expense portion of the Budget.

3 It has been recommended by the auditors that the Council designate a portion of the fund balance for emergencies. In that regard, $644,000 was been appropriated thus far and the reserved fund balance will be increased each year until our goal of a six month reserve is met.

4 Fringe and Indirect reimbursed by MPO and NEP grants are shown as reallocation from Council since their budgets are separated from the RPC budget. A copy of the Calculation of the Indirect/Fringe Rates policy approved by the Council is attached. The Indirect rate prorates the overhead incurred by the RPC over each active project/agency. These expenses include, but are not limited to, facility costs, office supplies, and support staff.

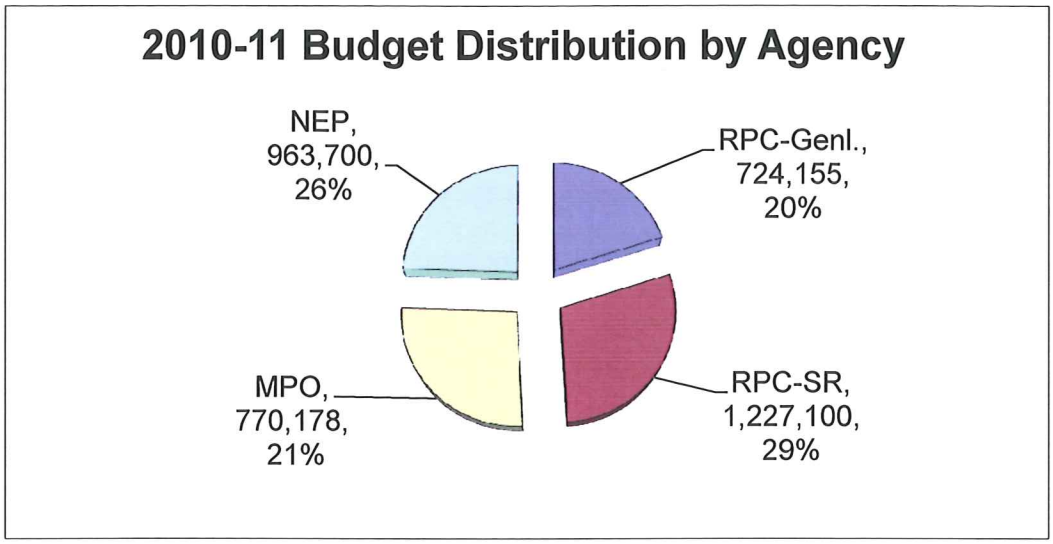
Fringe/Indirect Rates for 5 years:

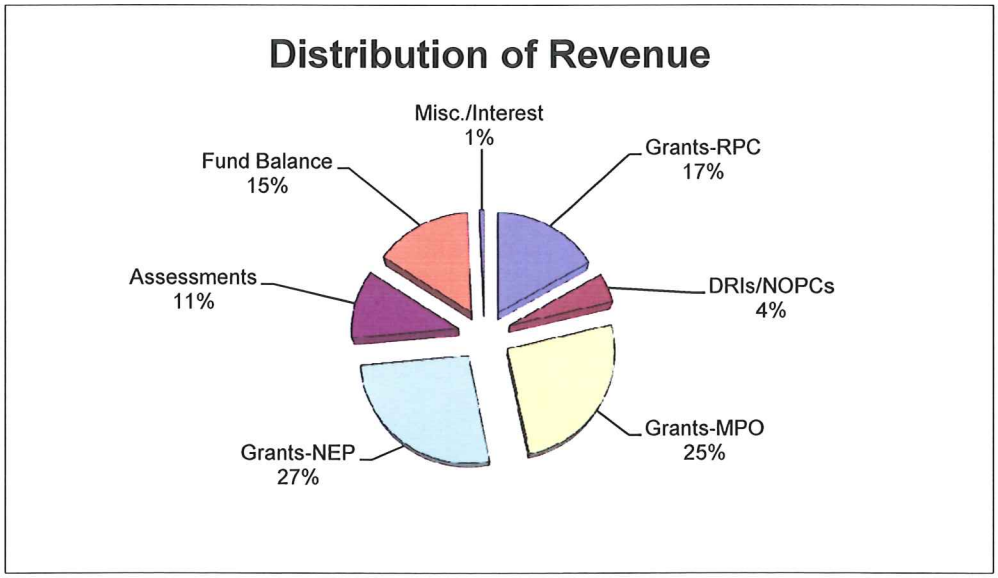
2010-11 Fringe Provisional Rate	44%
2010-11 Indirect Provisional Rate	83%
2009-10 Fringe Provisional Rate	44%
2009-10 Indirect Provisional Rate	83%
2008-09 Fringe Actual Rate	45%
2008-09 Indirect Actual Rate	82%
2007-08 Fringe Actual Rate	45%
2007-08 Indirect Actual Rate	83%
2006-07 Fringe Actual Rate	46%
2006-07 Indirect Actual Rate	78%

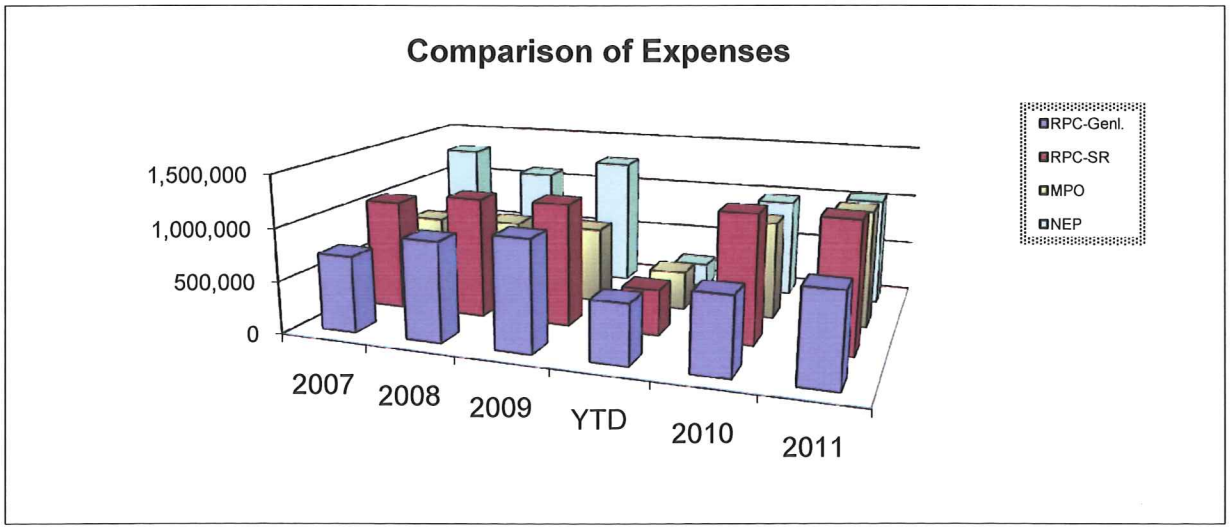
The SWFRPC has a "No Written Investment Policy". Any investments made by the SWFRPC must follow Florida Statute #218-415 which states:

Those units of local government electing not to adopt a written investment policy may invest or reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus funds Trust Fund (Fl. Prime SBA)
(b) Securities and Exchange Commission registered money market funds.
(c) Interest-bearing time deposits or savings accounts in qualified public depositories
(d) Direct Obligations of the U.S. Treasury


2010-11 Budget Distribution by Agency
NEP, 963,700, 26%
RPC-Genl., 724,155, 20%
MPO, 770,178, 21%
RPC-SR, 1,227,100, 29%


Distribution of Revenue
Misc./Interest 1%
Fund Balance 15%
Grants-RPC 17%
Assessments 11%
DRIs/NOPCs 4%
Grants-MPO 25%
Grants-NEP 27%


Comparison of Expenses
1,500,000
1,000,000
500,000
0
2007
2008
2009
YTD
2010
2011
RPC-Genl.
RPC-SR
MPO
NEP

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

CAPITAL ASSETS POLICY

Conforming to the requirements of GASB 34, we are formally setting the following guidelines for fixed assets capitalization and depreciation:

Assets will be capitalized at $1,000 and above according to Florida Statue, Chapter 274.

These assets will be inventoried using the Peachtree Fixed Assets Program.

The depreciation method will be straight-line, full month.

Useful life ranges are as follows:
- Buildings – 45 years
- Improvements other than buildings – 15 years
- Computer Equipment – 3 years
- Furniture and Fixtures – 7 years
- Vehicles and Equipment – 5 years

This policy is effective as of October 1, 2004.
Any assets removed from the Fixed Assets inventory shall be submitted along with the Budget.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
COMPUTER DISPOSAL POLICY

Effective Date: December 14, 2007

Policy Statement:
All Council-owned electronic equipment, including but not limited to, computers, monitors, faxes, copy machines, cell phones, and personal digital appliances (PDAs) with a printed circuit board that the Network Administrator has deemed to be surplus or non-usable shall be disposed of in a manner that is consistent with Federal, state and local statutes and regulations, with recycling being the preferred method. All equipment identified as surplus shall be recycled by the Council's selected and approved vendor list. In addition, all surplus computers or servers that contain hard drives shall be wiped clean or shall be destroyed by magnetic degaussing.

If equipment is recycle/disposed through the Lee County Government Solid Waste Division there is a fee which is subject to change.

Responsibility:
The administration of the recycling program shall be under the Network Administrator and the Executive Director. The Network Administrator identifies equipment as surplus to the needs for the Council, the Executive Director, reviews, and approves these declarations and brings the matter before the Council for final approval.

Action:
The initial action is the Network Administrator presents the Executive Director a list of surplus equipment. This list depicts: purchase date, current capital value, and reason for designation as surplus and recommended method of disposal. Once a list is approved by the Executive Director, it is placed on the Council's Agenda in the Administrative Items section for final approval.

Possible methods of disposal include: in-house auction of equipment, donation to other agencies, recycling, disposal or any other method deemed to be consistent with the purpose and mission of the Council.

Southwest Florida Regional Planning Council

Reserve Policy

This policy is designed to guide the Council in financial policies to maintain a strong financial position. A strong financial position is important in the maintenance of services to the various counties and cities of the Council. The reserve policy is designed to allow the Council to maintain a fund balance level between four (4) and six (6) months of prior year general and special revenue expenditures as recommended by Governmental Accountants.

The reserves are a component of the Council's fund balance which is reviewed by auditors as an indicator of financial health. Operating reserves are designed to provide the Council with funds in the event of revenue interruption, shortfalls or other unforeseen occurrence.

Operating Reserves will be maintained at a level of at least four (4) months of average general and special revenue expenditures and will be increased annually, if possible, to reach a goal of six (6) months.

This reserve will be maintained to meet the Council's needs in case of an emergency such as a natural disaster.

In the event funds are utilized from the reserve, every effort will be made to restore the initial reserve amount in the ensuring years. As of October 1, 2009, our designated reserve is six hundred forty-four thousand dollars ($644,000). Changes to this designated reserve will be reported annually as part of the financial statements and at the annual Budget presentation.

Calculation of Fringe and Indirect Rates

Source:

CCAS Indirect Cost Rate **(http://www.ccas.com/cgovcon.htm)**
CCAS produces and supports financial and government project accounting software

Frequently Asked Questions (FAQs) about Indirect Costs from
The Division of Financial Advisory Services
(http://ocm.od.nih.gov/dfas/faqindirectcosts.htm)

What is the difference between a direct cost and an indirect cost?

A direct cost is any cost that can be easily identified with a specific project (grant/contract): e.g., Salaries and Wages, Materials & Supplies, Subcontracts, Consultants.

An indirect cost is any cost that cannot be easily identified (or it would not be cost effective to identify) to a specific project, but identified with two or more final cost objectives. There are three types of indirect costs:

Fringe Benefits: services or benefits provided to employees, e.g., Health Insurance, Payroll Taxes, Pension Contribution, Paid Absences, etc

Overhead: indirect costs associated with the performance of a project, e.g., Facility Costs (rent, heat, electricity, etc.), General Laboratory Supplies, office supplies, etc.

G&A: indirect costs associated with the overall management of an organization, e.g., President's Office, Human Resources Office, Accounting Office, etc.

Determining an Indirect-Cost Rate

An indirect-cost rate is simply the ratio of indirect costs to some base or activity (that is, direct labor costs, labor hours, number of employees, space footage or total direct costs).

We will use the ratio of indirect costs (excluding fringe) to direct labor costs to determine the actual indirect rate. (Overhead and G&A)

The ratio of total fringe benefits to total salaries will be used to determine the actual fringe rate. (Fringe Benefits)

Agenda Item

6

Regional Issues

6

6

Agenda Item

6a

Alternative Transportation Presentation

6a

6a

Agenda Item

6b

Other Regional Issues

- Legislative Issues Update

6b

6b

FLORIDA LEGISLATIVE SUMMARY REPORT

This item has been placed on the agenda to provide the Council with an update on the activities and recommendations of the Florida Legislature and to provide the Council with an opportunity to discuss legislative topics of interest.

The 2010 Legislative Session ended on Friday, April 30th and resulted in a number of bills impacting local governments. This session 2,225 general and local bills were filed. Of those, 253 general bills and 39 local bills passed both chambers. While a significant number of bills passed both chambers, many others died on the floor as the clock ran out or lawmakers did not have the will to resolve or work on the legislation.

Florida is still waiting for the decision from the Governor to line item or veto a number of issues. One issue that will impact local governments and many of the state agencies is HB 1565. The little noticed bill amends the Administrative Procedure Act. The bill requires the Legislature to ratify any agency rule that might cause $1 million or more in economic impacts to the private sector over a 5 year period, in aggregate, statewide. That essentially means that all agency rules will be required to be ratified by the Legislature, shutting down the agency rulemaking and politicizing the process.

The Florida Legislature left their last and final day of the 60-day session to take up the only bill they are required to pass – the budget. With complications caused by the lack of financial closure due to the lack of oil lease agreements in the near future, the $70 million budget delivered to the Governor has yet to be signed.

Florida lawmakers ended the 60-day legislative session dominated by budget problems, job creation, partisan debate and ultimately a concern for re-election season and the looming potential of Amendment Four.

Attached for your review and information are a number of brief summaries of the discussions that took place during the legislative session.

Attached for your review and information are the current American Planning Association Florida (APAFL) Bill Summary; the APAFL Tracking Report; the Florida Regional Council Association (FRCA) Final Legislative Report by Ronald Book, Executive Director of FRCA and the Wren Group; 1000 Friends 2010 Legislative Highlights; and the Florida Chamber 2010 Legislative Business Agenda.

RECOMMENDED ACTION: For your information and staff direction.

05/2010

APA of Florida Legislative Summary

American Planning Association of Florida

Legislative Summary

WHAT DID NOT PASS?

DCA Sunset Review: None of the bills that would have reauthorized DCA, and brought the sunset review process to a conclusion, passed. However, it is important to note that DCA was not singled out. The House took no action on the sunset review process for several other state government agencies as well. The Senate passed SB 282, reauthorizing DCA, but the House let it die in messages. HB 7107, which would have reauthorized DCA with some non-growth management changes, died in the House Economic Development & Community Affairs Policy Council. There were one or two attempts during the last days of the session to add reauthorization language to other bills but those efforts failed as well. As a result, DCA will continue to function in its present form but will have to face sunset review again next year.

Affordable Housing: We were extremely disappointed that HB 665, the omnibus housing bill which included a repeal of the cap on the Sadowski Trust Fund, failed to pass on the last day of the session. The bill was passed by the House and sent to the Senate during the last week of session. The Senate passed the bill with one amendment and sent it back to the House. This amendment added language seen in other bills to reauthorize the exemptions created last year in SB 360. It also granted an additional 2 year extension on local development orders, building permits, and DEP/WMD permits that would expire within certain time periods. The amendment also revised the definition of "urban service area" in Chapter 163.3162(29) to include any area identified in the comprehensive plan as urban service area regardless of local government limitation. The House refused to concur with the amendment and sent it back to the Senate, asking them to recede from the amendment. After refusing to do so and sending it back, the bill died in returning Messages in the House.

Public Participation: While a number of bills that focused on public participation and public notice were filed at the beginning of the session, most failed to make any progress, including HB 733 and SB 1942 . These two bills would have required discreet public participation plans in the comprehensive planning process.

WHAT DID PASS?

Florida Forever: The Legislature did include $15 million in the FY 2010-2011 budget for Florida Forever. APA Florida vigorously supported Florida Forever funding as the program was not funded for the 2009-2010 fiscal year. In the context of the state's dire budget challenges, reestablishing Florida Forever funding is an important victory. Additionally SB 1640ER, which recreates the Florida Forever Trust Fund within DCA, was signed by the Governor on April 15, 2010. Now designated as Chapter 2010-18, its effective date is July 1, 2010.

Transportation Concurrency: HB 143ER amends concurrency requirements in Chapter 163.3180(4) (b) to include hangers for the assembly or manufacture of aircraft in the definition of public transit facilities. As a result of this amendment, the concurrency requirements in local comprehensive plans would not apply to these facilities. The bill has an effective date of July 1, 2010.

HB 143ER was presented to the Governor who has until May 15th to act.

Expedited Permitting: SB 550ER is a 171 page bill focusing on a variety of water supply planning and water resource issues, including the amendment of chapter 373 to include a new Part VII, Water Supply Policy, Planning, Production, and Funding. The language that would have created the "Florida Springs Act" was not included in the final bill. However the bill (Section 62) does move responsibility for the expedited permitting and comprehensive plan amendments under Section 403.973 from the Office of Tourism, Trade, and Economic Development to the Department of Environmental Protection. The number of jobs that a business must produce in order to be eligible are reduced and projects resulting in the production of biofuels cultivated on lands that are 1000 acres or more, construction of a biofuel or biodiesel processing facility, or a facility generating renewable energy, are eligible for the expedited permitting process. The bill also includes some amendments to the appeals process for the expedited permits and amendments.

This bill has an effective date of July 1, 2010.

Permit Extensions: SB 1752, hailed as an economic development bill, primarily deals with tax exemptions and other incentives to promote economic development in the state. However it does include, in Section 46, language which extends local government development orders, building permits, or DEP/WMD permits that would expire between September 1, 2008 and January 1, 2012 by 2 years after the previously scheduled expiration. This extension is in addition to the 2 year extension provided last year in SB 360. Commencement and completion dates are also extended. The permit holder has to inform the authorizing agency by December 1, 2010 of intent to utilize the extension. Permits extended under this clause continue to be governed by the rules in effect at the time the permit was issued, unless it can be shown that those rules create an immediate threat to health or safety.

Section 47 includes language responding to the ongoing litigation regarding the constitutionality of SB 360. The language reauthorizes the exemptions created in SB 360 and would apply retroactively. This would apply to approved or pending DRI exemptions, 2-year extensions, and any adopted comprehensive plan amendment to authorize a transportation concurrency exception area.

This bill will take effect upon becoming law.

Military Base Compatibility: HB 7129ER amends section 163.3175 dealing with compatibility with military installations. The bill specifically identifies the military bases and local governments to which the section's requirements apply. It allows a base commander to request copies of variances to height, lighting or noise attenuation reduction requirements. If a local

government does not adopt address military base compatibility in its future land use plan element by June 30, 2012, mandatory mediation is required. If the plan does not include compatibility criteria by December 31, 2013, the Administration can impose sanctions if notified by DCA. The bill also amends the requirements of the future land use element to reflect the above issue.

This bill has an effective date of July 1, 2010.

Rural Enterprise Zones: HB 843ER requires that any catalyst zone, as defined in s. 288.0656(2)(b), that was approved prior to January 1, 2010 and is not located in an existing rural enterprise zone shall be designated by OTTED as a rural enterprise zone upon request of the host county. The designation will provide businesses locating within the catalyst site with the economic incentives and benefits under s.290.0065.
SB 1724 was similar to the above bill; in the last days of session, the Senate substituted this bill for SB 1724.

This bill has an effective date of July 1, 2010.

Transportation Access: SB 1842 requires DOT to notify all affected property owners, municipalities and counties whenever a project on the State Highway System will divide the highway, erect median barriers that modify current turning movements or close/modify existing access. The notification must occur at least 180 days prior to when the design is finalized. DOT must hold at least one public hearing in the affected jurisdiction and determine economic impacts of the change. The local government must be consulted on the design and is authorized to present alternatives.

This bill has an effective date of July 1, 2010.

Agriculture: HB 7103ER prohibits local governments from enforcing certain activity limits or charging certain assessments on agricultural land. It creates the Agricultural Land Acknowledgement Act, designed to reduce conflict between agricultural and non agricultural uses to protect sustainable agricultural lands. Prior to issuance of a local land use permit, building permit, or certificate of occupancy for a non-agricultural use contiguous to sustainable agricultural land, the permit applicant must sign and submit for recordation a written acknowledgment of contiguous sustainable agricultural land. The bill defines sustainable agricultural land as "land classified as agricultural land pursuant to s. 193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity, to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities." The bill also amends existing language to now state that nonresidential farm buildings and fences are exempt from the Florida Building Code and all local codes or fees except for floodplain management regulations.

SB 2074 was similar to the above bill; in the last week of the session, the Senate substituted HB 7103 for SB 2074.

The bill was presented to the Governor who has until May 15, 2010 to act on it. It will be in effect upon becoming law.

- Lester Abberger, APAFL Legislative Representative
- Alex Magee, APAFL Executive Director

APA Florida Bill Tracking Report

APA Florida Bill Tracking Report May 3, 2010

Sorted by Bill Number

HB 0073 **Relating to Working Waterfront Property** Robaina

Working Waterfront Property: Specifies properties eligible for classification as working waterfront property; requires assessment of working waterfront property based on current use; specifies methodology for determining assessed value; requires property appraisers to consider specified factors in assessing specified property; requires application for classification of property as working waterfront property; specifies application requirements; authorizes property appraiser to approve application not filed by specified date due to extenuating circumstances; provides for waiver of annual application requirements; provides for loss of classification upon change of ownership or use; requires property owners to notify property appraiser of changes in use or ownership of property; imposes penalty for failure to notify property appraiser of event resulting in unlawful or improper classification of property as working waterfront property; requires imposition of tax liens to recover penalties & interest; provides for assessment of portion of property within working waterfront property that is not used as working waterfront property; requires property appraiser to make list relating to applications to certify property as working waterfront property; provides appeal process for application that has been denied. Effective Date: July 1, 2010

Current Committee of Reference: Finance & Tax Council

10/1/2009 HOUSE Referred to Finance & Tax Council; Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council

10/1/2009 HOUSE Now in Finance & Tax Council

3/3/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 03/05/10, 10:15 a.m., 117 K (No Votes Will Be Taken)

Compare

SB 0346 Relating to Working Waterfront Property (Dean)
04/29/2010 HOUSE In Messages

SB 1408 Relating to Working Waterfront Property (Finance and Tax)
04/29/2010 HOUSE In Messages

HB 7127 Relating to Working Waterfront Property (Finance & Tax Council)
04/19/2010 HOUSE Temporarily Postponed on Second Reading

HB 0077 **Relating to Florida Energy and Climate Commission** Gibbons

Florida Energy and Climate Commission: Requires commission to prepare report on energy efficiency with respect to low-income households & rental housing properties to be submitted to Legislature by specified date; provides report requirements. Effective Date: July 1, 2010

Current Committee of Reference: Military & Local Affairs Policy Committee

3/29/2010 HOUSE Committee Substitute Text (C1) Filed

3/30/2010 HOUSE Reference to Government Operations Appropriations Committee removed; Remaining references: Military & Local Affairs Policy Committee, General Government Policy Council

3/30/2010 HOUSE Now in Military & Local Affairs Policy Committee

Compare

SB 0596 Relating to Energy (Detert)
12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Finance and Tax; Policy & Steering Committee on Ways and Means

Similar

SB 0090 Relating to Florida Energy and Climate Commission (Joyner)
12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations

SB 0090 **Relating to Florida Energy and Climate Commission** Joyner

Florida Energy and Climate Commission [EPSC]; Requires that the Florida Energy and Climate Commission prepare a report identifying ways to increase the energy-efficiency practices of low-income households. Requires that the report include certain determinations and recommendations. Requires that the commission submit the report to the Legislature by a specified date. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: Communications, Energy, and Public Utilities

10/5/200 SENATE Filed

12/9/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations

Compare

SB 0596 Relating to Energy (Detert)
12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Finance and Tax; Policy & Steering Committee on Ways and Means

Similar

HB 0077 Relating to Florida Energy and Climate Commission (Gibbons)
03/30/2010 HOUSE Now in Military & Local Affairs Policy Committee

SB 0126 **Relating to Community Redevelopment** Bullard (L)
Community Redevelopment [EPSC]; Expands the definition of the term "blighted area" to include land previously used as a military facility. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/16/2010 SENATE Read second time
4/21/2010 SENATE Read Third Time; Passed (Vote: 38 Yeas / 0 Nays)
4/22/2010 HOUSE In Messages
Similar

HB 0381 Relating to Community Redevelopment (Bullard (D))
12/18/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

SB 0132 **Relating to Statewide Legacy Communities Initiative** Bullard (L)
Statewide Legacy Communities Initiative [EPSC]; Establishes the Statewide Legacy Communities Initiative. Creates the Urban Empowerment Corporation within the Department of Community Affairs, etc. APPROPRIATION: Indeterminate. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Commerce; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations

SB 0142 **Relating to Water Management Districts** Baker
Water Management Districts [EPSC]; Revises provisions relating to the obstruction of public canals and drainage works. Revises the requirement that the district governing board delegate its authority to take final actions to the executive director. Revises the board's authority to delegate final actions to the executive director. Requires the board to provide a process for referring certain delegated actions to the governing board for final action, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: General Government Appropriations
4/14/2010 SENATE Favorable with CS by Governmental Oversight and Accountability; 7 Yeas, 0 Nays
4/15/2010 SENATE Committee Substitute Text (C1) Filed
4/16/2010 SENATE Now in General Government Appropriations
Compare

SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed
HB 0659 Relating to Water Management Districts (Van Zant)
01/28/2010 HOUSE Referred to Agriculture & Natural Resources Policy Committee; Policy Council; General Government Policy Council
HB 1407 Relating to Water Management Districts (Hays)
04/28/2010 HOUSE Reference to General Government Policy Council removed; Reference to Calendar added; Remaining references: Calendar
HB 7177 Relating to Water Resources (Agriculture & Natural Resources Policy Committee)
04/26/2010 SENATE In Messages

HB 0143 **Relating to Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements** Ray
Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements: Exempt hangars used to assemble or manufacture aircraft from transportation concurrency requirements. Effective Date: July 1, 2010
Current Committee of Reference: Community Affairs
4/22/2010 HOUSE Ordered Enrolled
4/22/2010 HOUSE Enrolled Text (ER) Filed
4/30/2010 Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)
Identical

SB 1518 Relating to Transportation Concurrency Exceptions (Altman)
04/16/2010 SENATE Read Second Time; Substituted for HB 0143; Laid on Table, Refer to HB 0143

SB 0262 **Relating to Affordable Housing** Bennett

Affordable Housing [EPSC]; Revises definitions relating to agency inspectors general to include the

Florida Housing Finance Corporation. Provides a housing finance authority with an additional purpose for which it may exercise its power to borrow. Revises the allocation of certain proceeds distributed from the excise tax on documents which are paid into the State Treasury to the credit of the State Housing Trust Fund, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/23/2010 SENATE Placed on Calendar, on second reading
4/23/2010 SENATE Placed on Special Order Calendar for 04/27/10
4/27/2010 SENATE Read Second Time; Amendments Adopted (815630, 798042, 457750, 256110, 143790); Substituted for HB 0665; Laid on Table, Refer to HB 0665
Compare

HB 0095	Relating to Distribution of Proceeds from Excise Taxes on Documents (Saunders) 10/01/2009 HOUSE Now in Finance & Tax Council
HB 0665	Relating to Affordable Housing (Aubuchon) 04/30/2010 HOUSE In returning messages
SB 1250	Relating to State Housing Trust Fund (Smith) 02/03/2010 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means
SB 1432	Relating to State Housing Trust Fund (Wilson) 02/03/2010 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means
SB 1528	Relating to Affordable Housing for Seniors (Deutch) 02/03/2010 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations
HB 7105	Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act (Government Accountability Act Council) 03/12/2010 HOUSE Now in Economic Development & Community Affairs Policy Council

SB 0264 **Relating to SSB/Affordable Housing** Bennett
SSB/Affordable Housing [EPSC]; Expresses the legislative intent to revise laws relating to affordable housing. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations; Rules

SB 0266 **Relating to SSB/Department of Community Affairs** Bennett
SSB/Department of Community Affairs [EPSC]; Expresses the legislative intent to revise laws relating to the Department of Community Affairs. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

SB 0268 **Relating to SSB/Department of Community Affairs** Bennett
SSB/Department of Community Affairs [EPSC]; Expresses the legislative intent to revise laws relating to the Department of Community Affairs. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

SB 0274 **Relating to Domestic Security** Bennett
Domestic Security [EPSC]; Specifies the military installations, and the local governments associated with those bases, to which certain provisions of the act apply. Authorizes the Florida Council on Military Base and Mission Support to recommend changes to military installations and local governments. Revises provisions related to seaport security. Authorizes the Adjutant General to employ a second Assistant Adjutant General for Army, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Criminal Justice
4/15/2010 SENATE On Committee agenda - Military Affairs and Domestic Security, 04/20/10, 10:00 am, 37 S
4/20/2010 SENATE Favorable by Military Affairs and Domestic Security; 5 Yeas, 0 Nays
4/20/2010 SENATE Now in Criminal Justice
Compare

HB 0129 Relating to Military Affairs (Renuart)
04/21/2010 HOUSE Read Second Time; Substituted for SB 0464; Laid on Table, Refer to SB 0464
SB 0464 Relating to Military Affairs/Leave of Absence (Fasano)
04/27/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/12/10)
HB 0713 Relating to Department of Business and Professional Regulation (Workman)
04/30/2010 HOUSE Ordered enrolled
SB 1330 Relating to Department of Business and Professional Regulation (Fasano)
04/29/2010 SENATE Read Second Time; Amendments Adopted (892916, 207236, 182920); Substituted for HB 0713; Laid on Table, Refer to HB 0713

Similar

HB 7129 Relating to Military Support (Military & Local Affairs Policy Committee)
04/30/2010 HOUSE Engrossed Text (E1) Filed

SB 0276 **Relating to SSB/Growth Management** Bennett
SSB/Growth Management [EPSC]; Expresses the legislative intent to revise laws relating to growth management. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Transportation and Economic Development Appropriations; Rules

SB 0282 **Relating to Review/DCA/Florida Government Accountability Act** Bennett
Review/DCA/Florida Government Accountability Act [EPSC]; Reenacts provisions relating to the establishment of the Department of Community Affairs and relating to the establishment of the Florida Housing Finance Corporation. Repeals a specified provision relating to the repeal of the Florida Faith-based and Community-based Advisory Council. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/21/2010 SENATE Read Second Time
4/22/2010 SENATE Read Third Time; Passed (Vote: 38 Yeas / 0 Nays)
4/23/2010 HOUSE In Messages

Compare

HB 7105 Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act (Government Accountability Act Council)
03/12/2010 HOUSE Now in Economic Development & Community Affairs Policy Council
HB 7107 Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act (Government Accountability Act Council)
03/12/2010 HOUSE Referred to Economic Development & Community Affairs Policy Council

SB 0284 **Relating to SSB/Review/DCA/Fla. Government Accountability Act** Bennett
SSB/Review/DCA/Fla. Government Accountability Act [EPSC]; Expresses the legislative intent to abolish, continue, or reorganize the Department of Community Affairs. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

SB 0286 **Relating to SSB/Review/Florida Housing Finance Corporation** Bennett
SSB/Review/Florida Housing Finance Corporation [EPSC]; Expresses the legislative intent to abolish, continue, or reorganize the Florida Housing Finance Corporation. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

SB 0288 **Relating to SSB/Review/Florida Housing Finance Corporation** Bennett
SSB/Review/Florida Housing Finance Corporation [EPSC]; Expresses the legislative intent to abolish, continue, or reorganize the Florida Housing Finance Corporation. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Community Affairs
10/5/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; Rules

SB 0346 **Relating to Working Waterfront Property** Dean
Working Waterfront Property [WPSC]; Specifies properties that are eligible for classification as working waterfront property. Requires property appraisers to consider specified factors in assessing certain property. Provides for assessment of a portion of property within a working waterfront property which is not used as such property. Requires an application for classification of property as working waterfront property, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: No Current Committee
4/27/2010 SENATE Read Second Time
4/29/2010 SENATE Read Third Time; Passed (Vote: 35 Yeas / 0 Nays)
4/29/2010 HOUSE In Messages
Compare

HB 0073	Relating to Working Waterfront Property (Robaina) 03/03/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 03/05/10, 10:15 a.m., 117 K (No Votes Will Be Taken)
SB 1408	Relating to Working Waterfront Property (Finance and Tax) 04/29/2010 HOUSE In Messages
HB 7127	Relating to Working Waterfront Property (Finance & Tax Council) 04/19/2010 HOUSE Temporarily Postponed on Second Reading

SB 0376 **Relating to Required Advertisements and Public Notices** Dean
Required Advertisements and Public Notices [EPSC]; Authorizes a governmental entity to use its publicly accessible website for legally required advertisements and public notices. Provides that a notice, advertisement, or publication on a publicly accessible website in accordance with specified provision constitutes legal notice. Provides for notice of special election or referendum on a publicly accessible website, etc. EFFECTIVE DATE: 10/01/2010.
Current Committee of Reference: Community Affairs
10/9/200 SENATE Filed
12/9/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Judiciary; Transportation and Economic Development Appropriations
Compare

HB 1511	Relating to Effective Public Notices by Governmental Entities (Workman) 03/25/2010 HOUSE Now in Military & Local Affairs Policy Committee

Identical

HB 1381	Relating to Required Advertisements and Public Notices by Governmental Entities (Workman) 03/01/2010 HOUSE Withdrawn prior to introduction

SB 0380 **Relating to SSB/Agriculture** Dean
SSB/Agriculture [EPSC]; Expresses the legislative intent to revise laws relating to agriculture. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Agriculture
10/9/200 SENATE Filed
12/9/2009 SENATE Referred to Agriculture; General Government Appropriations; Rules

HB 0381 **Relating to Community Redevelopment** Bullard (D)
Community Redevelopment: Expands definition of term "blighted area" to include land previously used as military facility. Effective Date: July 1, 2010
Current Committee of Reference: Military & Local Affairs Policy Committee
11/19/200 HOUSE Filed
12/18/2009 HOUSE Referred to Military & Local Affairs Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council
12/18/2009 HOUSE Now in Military & Local Affairs Policy Committee
Similar

SB 0126	Relating to Community Redevelopment (Bullard (L)) 04/22/2010 HOUSE In Messages

SB 0382 **Relating to Department of Agriculture and Consumer Services** Dean

Department of Agriculture and Consumer Services [EPSC]; Designates the Florida Agricultural Museum in Flagler County as the official state agricultural museum. Requires the FWC to enter into

an agreement with the DEP relating to the uniform application of pesticides to the waters of the state. Revises a reference to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Prohibits persons from engaging in sexual activities with animals, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: No Current Committee

4/30/2010 SENATE Read Second Time; Amendments Adopted (477128, 772752, 237206); Read Third Time; Passed (Vote: 38 Yeas / 1 Nays)
4/30/2010 SENATE Engrossed Text (E1) Filed
4/30/2010 HOUSE In Messages

Compare

HB 0005	Relating to Road, Bridge, and Building Designations (Grimsley) 04/29/2010 HOUSE Enrolled Text (ER) Filed
SB 0104	Relating to Sexual Activities Involving Animals (Rich) 04/26/2010 HOUSE In Messages
SB 0520	Relating to Road, Bridge, and Building Designations (Baker) 04/15/2010 SENATE Read Second Time; Substituted for HB 0005; Laid on Table, Refer to HB 0005
SB 0596	Relating to Energy (Detert) 12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Finance and Tax; Policy & Steering Committee on Ways and Means
HB 0877	Relating to Florida Agricultural Museum (Mayfield) 03/03/2010 HOUSE Temporarily postponed by General Government Policy Council
HB 0981	Relating to Agriculture (Grimsley) 04/30/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)
SB 1258	Relating to Department of Agriculture and Consumer Services (Agriculture) 04/29/2010 SENATE Temporarily Postponed on Third Reading
HB 1611	Relating to Sexual Activities Involving Animals (Waldman) 04/14/2010 Bill to Be Discussed During the Office of the EDR's Criminal Justice Impact Conference; 04/15/10, 11:00 a.m., 117 K (No Votes Will Be Taken)
SB 1774	Relating to Gasoline and Oil Inspection Fees (Altman) 03/24/2010 SENATE Now in Finance and Tax
SB 2010	Relating to Florida Agricultural Museum (Dean) 03/18/2010 SENATE Now in General Government Appropriations
SB 2044	Relating to Property Insurance (Richter) 04/30/2010 SENATE Ordered engrossed, then enrolled
SB 2074	Relating to Agriculture (Peaden, Jr.) 04/27/2010 SENATE Read Third Time; Substituted for HB 7103; Laid on Table, Refer to HB 7103
SB 2182	Relating to Agriculture (Alexander) 04/27/2010 SENATE Read Third Time; Substituted for HB 0981; Laid on Table, Refer to HB 0981
SB 2348	Relating to Department of Agriculture and Consumer Services (Baker) 03/04/2010 SENATE Referred to Agriculture; Community Affairs; Health Regulation; General Government Appropriations
SB 2546	Relating to Model Ordinance For Fertilizer Use (Baker) 03/04/2010 SENATE Referred to Environmental Preservation and Conservation; Agriculture; Community Affairs; General Government Appropriations
HB 7103	Relating to Agriculture (Agriculture & Natural Resources Policy Committee) 04/30/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

Similar

HB 1445	Relating to Agriculture (Nelson) 04/27/2010 SENATE Received; Referred to Agriculture; Community Affairs; Health Regulation

SB 0384 **Relating to SSB/Agriculture** Dean

SSB/Agriculture [EPSC]; Expresses the legislative intent to revise laws relating to agriculture. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Agriculture

10/9/200 SENATE Filed
12/9/2009 HOUSE Referred to Agriculture; General Government Appropriations; Rules

SB 0394 **Relating to SSB/Agriculture** Dean
SSB/Agriculture [EPSC]; Expresses the legislative intent to revise laws relating to agriculture. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Agriculture
10/9/200 SENATE Filed
12/9/2009 SENATE Referred to Agriculture; General Government Appropriations; Rules

SB 0396 **Relating to SSB/Agriculture** Dean
SSB/Agriculture [EPSC]; Expresses the legislative intent to revise laws relating to agriculture. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Agriculture
10/9/200 SENATE Filed
12/9/2009 SENATE Referred to Agriculture; General Government Appropriations; Rules

SB 0414 **Relating to Super Enterprise Zones** Bullard (L)
Super Enterprise Zones [CPSC]; Provides a tax exemption for certain property purchased for use or consumption by businesses in a super enterprise zone and for retail sales made by certified businesses in such a zone. Provides additional responsibilities of an enterprise zone development agency relating to such zones. Requires the OTTED to designate specified areas in Miami-Dade, Lee, and Collier Counties as pilot project super enterprise zones, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
4/13/2010 SENATE Favorable with CS by Commerce; 9 Yeas, 0 Nays
4/14/2010 SENATE Committee Substitute Text (C1) Filed
4/15/2010 SENATE Now in Community Affairs
Identical
HB 1533 Relating to Super Enterprise Zones (Thompson (N))
03/10/2010 HOUSE Referred to Economic Development Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

SB 0424 **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. Amends specified provisions relating to proposed turnpike projects, the Transportation Regional Incentive Program, and the Enhanced Bridge Program for Sustainable Transportation, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation
10/13/200 SENATE Filed
12/9/2009 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

SB 0550 **Relating to Environmental Protection** Constantine
Environmental Protection [EPSC]; Creates specified provisions relating to water supply policy, planning, production, and funding. Provides for the general powers and duties of water management district governing boards. Provides for the inclusion of wastewater utilities, reuse utilities, and the DEP in the regional water supply planning process. Reduces the frequency of compliance reports during the term of a consumptive use permit, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/29/2010 SENATE Received from Messages; Concurred with Amendments (779711, 565511, 558839, 473419, 282919); Passed (Vote: 34 Yeas / 4 Nays); Ordered engrossed, then enrolled
4/30/2010 SENATE Engrossed Text (E2) Filed
4/30/2010 HOUSE Enrolled Text (ER) Filed
Compare
SB 0142 Relating to Water Management Districts (Baker)
04/16/2010 SENATE Now in General Government Appropriations
SB 0422 Relating to Injection Wells (Bullard (L))
02/03/2010 SENATE Withdrawn from Environmental Preservation and Conservation; Health Regulation; General Government Appropriations; Withdrawn prior to introduction
SB 0570 Relating to Environmental Protection (Constantine)
04/29/2010 SENATE Read Third Time; Substituted for HB 7243; Laid on Table, Refer to HB 7243
HB 0617 Relating to Mining and Extraction Activities (Bembry)
04/28/2010 HOUSE Temporarily Postponed on Third Reading
HB 0727 Relating to Onsite Sewage Treatment and Disposal Systems (Patronis)

HOUSE Referred to Health Care Regulation Policy Committee; Agriculture & Natural

01/28/2010 Resources Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

HB 0753 Relating to Monroe County (Saunders)
04/19/2010 HOUSE Placed on Calendar, on second reading

SB 0776 Relating to Wekiva River Protection Act (Constantine)
04/26/2010 HOUSE In Messages

HB 1109 Relating to Water Supply (Williams (T))
04/26/2010 SENATE In Messages

HB 1225 Relating to Sewage Disposal Facilities (Gibbons)
04/15/2010 SENATE In Messages

SB 1226 Relating to Sewage Requirements in Monroe County (Bullard (L))
04/28/2010 HOUSE In Messages

HB 1271 Relating to Transportation (Horner)
04/29/2010 HOUSE Enrolled Text (ER) Filed

SB 1338 Relating to Limestone Mining (Dean)
02/03/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations

HB 1407 Relating to Water Management Districts (Hays)
04/28/2010 HOUSE Reference to General Government Policy Council removed; Reference to Calendar added; Remaining references: Calendar

SB 1738 Relating to Onsite Sewage Treatment and Disposal Systems (Oelrich)
02/10/2010 SENATE Referred to Community Affairs; Health Regulation; Environmental Preservation and Conservation; Health and Human Services Appropriations

SB 2018 Relating to Florida Keys Area (Baker)
04/21/2010 SENATE Now in Policy & Steering Committee on Ways and Means

SB 2202 Relating to Water Supply (Haridopolos)
03/01/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; General Government Appropriations

SB 2296 Relating to Drinking Water (Baker)
03/04/2010 SENATE Referred to Environmental Preservation and Conservation; Finance and Tax; General Government Appropriations; Policy & Steering Committee on Ways and Means

SB 2354 Relating to Sewage Disposal Facilities (Sobel)
04/28/2010 SENATE Placed on Calendar, on second reading

SB 2362 Relating to Transportation (Gardiner)
04/28/2010 SENATE Read Second Time; Amendments Adopted (952892, 944398, 680794, 664724, 542644, 339374, 327358, 237082); Substituted for HB 1271; Laid on Table, Refer to HB 1271

HB 7015 Relating to Water Protection and Sustainability Program (Agriculture & Natural Resources Policy Committee)
03/16/2010 SENATE In Messages

HB 7177 Relating to Water Resources (Agriculture & Natural Resources Policy Committee)
04/26/2010 SENATE In Messages

HB 7191 Relating to Florida Keys Area (Agriculture & Natural Resources Policy Committee)
04/12/2010 HOUSE Placed on Calendar, on second reading

HB 7207 Relating to Drinking Water (Agriculture & Natural Resources Policy Committee)
04/20/2010 HOUSE Placed on Calendar, on second reading

HB 7243 Relating to Environmental Control (General Government Policy Council)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

SB 0568 **Relating to Florida Springs Protection Act** Constantine
Florida Springs Protection Act [EPSC]; Provides a short title. Provides legislative findings and intent with respect to the need to protect and restore springs and ground water. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Environmental Preservation and Conservation
10/27/200 SENATE Filed
12/9/2009 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Health

Regulation; General Government Appropriations

Compare

SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed

SB 0596 **Relating to Energy** Detert

Energy [EPSC]; Requires that electric utilities meet or exceed specified standards for the production or purchase of clean energy. Authorizes the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions. Provides legislative findings with respect to the need to reduce greenhouse gas emissions through the direct end-use of natural gas, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Communications, Energy, and Public Utilities

10/30/200 SENATE Filed
12/9/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Finance and Tax; Policy & Steering Committee on Ways and Means

Compare

HB 0077 Relating to Florida Energy and Climate Commission (Gibbons)
03/30/2010 HOUSE Now in Military & Local Affairs Policy Committee

SB 0090 Relating to Florida Energy and Climate Commission (Joyner)
12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; General Government Appropriations

SB 0382 Relating to Department of Agriculture and Consumer Services (Dean)
04/30/2010 SENATE Engrossed Text (E1) Filed

SB 0992 Relating to Renewable Energy (Diaz de la Portilla)
04/21/2010 SENATE Committee Substitute Text (C1) Filed

SB 1186 Relating to Renewable Energy (Bennett)
04/16/2010 SENATE Reference to Environmental Preservation and Conservation Removed; Remaining reference: Policy & Steering Committee on Ways and Means

HB 1445 Relating to Agriculture (Nelson)
04/27/2010 SENATE Received; Referred to Agriculture; Community Affairs; Health Regulation

HB 1471 Relating to Renewable Energy (Williams (T))
03/10/2010 HOUSE Referred to Energy & Utilities Policy Committee; General Government Policy Council

SB 1774 Relating to Gasoline and Oil Inspection Fees (Altman)
03/24/2010 SENATE Now in Finance and Tax

SB 2322 Relating to Qualifying Improvements To Real Property (Bennett)
04/28/2010 SENATE Read Second Time; Amendments Adopted (956108, 866150); Substituted for HB 7179; Laid on Table, Refer to HB 7179

SB 2348 Relating to Department of Agriculture and Consumer Services (Baker)
03/04/2010 SENATE Referred to Agriculture; Community Affairs; Health Regulation; General Government Appropriations

HB 7229 Relating to Economic Incentives for Energy Initiatives (Energy & Utilities Policy Committee)
04/27/2010 SENATE In Messages

HB 0617 **Relating to Mining and Extraction Activities** Bembry

Mining and Extraction Activities: Provides that financial responsibility for mitigation for wetlands & other surface waters required by permit for activities associated with extraction of limestone are subject to approval by DEP; authorizes mine operators mining or extracting or proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for life-of-the-mine permits, etc. Effective Date: upon becoming a law

Current Committee of Reference: No Current Committee

4/26/2010 HOUSE Temporarily Postponed on Third Reading
4/27/2010 HOUSE Temporarily Postponed on Third Reading
4/28/2010 HOUSE Temporarily Postponed on Third Reading

Compare

SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed

SB 1338 Relating to Limestone Mining (Dean)
02/03/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations

HB 7243 Relating to Environmental Control (General Government Policy Council)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

HB 0665 **Relating to Affordable Housing** Aubuchon

Affordable Housing: Provides housing finance authority with additional purpose for which it may exercise power to borrow; revises provisions relating to local comprehensive plans to authorize inclusion of element for affordable housing for certain seniors; provides for disposition of real property by local government for certain purposes; revises allocation of certain proceeds distributed from excise tax on documents that are paid into State Treasury to credit of State Housing Trust Fund; includes needs of persons with special needs in state housing strategy's periodic review & report; authorizes DCA Secretary to designate senior-level agency employee to serve on board of directors of FHFC; provides for appointment of inspector general of FHFC; requires certain rates of interest to be made available to sponsors of projects for persons with special needs; provides & revises powers of FHFC; limits reservation of funds within each notice of fund availability to persons with special needs tenant group; includes persons with special needs as tenant group for specified purposes of State Apartment Incentive Loan Program; revises & provides criteria to be used by specified review committee for competitive ranking of applications for such program; prohibits funds from State Housing Trust Fund or Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes. Effective Date: July 1, 2010

Current Committee of Reference: No Current Committee

4/30/2010 SENATE Received from Messages; Refused to Recede on Amendment (593404); Requests House to concur
4/30/2010 HOUSE In returning messages
4/30/2010 HOUSE In returning messages

Compare

HB 0095 Relating to Distribution of Proceeds from Excise Taxes on Documents (Saunders)
10/01/2009 HOUSE Now in Finance & Tax Council

SB 0262 Relating to Affordable Housing (Bennett)
04/27/2010 SENATE Read Second Time; Amendments Adopted (815630, 798042, 457750, 256110, 143790); Substituted for HB 0665; Laid on Table, Refer to HB 0665

SB 1250 Relating to State Housing Trust Fund (Smith)
02/03/2010 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

SB 1432 Relating to State Housing Trust Fund (Wilson)
02/03/2010 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

SB 1528 Relating to Affordable Housing for Seniors (Deutch)
02/03/2010 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations

HB 7105 Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act (Government Accountability Act Council)
03/12/2010 HOUSE Now in Economic Development & Community Affairs Policy Council

HB 0733 **Relating to Public Participation Plans** Sands

Public Participation Plans: Requires applications for comprehensive plan amendments or development orders to include public participation plan; specifies required time for plan implementation; specifies plan purposes & required plan information; specifies requirements for target area for notification; specifies that notice requirements are in addition to other notice requirements of law; provides applicant authority for plan implementation; requires applicants to provide written report of public participation efforts; specifies report requirements; requires requirements to be incorporated into specified local government ordinances; provides for continuing effect of specified local government ordinances. Effective Date: upon becoming a law

Current Committee of Reference: Military & Local Affairs Policy Committee

1/19/201 HOUSE Filed
2/5/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council
2/5/2010 HOUSE Now in Military & Local Affairs Policy Committee

Identical

SB 1942 Relating to Public Participation Plans (Smith)
02/17/2010 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

HB 0745 **Relating to Public Records and Public Meetings** Ray
Public Records and Public Meetings: Clarifies temporary exemption from public records requirements for sealed bids or proposals received by agency pursuant to invitations to bid or requests for proposals to specify applicability of exemption to invitations to bid or requests for proposals relating to public-private transportation facilities; revises duration of exemption; redefines "notice of a decision or intended decision"; provides exemption from public meeting requirements for meeting of any governmental entity at which vendors are asked to make oral presentations or answer questions regarding their sealed bids, proposals, or replies in response to competitive solicitation & for meeting of any governmental entity at which vendors make oral alternate technical concept presentations; requires recording to be made of any portion of such meetings; provides exemption from public records requirements for recordings of such meetings & for all documents & written materials generated as result thereof; provides for limited duration of such exemptions; provides for future review & repeal of such exemptions; defines "notice of a decision or intended decision" for purposes of such exemptions; provides statement of public necessity. Effective Date: July 1, 2010
Current Committee of Reference: Governmental Affairs Policy Committee
1/19/201 HOUSE Filed
2/5/2010 HOUSE Referred to Governmental Affairs Policy Committee; Policy Council; Economic Development & Community Affairs Policy Council
2/5/2010 HOUSE Now in Governmental Affairs Policy Committee
Compare

SB 1142 Relating to Pub. Rec./Competitive Procurement Solicitation (Fasano)
04/19/2010 SENATE Now in Rules

HB 0773 **Relating to Environmental Control** Kreegel
Environmental Control: Provides requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; revises DEP reporting requirements regarding site rehabilitation; transfers certain authority over expedited permitting & comprehensive plan amendment process from OTTED to Secretary of Environmental Protection; revises job-creation criteria for businesses to qualify to submit such permit applications & local comprehensive plan amendments; provides expedited permitting process for specified renewable energy projects; provides for establishment of regional permit action teams through execution of memoranda of agreement developed by permit applicants & secretary; provides for appeal & challenge of expedited permit or comprehensive plan amendment; revises provisions for review of sites proposed for location of facilities eligible for Innovation Incentive Program; revises criteria for counties eligible to receive technical assistance in preparing permit applications & local comprehensive plan amendments; specifies expedited review for certain electrical power projects. Effective Date: upon becoming a law
Current Committee of Reference: Full Appropriations Council on Education & Economic Development
4/18/2010 HOUSE On Council agenda - Full Appropriations Council on Education & Economic Development, 04/19/10, 10:15 am, 212 K
4/19/2010 HOUSE Favorable with CS by Full Appropriations Council on Education & Economic Development; 17 Yeas, 0 Nays
4/20/2010 HOUSE Council Substitute Text (C2) Filed
Compare

SB 0544 Relating to Brownfield Development (Constantine)
04/15/2010 SENATE Now in Finance and Tax
SB 1126 Relating to Permitting (Altman)
04/30/2010 SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129
HB 1177 Relating to Brownfields Development (Williams (T))
03/01/2010 HOUSE Now in Military & Local Affairs Policy Committee

SB 0776 **Relating to Wekiva River Protection Act** Constantine
Wekiva River Protection Act [EPSC]; Clarifies mitigation offsets in the Wekiva Study Area. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/23/2010 SENATE Read Second Time
4/26/2010 SENATE Read Third Time; Passed (Vote: 34 Yeas / 0 Nays)
4/26/2010 HOUSE In Messages
Compare

SB 0550	Relating to Environmental Protection (Constantine) 04/30/2010 HOUSE Enrolled Text (ER) Filed
HB 1271	Relating to Transportation (Horner) 04/29/2010 HOUSE Enrolled Text (ER) Filed
HB 7243	Relating to Environmental Control (General Government Policy Council) 04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

HB 0843 **Relating to Rural Enterprise Zones** Boyd

Rural Enterprise Zones: Requires OTTED to designate specified rural catalyst sites as rural enterprise zones upon host county request; specifies request requirements; specifies effect of designation; specifies reporting requirements for rural catalyst sites designated as rural enterprise zone; authorizes host county development authorities to enter into memoranda of agreement for specified purposes. Effective Date: July 1, 2010

Current Committee of Reference: Commerce

4/29/2010 SENATE Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)
4/29/2010 HOUSE Ordered enrolled
4/29/2010 HOUSE Enrolled Text (ER) Filed

Similar

SB 1724	Relating to Rural Enterprise Zones (Dean) 04/28/2010 SENATE Read Second Time; Substituted for HB 0843; Laid on Table, Refer to HB 0843

HB 0963 **Relating to Seaports** Ray

Seaports; Provides for application & issuance of port conceptual permits; provides requirements & procedures relating to such permits for DEP & Board of Trustees of the Internal Improvement Trust Fund; revises matching-fund requirements for projects to rehabilitate certain structures; requires DOT to include certain projects & funding allocations in legislative budget requests; provides for transfer of balances between certain projects, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided.

Current Committee of Reference: No Current Committee

4/29/2010 SENATE Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)
4/29/2010 HOUSE Ordered enrolled
4/29/2010 HOUSE Enrolled Text (ER) Filed

Similar

SB 2000	Relating to Seaports (Ring) 04/28/2010 SENATE Read Second Time; Amendments Adopted (800090, 594120, 312540); Substituted for HB 0963; Laid on Table, Refer to HB 0963

HB 0991 **Relating to Powers of Community Development Districts** Hays

Powers of Community Development Districts: Revises general & special powers of community development districts. Effective Date: July 1, 2010

Current Committee of Reference: Military & Local Affairs Policy Committee

2/9/201 HOUSE Filed
2/25/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Civil Justice & Courts Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council
2/25/2010 HOUSE Now in Military & Local Affairs Policy Committee

Identical

SB 1990	Relating to Powers of Community Development Districts (Baker) 03/15/2010 SENATE Now in Judiciary

HB 1047 **Relating to City of Clearwater, Pinellas County** Frishe

City of Clearwater, Pinellas County: Provides for use of specified city-owned property for recreational & commercial working waterfronts; provides for use of revenue from specified city-owned property; provides for development of specified city-owned property consistent with Florida Coastal Management Program, Waterfronts Florida Program, city comprehensive plan & code of ordinances, & other applicable law; provides for preservation of referendum requirement of use of certain city-owned property; requires referendum for lease, license, sale, or transfer of certain land & for any alteration to existing public land use map designation for such land. Effective Date: upon becoming a law

Current Committee of Reference: No Current Committee

4/28/2010 HOUSE Ordered enrolled
4/29/2010 HOUSE Enrolled Text (ER) Filed
4/29/2010 HOUSE Enrolled Text (ER) Filed

Identical

SB 2180 Relating to City of Clearwater/Pinellas County (Jones (D))
04/26/2010 SENATE Referred to Rules

HB 1067 **Relating to Rural Infrastructure Fund** Bernard

Rural Infrastructure Fund: Revises provisions relating to rural infrastructure projects; revises percentage of total infrastructure project costs for which OTTED may award grants; authorizes OTTED to award grants for certain percentage of total infrastructure project costs for certain rural areas of critical economic concern; requires that funds from purchase of certain lands by state or state agency be appropriated into Rural Infrastructure Fund. Effective Date: July 1, 2010

Current Committee of Reference: Economic Development Policy Committee

2/16/201 HOUSE Filed
3/1/2010 HOUSE Referred to Economic Development Policy Committee; Agriculture & Natural Resources Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council
3/1/2010 HOUSE Now in Economic Development Policy Committee

Similar

SB 1984 Relating to Rural Infrastructure Fund (Aronberg)
02/17/2010 SENATE Referred to Commerce; Community Affairs; Environmental Preservation and Conservation; Policy & Steering Committee on Ways and Means

HB 1109 **Relating to Water Supply** Williams (T)

Water Supply: Creates part VII of ch. 373, F.S., relating to water supply policy, planning, production, & funding; repeals & conforms other provisions of law; provides legislative intent with regard to reorganization of ch. 373, F.S. Effective Date: July 1, 2010

Current Committee of Reference: No Current Committee

4/26/2010 HOUSE Read Third Time; Amendment Adopted (750343); Passed (Vote: 114 Yeas / 0 Nays)
4/26/2010 HOUSE Engrossed Text (E1) Filed
4/26/2010 SENATE In Messages

Compare

SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed
HB 7015 Relating to Water Protection and Sustainability Program (Agriculture & Natural Resources Policy Committee)
03/16/2010 SENATE In Messages

Similar

SB 2202 Relating to Water Supply (Haridopolos)
03/01/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; General Government Appropriations

SB 1126 **Relating to Permitting** Altman

Permitting [EPSC]; Provides requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits. Clarifies duties of the OTTED to approve expedited permitting and comprehensive plan amendments. Revises criteria for businesses submitting permit applications or local comprehensive plan amendments, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: No Current Committee

4/27/2010 SENATE Temporarily Postponed on Third Reading
4/29/2010 SENATE Temporarily Postponed on Third Reading
4/30/2010 SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129

Compare

SB 0544 Relating to Brownfield Development (Constantine)
04/15/2010 SENATE Now in Finance and Tax
HB 1177 Relating to Brownfields Development (Williams (T))
03/01/2010 HOUSE Now in Military & Local Affairs Policy Committee
HB 1461 Relating to Energy Economic Zones (Fitzgerald)
03/10/2010 HOUSE Referred to Energy & Utilities Policy Committee; Economic Development Policy Committee; Finance & Tax Council
SB 2644 Relating to Energy Economic Zones (Bennett)
04/12/2010 SENATE Now in Communications, Energy, and Public Utilities
HB 7129 Relating to Military Support (Military & Local Affairs Policy Committee)
04/30/2010 HOUSE Engrossed Text (E1) Filed
Relating to Economic Incentives for Energy Initiatives (Energy

HB 7229 & Utilities Policy Committee)
04/27/2010 SENATE In Messages

HB 7243 Relating to Environmental Control (General Government Policy Council)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

Similar

HB 0773 Relating to Environmental Control (Kreegel)
04/20/2010 HOUSE Council Substitute Text (C2) Filed

HB 1139 **Relating to Transportation Funding** Rogers

Transportation Funding: Increases percentage of state revenues deposited into State Transportation Trust Fund to be committed by DOT for public transportation projects; directs a portion of those revenues to be used for public transit pursuant to specified provisions. Effective Date: July 1, 2010

Current Committee of Reference: Transportation & Economic Development Appropriations Committee

2/18/201 HOUSE Filed
3/1/2010 HOUSE Referred to Transportation & Economic Development Appropriations Committee; Roads, Bridges & Ports Policy Committee; Full Appropriations Council on Education & Economic Development
3/1/2010 HOUSE Now in Transportation & Economic Development Appropriations Committee

Compare

SB 2432 Relating to Transportation Funding (Smith)
03/04/2010 SENATE Referred to Transportation; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

SB 1166 **Relating to Community Residential Homes** Altman

Community Residential Homes [EPSC]; Prohibits certain rules adopted by the APD from restricting the number of facilities designated as community residential homes located within a planned residential community. Authorizes the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions. Defines the term "planned residential community," etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: No Current Committee

4/29/2010 SENATE Received from Messages; Concurred with Amendment (263363); Passed (Vote: 37 Yeas / 0 Nays); Ordered engrossed, then enrolled
4/30/2010 SENATE Engrossed Text (E2) Filed
4/30/2010 HOUSE Enrolled Text (ER) Filed

Compare

SB 0230 Relating to Discrimination Based on Disability (Joyner)
12/09/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Judiciary; Policy & Steering Committee on Ways and Means

HB 0645 Relating to Community Residential Homes (Stargel)
04/27/2010 HOUSE Read Second Time; Substituted for SB 1166; Laid on Table, Refer to SB 1166

HB 1213 Relating to Mental Health (Sands)
03/03/2010 HOUSE Referred to Health Care Services Policy Committee; Public Safety & Domestic Security Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

SB 2678 Relating to Mental Health (Storms)
04/07/2010 SENATE Temporarily postponed by Children, Families and Elder Affairs

HB 1177 **Relating to Brownfields Development** Williams (T)

Brownfields Development: Authorizes waiver of specified concurrency requirements for specified brownfield sites; authorizes designation of specified brownfield areas as transportation concurrency exception areas; provides for exempting specified brownfield areas from concurrency requirements for transportation facilities; exempts specified developments in brownfield areas from compliance with concurrency requirements; expands applicability of building materials tax exemption; provides requirements for claiming specified site rehabilitation costs in applications for contaminated site rehabilitation tax credit; revises criteria for eligible business for purposes of brownfield redevelopment bonus refunds; provides requirements for claiming specified site rehabilitation costs in applications for brownfield site rehabilitation tax credit; specifies additional requirements for annual report to Legislature; specifies criteria for deeming brownfield site projects as eliminating public health hazards for specified purposes; expands types of projects given consideration under priority system for specified loans under Florida Safe Drinking Water Act. Effective Date: July 1, 2010

Current Committee of Reference: Military & Local Affairs Policy Committee

2/22/201 HOUSE Filed
3/1/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council
3/1/2010 HOUSE Now in Military & Local Affairs Policy Committee

Compare

SB 0544 Relating to Brownfield Development (Constantine)
04/15/2010 SENATE Now in Finance and Tax

HB 0773 Relating to Environmental Control (Kreegel)
04/20/2010 HOUSE Council Substitute Text (C2) Filed

SB 1126 Relating to Permitting (Altman)
04/30/2010 SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129

HB 7243 Relating to Environmental Control (General Government Policy Council)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

SB 1186 **Relating to Renewable Energy** Bennett

Renewable Energy [EPSC]; Revises legislative intent regarding the state's renewable energy policy. Deletes provisions requiring that the PSC adopt rules for a renewable portfolio standard. Requires that each provider of Florida renewable energy resources build such resources, convert existing fossil fuel generation plants to a renewable energy resource, or purchase renewable energy, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: Policy and Steering Committee on Ways and Means

4/15/2010 SENATE Committee Substitute Text (C1) Filed
4/16/2010 SENATE Reference to Environmental Preservation and Conservation Removed; Remaining reference: Policy & Steering Committee on Ways and Means
4/16/2010 SENATE Now in Policy & Steering Committee on Ways and Means

Compare

SB 0596 Relating to Energy (Detert)
12/09/2009 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Finance and Tax; Policy & Steering Committee on Ways and Means

SB 0992 Relating to Renewable Energy (Diaz de la Portilla)
04/21/2010 SENATE Committee Substitute Text (C1) Filed

HB 1471 Relating to Renewable Energy (Williams (T))
03/10/2010 HOUSE Referred to Energy & Utilities Policy Committee; General Government Policy Council

HB 7229 Relating to Economic Incentives for Energy Initiatives (Energy & Utilities Policy Committee)
04/27/2010 SENATE In Messages

SB 1188 **Relating to Spaceflight** Altman

Spaceflight [WPSC]; Provides for the OTTED to administer corporate income tax credits for commercial spaceflight projects. Authorizes nontransferable corporate income tax credits, transferable net operating loss tax credits, and machinery and equipment tax credits for certified commercial spaceflight businesses engaged in commercial spaceflight projects. Requires the OTTED to approve or deny an application within 60 days after receipt, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: Transportation and Economic Development Appropriations

4/6/2010 SENATE Favorable with CS by Finance and Tax; 5 Yeas, 0 Nays
4/8/2010 SENATE Committee Substitute Text (C2) Filed
4/9/2010 SENATE Now in Transportation and Economic Development Appropriations

Compare

HB 0133 Relating to Commercial Launch Zone Tax Incentives (Poppell)
03/10/2010 Bill to be discussed during the Office of EDR's Revenue Estimating Impact Conference, 03/12/10, 9:00 am, 117 K (No Votes Will Be Taken)

HB 1211 **Relating to Public Records and Public Meetings** Ford

Public Records and Public Meetings: Designates title of ch. 119, F.S., as "Open Government Act"; includes Open Government Bill of Rights within general state policy on public records & delineates rights of persons & requirements of agencies thereunder; revises, clarifies, transfers, & reorganizes various provisions of law governing public records; revises fees for duplication of specified documents; transfers s. 286.011, F.S., the public meetings exemption statute, to ch. 119, F.S.; revises & clarifies provisions governing public meetings & meeting records & access to public

meetings; prohibits agency from holding public meeting at any facility or location that discriminates on basis of sex, age, race, creed, color, origin, or economic status or that operates in such manner as to unreasonably restrict public access to facility or location; provides for repeal of exemptions from public meeting & public records requirements under Open Government Sunset Review Act in 10th year after reenactment & every 10 years thereafter, unless Legislature acts to reenact exemption; provides criminal & noncriminal penalties for violations of public records & public meetings laws. Effective Date: July 1, 2010
Current Committee of Reference: Governmental Affairs Policy Committee
2/23/201 HOUSE Filed
3/3/2010 HOUSE Referred to Governmental Affairs Policy Committee; Policy Council; Economic Development & Community Affairs Policy Council
3/3/2010 HOUSE Now in Governmental Affairs Policy Committee
Compare
SB 1598 Relating to Public Records and Public Meetings (Dockery)
04/09/2010 SENATE Now in Policy & Steering Committee on Ways and Means

HB 1275 **Relating to Metropolitan Planning Organizations** Ray
Metropolitan Planning Organizations: Revises provisions for designation of metropolitan planning organizations, jurisdictional boundaries, transportation plans & improvement programs, congestion management, ozone or carbon monoxide nonattainment areas, project priorities, public review, & unified planning work program; provides for redesignation of M.P.O., resolution of overlapping boundaries, & public participation plans. Effective Date: July 1, 2010
Current Committee of Reference: Roads, Bridges & Ports Policy Committee
2/24/201 HOUSE Filed
3/3/2010 HOUSE Referred to Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council
3/3/2010 HOUSE Now in Roads, Bridges & Ports Policy Committee
Similar
SB 2324 Relating to Metropolitan Planning Organizations (Altman)
03/04/2010 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations

SB 1296 **Relating to Pub. Rec./Medicaid and Public Assistance Fraud** Ring
Pub. Rec./Medicaid and Public Assistance Fraud [GPSC]; Creates a public records exemption for specified information held by the Medicaid and Public Assistance Fraud Strike Force. Creates a public meeting exemption for meetings of the Medicaid and Public Assistance Fraud Strike Force at which specified information is discussed. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act. Provides a statement of public necessity. EFFECTIVE DATE: Contingent.
Current Committee of Reference: Rules
4/23/2010 SENATE Placed on Special Order Calendar for 04/26/10 - If received
4/26/2010 SENATE Withdrawn from Rules; Placed on Calendar, on second reading; Placed on Special Order Calendar for 04/26/10; Read Second Time; Read Third Time; Passed (Vote: 33 Yeas / 0 Nays)
4/26/2010 HOUSE In Messages
Linked
SB 0008 Relating to Medicaid and Public Assistance Fraud (Negron)
04/26/2010 SENATE Engrossed Text (E1) Filed

HB 1297 **Relating to Northeast Florida Regional Transportation** Gibson
Northeast Florida Regional Transportation: Creates Northeast Florida Regional Transportation Study Commission to prepare report, including findings & recommendations, on regional transportation elements & submit report to Governor & Legislature by specified date; provides for assistance of Jacksonville Transportation Authority; provides for funding of commission; provides that county membership in commission & participation of county appointees does not constitute consent of county to inclusion within jurisdiction of regional transportation authority; provides for expiration of act & termination of commission. Effective Date: July 1, 2010
Current Committee of Reference: No Current Committee
4/26/2010 HOUSE Temporarily Postponed on Third Reading
4/27/2010 HOUSE Temporarily Postponed on Third Reading
4/28/2010 HOUSE Read Third Time; Substituted for SB 2470; Laid on Table, Refer to SB 2470
Similar
SB 2470 Relating to Regional Transportation (Thrasher)
04/29/2010 SENATE Enrolled Text (ER) Filed

SB 1326 **Relating to SSB/Public Records and Public Meetings** Ring
SSB/Public Records and Public Meetings [GPSC]; Expresses the legislative intent to revise laws

relating to public records and public meetings. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Governmental Oversight and Accountability
1/21/201 SENATE Filed
2/3/2010 SENATE Referred to Governmental Oversight and Accountability; General Government Appropriations; Policy & Steering Committee on Ways and Means; Rules

SB 1378 **Relating to Assessment of Lands Used for Conservation Purposes** Finance and Tax
Assessment of Lands Used for Conservation Purposes [EPSC]; Provides for certain lands that are convenanted for use for conservation purposes to be assessed for ad valorem taxation in the same manner as lands used for outdoor recreational or park purposes. Redefines the term "covenant." Defines the term "conservation purposes." Specifies the information that must be included in a covenant. Requires covenants to be notarized, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: Environmental Preservation and Conservation
1/26/201 SENATE Filed (Formerly PCB 7024)
2/3/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Finance and Tax; General Government Appropriations; Policy & Steering Committee on Ways and Means

HB 1381 **Relating to Required Advertisements and Public Notices by Governmental Entities** Workman
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: October 1, 2010
Current Committee of Reference: No Current Committee
2/26/201 HOUSE Filed
3/1/2010 HOUSE Withdrawn prior to introduction
Compare

HB 1511	Relating to Effective Public Notices by Governmental Entities (Workman) 03/25/2010 HOUSE Now in Military & Local Affairs Policy Committee

Identical

SB 0376	Relating to Required Advertisements and Public Notices (Dean) 12/09/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Judiciary; Transportation and Economic Development Appropriations

SB 1408 **Relating to Working Waterfront Property** Finance and Tax
Working Waterfront Property [WPSC]; Specifies properties that are eligible for classification as working waterfront property. Requires property appraisers to consider specified factors in assessing certain property. Provides new program objectives for the Stan Mayfield Working Waterfronts Program and the Florida Forever Program which are to be considered in selecting projects, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.
Current Committee of Reference: No Current Committee
4/29/2010 SENATE Read Third Time; Amendments Adopted (694078, 550942, 132700); Passed (Vote: 28 Yeas / 8 Nays)
4/29/2010 SENATE Engrossed Text (E2) Filed
4/29/2010 HOUSE In Messages
Compare

HB 0073	Relating to Working Waterfront Property (Robaina) 03/03/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 03/05/10, 10:15 a.m., 117 K (No Votes Will Be Taken)
SB 0346	Relating to Working Waterfront Property (Dean) 04/29/2010 HOUSE In Messages

Similar

HB 7127	Relating to Working Waterfront Property (Finance & Tax Council) 04/19/2010 HOUSE Temporarily Postponed on Second Reading

SB 1432 **Relating to State Housing Trust Fund** Wilson

State Housing Trust Fund [WPSC]; 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 such trust fund for specified uses conforming to the purposes for which the fund was created. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
1/26/201 SENATE Filed
2/3/2010 SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

Compare

HB 0095	Relating to Distribution of Proceeds from Excise Taxes on Documents (Saunders)	
	10/01/2009	HOUSE Now in Finance & Tax Council
SB 0262	Relating to Affordable Housing (Bennett)	
	04/27/2010	SENATE Read Second Time; Amendments Adopted (815630, 798042, 457750, 256110, 143790); Substituted for HB 0665; Laid on Table, Refer to HB 0665
HB 0665	Relating to Affordable Housing (Aubuchon)	
	04/30/2010	HOUSE In returning messages
SB 1250	Relating to State Housing Trust Fund (Smith)	
	02/03/2010	SENATE Referred to Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

HB 1461 **Relating to Energy Economic Zones** Fitzgerald
Energy Economic Zones: Authorizes specified tax credits & other incentives for pilot energy economic zone communities; provides requirements for provision of such incentives; provides that designated energy economic zones shall be considered transportation concurrency exception areas; provides requirements for calculation of land required to accommodate anticipated growth for specified purposes; defines term "clean technology industries & technologies"; requires pilot communities to work with certain agencies to test specified methods to promote energy-efficient land use; exempts specified building materials used in construction or rehabilitation of energy-efficient structures from certain sales, rental, use, consumption, distribution, & storage taxes; exempts specified real property located in energy economic zones from certain sales, rental, use, consumption, distribution, & storage taxes; exempts clean technology & manufacturing products used in energy economic zones from certain taxes. Effective Date: upon becoming a law
Current Committee of Reference: Energy & Utilities Policy Committee
2/26/201 HOUSE Filed
3/10/2010 HOUSE Referred to Energy & Utilities Policy Committee; Economic Development Policy Committee; Finance & Tax Council
3/10/2010 HOUSE Now in Energy & Utilities Policy Committee

Compare

SB 1126	Relating to Permitting (Altman)	
	04/30/2010	SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129
SB 2644	Relating to Energy Economic Zones (Bennett)	
	04/12/2010	SENATE Now in Communications, Energy, and Public Utilities
HB 7229	Relating to Economic Incentives for Energy Initiatives (Energy & Utilities Policy Committee)	
	04/27/2010	SENATE In Messages

HB 1509 **Relating to Economic Development** Weatherford
Economic Development: Requires agencies receiving county or municipal economic development funds to submit reports; requires counties & municipalities to submit reports to LCIR & include in annual financial audits; authorizes extension of economic development ad valorem tax exemptions; provides for distribution of proceeds of sales & use tax & certain other taxes to National Swimming Center at Cape Coral; revises allowable uses for matching grants awarded under Regional Rural Development Grants Program; revises definition of term "jobs" for various economic development incentive programs; revises requirements for the qualified defense contractor & space flight business tax refund program, tax refund program for qualified target industry businesses, brownfield redevelopment bonus refunds, high-impact sector performance grants, Quick Action Closing Fund, & Innovation Incentive Program; revises process for legislative consultation & review of Quick Action Closing Fund projects; revises various provisions relating to DEP permitting; extends expiration dates of certain permits issued by DEP or water management district; provides for inventory of state-owned property; directs DEP to submit annual reports to Governor & Legislature concerning disposition of such state-owned property; requires installation of fuel tank upgrades to secondary containment systems to be completed by specified deadlines. Effective Date: upon becoming a law

Current Committee of Reference: Finance & Tax Council
4/21/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 04/23/10, 9:00 a.m., 117 K (No Votes Will Be Taken)
4/26/2010 HOUSE Placed on Special Order Calendar for 04/27/10
4/27/2010 HOUSE Read Second Time; Substituted for SB 1752; Laid on Table, Refer to SB 1752

Compare

HB 0265 Relating to Property Taxation (Reagan)
04/19/2010 HOUSE Favorable by Full Appropriations Council on Education & Economic Development; 16 Yeas, 0 Nays

SB 0664 Relating to Property Taxation (Altman)
04/21/2010 SENATE Withdrawn from Policy & Steering Committee on Ways and Means

SB 1118 Relating to Docks (Altman)
04/30/2010 HOUSE Enrolled Text (ER) Filed

SB 1238 Relating to Review/DMS/Florida Government Accountability Act (Ring)
04/19/2010 HOUSE Conference Committee appointed Rivera, Flores, Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, Stargel, Proctor, Brise, Burgin, Jones, McKeel, O'Toole, Reed, Glorioso, Gibson, Jenne, Horner, Hukill, Murzin, Rogers, Schenck, Adams, Eisnaugle, Holder, Kreegel, Porth, Rouson, Soto, Tobia, Hays, Abruzzo, Braynon, Gonzalez, Nelson, Ray, Workman, Williams, A., Grimsley, Chestnut, Ford, Frishe, Hudson, Roberson, Y., Skidmore, Thompson, N., Poppell, Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, Williams, T., Bogdanoff, Aubuchon, Bernard, Carroll, Dorworth, Patronis, Fitzgerald, Thurston, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, Thompson, G., Weatherford

HB 1239 Relating to Docks (Patronis)
04/27/2010 HOUSE Read Second Time; Substituted for SB 1118; Laid on Table, Refer to SB 1118

HB 1385 Relating to Petroleum Contamination Site Cleanup (Poppell)
04/30/2010 HOUSE Ordered enrolled

SB 1516 Relating to State-owned Lands (Baker)
04/30/2010 SENATE Ordered engrossed, then enrolled

SB 1752 Relating to Economic Development (Gaetz)
04/30/2010 SENATE Ordered engrossed, then enrolled

SB 1856 Relating to Qualified Target Industry Tax Refund Program (Commerce)
04/28/2010 SENATE Read Second Time; Substituted for HB 7109; Laid on Table, Refer to HB 7109

SB 2592 Relating to Petroleum Contamination Site Cleanup (Baker)
04/30/2010 SENATE Read Third Time; Substituted for HB 1385; Laid on Table, Refer to HB 1385

HB 7109 Relating to Tax Refund Program for Qualified Target Industry Businesses (Economic Development Policy Committee)
04/29/2010 HOUSE Enrolled Text (ER) Filed

HB 7169 Relating to State-owned Real Property (Governmental Affairs Policy Committee)
03/25/2010 HOUSE Placed on Calendar, on second reading

HB 7215 Relating to Property Taxation (Finance & Tax Council)
04/26/2010 SENATE In Messages

HB 1511 **Relating to Effective Public Notices by Governmental Entities** Workman

Effective Public Notices by Governmental Entities: Authorizes local government to use its publicly accessible website for legally required notices & advertisements; 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 or e-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. Effective Date: October 1, 2010

Current Committee of Reference: Military & Local Affairs Policy Committee
3/24/2010 HOUSE On Committee agenda - Governmental Affairs Policy Committee, 03/25/10, 9:00 am, 306 H
3/25/2010 HOUSE Not considered by Governmental Affairs Policy Committee
3/25/2010 HOUSE Now in Military & Local Affairs Policy Committee

Compare

SB 0376 Relating to Required Advertisements and Public Notices

(Dean)
12/09/2009 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Judiciary; Transportation and Economic Development Appropriations

HB 1381 Relating to Required Advertisements and Public Notices by Governmental Entities (Workman)
03/01/2010 HOUSE Withdrawn prior to introduction

SB 1518 **Relating to Transportation Concurrency Exceptions** Altman
Transportation Concurrency Exceptions [EPSC]; Exempts aircraft hangers used for the assembly or manufacture of aircraft from certain transportation concurrency requirements. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/13/2010 SENATE Placed on Special Order Calendar for 04/15/10
4/15/2010 SENATE Placed on Special Order Calendar for 04/16/10
4/16/2010 SENATE Read Second Time; Substituted for HB 0143; Laid on Table, Refer to HB 0143
Identical

HB 0143 Relating to Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements (Ray)
04/30/2010 Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 1528 **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: 07/01/2010.
Current Committee of Reference: Community Affairs
1/27/201 SENATE Filed
2/3/2010 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations
Compare

SB 0262 Relating to Affordable Housing (Bennett)
04/27/2010 SENATE Read Second Time; Amendments Adopted (815630, 798042, 457750, 256110, 143790); Substituted for HB 0665; Laid on Table, Refer to HB 0665

HB 0665 Relating to Affordable Housing (Aubuchon)
04/30/2010 HOUSE In returning messages

HB 1533 **Relating to Super Enterprise Zones** Thompson (N)
Super Enterprise Zones: Provides for designation, certification, operation, & future revocation of super enterprise zones; requires OTTED to designate six areas for pilot project; specifies two in Miami-Dade County & one each in Lee & Collier Counties; provides for sales & use tax exemptions for business located in super enterprise zones; provides for future expiration of such exemptions; provides additional responsibilities for enterprise zone development agencies; provides requirements for qualification as certified business for purposes of sales tax exemptions; authorizes local enterprise zone development agencies to certify businesses; requires agencies to provide lists of certified businesses; provides for disqualifying certified businesses; provides for future expiration & revocation of certifications; specifies incentives for revitalization of super enterprise zones; requires reviews of super enterprise zones by OPPAGA. Effective Date: July 1, 2010
Current Committee of Reference: Economic Development Policy Committee
3/1/201 HOUSE Filed
3/10/2010 HOUSE Referred to Economic Development Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council
3/10/2010 HOUSE Now in Economic Development Policy Committee
Identical

SB 0414 Relating to Super Enterprise Zones (Bullard (L))
04/15/2010 SENATE Now in Community Affairs

HB 1577 **Relating to Local Government Comprehensive Plans** Brandenburg
Local Government Comprehensive Plans: Authorizes specified municipalities to apply to state land planning agency for waiver of comprehensive plan capital improvements element & schedule update requirements, comprehensive plan amendment prohibitions, water supply element requirements for future land use principles & guidelines, & specified comprehensive plan evaluation & appraisal requirements; revises municipal revenue criterion relating to annual financial audit requirements. Effective Date: upon becoming a law

Current Committee of Reference: Military & Local Affairs Policy Committee
3/2/201 HOUSE Filed
3/10/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council
3/10/2010 HOUSE Now in Military & Local Affairs Policy Committee
Similar

SB 2600 Relating to Local Government Comprehensive Plans (Aronberg)
03/09/2010 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation

SB 1598 **Relating to Public Records and Public Meetings** Dockery
Public Records and Public Meetings [EPSC]; Creates the "Sunshine in Government Act." Requires all elected and appointed public officials to undergo education and training on the requirements of the Sunshine in Government Act. Provides that if the nature or volume of the public record requested to be inspected or copied requires more than 30 minutes of agency resources, the agency may charge a fee for the agency resources incurred, etc. EFFECTIVE DATE: 10/01/2010.
Current Committee of Reference: Policy and Steering Committee on Ways and Means
4/6/2010 SENATE Favorable with CS by Governmental Oversight and Accountability; 8 Yeas, 0 Nays
4/8/2010 SENATE Committee Substitute Text (C3) Filed
4/9/2010 SENATE Now in Policy & Steering Committee on Ways and Means
Compare

HB 1211 Relating to Public Records and Public Meetings (Ford)
03/03/2010 HOUSE Referred to Governmental Affairs Policy Committee; Policy Council; Economic Development & Community Affairs Policy Council

HB 1605 **Relating to Water Resource Protection** Mayfield
Water Resource Protection: Directs counties & municipalities, in cooperation with water management districts, to evaluate primary water resources; authorizes counties & municipalities to use funds collected for water & sewage utility services for water resource protection & restoration; authorizes counties & municipalities to transfer funds to water management districts for such purposes. Effective Date: July 1, 2010
Current Committee of Reference: No Current Committee
3/23/2010 HOUSE On Committee agenda - Agriculture & Natural Resources Policy Committee, 03/25/10, 2:45 pm, 102 H - PCS
3/25/2010 HOUSE PCS Favorable by Agriculture & Natural Resources Policy Committee
3/25/2010 HOUSE CS combines this bill with H 1407 & H 1367; Original bill laid on Table, refer to combined H 1367

SB 1640 **Relating to Florida Forever Trust Fund/DCA** Fasano
Florida Forever Trust Fund/DCA [WPSC]; Re-creates said trust fund within the DCA. Reenacts and amends a specified provision relating to said trust fund. Provides for sources of funds and purposes. Provides for the annual carryforward of funds. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/5/2010 SENATE Enrolled Text (ER) Filed
4/9/2010 Signed by Officers and presented to Governor (Governor has until 04/16/10 to act on this bill)
4/15/2010 Approved by Governor; Chapter No. 2010-18
Identical

HB 7145 Relating to Trust Funds/Florida Forever Program Trust Fund/DCA (Transportation & Economic Development Appropriations Committee)
03/24/2010 HOUSE Read Second Time; Substituted for SB 1640; Laid on Table, Refer to SB 1640

SB 1646 **Relating to Regional Workforce Boards** Fasano
Regional Workforce Boards [WPSC]; Prohibits board members and their relatives from contracting with or having a financial interest in a contract with the regional workforce board on which the member serves. Requires a member who is employed by or who receives remuneration from a contracting entity to abstain from voting on a contract with that entity, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/6/2010 SENATE In returning messages
4/16/2010 SENATE Conference Committee appointed: Senators Alexander, Chair; Haridopolos, Vice Chair; Altman, Bennett, Justice, Ring, Storms, At Large; Criminal & Civil Justice: Crist, Chair; Jones, Joyner, Villalobos, Wilson; Education Pre-K-12: Wise, Chair; Bullard, Detert, Garcia, Richter, Siplin; General Government: Baker, Chair; Aronberg, Dean, Lawson, Oelrich; Health & Human Services: Peaden, Chair; Gaetz, Haridopolos, Negron, Rich, Sobel; Higher Education: Lynn, Chair;

Constantine, Gelber, Thrasher; Trans & Econ Development: Fasano, Chair; Diaz de la Portilla, Dockery, Gardiner, Hill, Smith
4/19/2010 HOUSE Conference Committee appointed: Rivera, Flores, Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, Stargel, Proctor, Brise, Burgin, Jones, McKeel, O'Toole, Reed, Glorioso, Gibson, Jenne, Horner, Hukill, Murzin, Rogers, Schenck, Adams, Eisnaugle, Holder, Kreegel, Porth, Rouson, Soto, Tobia, Hays, Abruzzo, Braynon, Gonzalez, Nelson, Ray, Workman, Williams, A., Grimsley, Chestnut, Ford, Frishe, Hudson, Roberson, Y., Skidmore, Thompson, N., Poppell, Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, Williams, T., Bogdanoff, Aubuchon, Bernard, Carroll, Dorworth, Patronis, Fitzgerald, Thurston, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, Thompson, G., Weatherford

SB 1648 **Relating to SSB/Transportation and Economic Development** Fasano
SSB/Transportation and Economic Development [WPSC]; Expresses the legislative intent to revise laws relating to transportation and economic development. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation and Economic Development Appropriations
2/3/201 SENATE Filed
2/10/2010 SENATE Referred to Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means; Rules

SB 1650 **Relating to SSB/Transportation and Economic Development** Fasano
SSB/Transportation and Economic Development [WPSC]; Expresses the legislative intent to revise laws relating to transportation and economic development. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation and Economic Development Appropriations
2/3/201 SENATE Filed
2/10/2010 SENATE Referred to Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means; Rules

SB 1652 **Relating to SSB/Transportation and Economic Development** Fasano
SSB/Transportation and Economic Development [WPSC]; Expresses the legislative intent to revise laws relating to transportation and economic development. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation and Economic Development Appropriations
2/3/201 SENATE Filed
2/10/2010 SENATE Referred to Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means; Rules

SB 1654 **Relating to SSB/Transportation and Economic Development** Fasano
SSB/Transportation and Economic Development [WPSC]; Expresses the legislative intent to revise laws relating to transportation and economic development. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation and Economic Development Appropriations
2/3/201 SENATE Filed
2/10/2010 SENATE Referred to Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means; Rules

SB 1680 **Relating to Corporate Income Tax** Garcia
Corporate Income Tax [CPSC]; Lowers the corporate income tax rate for certain levels of taxable income. Provides for retroactive application. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: Transportation and Economic Development Appropriations
4/1/2010 SENATE On Committee agenda - Finance and Tax, 04/06/10, 3:15 pm, 301 S
4/6/2010 SENATE Favorable by Finance and Tax; 4 Yeas, 1 Nay
4/7/2010 SENATE Now in Transportation and Economic Development Appropriations

SB 1696 **Relating to Economic Development** Garcia
Economic Development [CPSC]; Deletes the requirement for the OTTED to administer the professional golf hall of fame facility program. Deletes a requirement that rules adopted by the Public Service Commission authorizing utilities to recover reasonable economic development expenses be consistent with criteria adopted by rules of the OTTED or the former Department of Commerce. Revises the purposes of the Rural Infrastructure Fund, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Commerce
2/4/201 SENATE Filed
2/10/2010 SENATE Referred to Commerce; Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations
Compare

SB 0570	Relating to Environmental Protection (Constantine) 04/29/2010 SENATE Read Third Time; Substituted for HB 7243; Laid on Table, Refer to HB 7243
SB 1412	Relating to Obsolete or Outdated Agency Plans/Reports/Programs (Haridopolos)

04/30/2010 SENATE Ordered engrossed, then enrolled

HB 1559 Relating to Recycling (Rehwinkel Vasilinda)
03/25/2010 HOUSE Temporarily postponed by Agriculture & Natural Resources Policy Committee

SB 1752 Relating to Economic Development (Gaetz)
04/30/2010 SENATE Ordered engrossed, then enrolled

HB 7243 Relating to Environmental Control (General Government Policy Council)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (551260); Passed (Vote: 120 Yeas / 0 Nays); Ordered engrossed, then enrolled

SB 1716 **Relating to SSB/Enterprise Zones** Garcia
SSB/Enterprise Zones [CPSC]; Expresses the legislative intent to revise laws relating to enterprise zones. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Commerce
2/4/201 SENATE Filed
2/10/2010 SENATE Referred to Commerce; Community Affairs; Transportation and Economic Development Appropriations; Rules

SB 1724 **Relating to Rural Enterprise Zones** Dean
Rural Enterprise Zones [CPSC]; Requires the OTTED to designate certain rural catalyst sites as rural enterprise zones upon request of a host county. Specifies request requirements. Specifies effect of designation. Specifies reporting requirements for rural catalyst sites designated as a rural enterprise zone. Specifies a reporting entity. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/23/2010 SENATE Placed on Special Order Calendar for 04/27/10
4/27/2010 SENATE Placed on Special Order Calendar for 04/28/10
4/28/2010 SENATE Read Second Time; Substituted for HB 0843; Laid on Table, Refer to HB 0843
Similar

HB 0843 Relating to Rural Enterprise Zones (Boyd)
04/29/2010 HOUSE Enrolled Text (ER) Filed

SB 1740 **Relating to SSB/Economic Development** Garcia
SSB/Economic Development [CPSC]; Expresses the legislative intent to revise laws relating to economic development. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Commerce
2/4/201 SENATE Filed
2/10/2010 SENATE Referred to Commerce; Transportation and Economic Development Appropriations; Rules

SB 1742 **Relating to Growth Management** Bennett
Growth Management [EPSC]; Defines the term "transit oriented development." Provides for the expedited review of comprehensive plan amendments that implement transportation concurrency exception areas. Provides for the sharing of costs of mitigation for transportation concurrency. Provides for certain landowners or developers to request a transportation concurrency backlog area for a development area, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Policy and Steering Committee on Ways and Means
4/1/2010 SENATE On Committee agenda - Transportation, 04/07/10, 10:15 am, 37 S
4/7/2010 SENATE Temporarily postponed by Transportation
4/21/2010 SENATE Withdrawn from Transportation; Now in Policy & Steering Committee on Ways and Means

SB 1752 **Relating to Economic Development** Gaetz
Economic Development [WPSC]; Requires an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds. Limits the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state. Temporarily exempts from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year, etc. APPROPRIATION: $35,039,943. EFFECTIVE DATE: Upon becoming law except as otherwise provided.
Current Committee of Reference: No Current Committee
4/29/2010 HOUSE In returning messages
4/30/2010 HOUSE Received from Messages; Concurred with Amendments (428768, 885052); Passed (Vote: 115 Yeas / 0 Nays)
4/30/2010 SENATE Ordered engrossed, then enrolled
Compare

HB 0173 Relating to Tax on Sales, Use, and Other Transactions (Poppell)

	04/30/2010 HOUSE Ordered enrolled
SB 0220	Relating to Tax On Sales, Use, and Other Transactions (Fasano)
	04/30/2010 SENATE Read Second Time; Substituted for HB 0173; Laid on Table, Refer to HB 0173
HB 0697	Relating to Entertainment Industry Economic Development (Precourt)
	04/06/2010 SENATE In Messages
HB 0711	Relating to Tax on Sales, Use, and Other Transactions (Grady)
	04/06/2010 SENATE In Messages
HB 0969	Relating to Space & Aerospace Infrastructure (Crisafulli)
	04/29/2010 HOUSE Enrolled Text (ER) Filed
HB 0983	Relating to Florida Research Commercialization Matching Grant Program (Hudson)
	04/06/2010 SENATE In Messages
SB 1118	Relating to Docks (Altman)
	04/30/2010 HOUSE Enrolled Text (ER) Filed
SB 1238	Relating to Review/DMS/Florida Government Accountability Act (Ring)
	04/19/2010 HOUSE Conference Committee appointed Rivera, Flores, Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, Stargel, Proctor, Brise, Burgin, Jones, McKeel, O'Toole, Reed, Glorioso, Gibson, Jenne, Horner, Hukill, Murzin, Rogers, Schenck, Adams, Eisnaugle, Holder, Kreegel, Porth, Rouson, Soto, Tobia, Hays, Abruzzo, Braynon, Gonzalez, Nelson, Ray, Workman, Williams, A., Grimsley, Chestnut, Ford, Frishe, Hudson, Roberson, Y., Skidmore, Thompson, N., Poppell, Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, Williams, T., Bogdanoff, Aubuchon, Bernard, Carroll, Dorworth, Patronis, Fitzgerald, Thurston, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, Thompson, G., Weatherford
HB 1239	Relating to Docks (Patronis)
	04/27/2010 HOUSE Read Second Time; Substituted for SB 1118; Laid on Table, Refer to SB 1118
HB 1347	Relating to Florida Biotechnology Investment Matching Grant Program (Skidmore)
	03/10/2010 HOUSE Referred to Economic Development Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council
HB 1389	Relating to Space and Aerospace Infrastructure (Crisafulli)
	04/29/2010 HOUSE Enrolled Text (ER) Filed
SB 1430	Relating to Entertainment Industry Economic Development (Haridopolos)
	04/16/2010 SENATE Now in Transportation and Economic Development Appropriations
SB 1472	Relating to Research Commercialization Matching Grant Program (Detert)
	04/23/2010 SENATE Withdrawn from Policy & Steering Committee on Ways and Means
HB 1509	Relating to Economic Development (Weatherford)
	04/27/2010 HOUSE Read Second Time; Substituted for SB 1752; Laid on Table, Refer to SB 1752
SB 1516	Relating to State-owned Lands (Baker)
	04/30/2010 SENATE Ordered engrossed, then enrolled
SB 1696	Relating to Economic Development (Garcia)
	02/10/2010 SENATE Referred to Commerce; Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Transportation and Economic Development Appropriations
SB 1776	Relating to Space & Aerospace Infrastructure (Altman)
	04/27/2010 SENATE Read Second Time; Substituted for HB 0969; Laid on Table, Refer to HB 0969
SB 1856	Relating to Qualified Target Industry Tax Refund Program (Commerce)
	04/28/2010 SENATE Read Second Time; Substituted for HB 7109; Laid on Table, Refer to HB 7109
SB 2452	Relating to Legislative Reauthorizations (Bennett)
	04/16/2010 SENATE Read Second Time; Amendment Adopted (571714); Substituted for HB 7099; Laid on Table, Refer to HB 7099
SB 2454	Relating to Sales & Use Tax/Boat Sales (Negron)
	04/14/2010 SENATE Now in Policy & Steering Committee on Ways and Means
SB 2500	Relating to Space and Aerospace Infrastructure (Altman)

04/28/2010 SENATE Read Second Time; Substituted for HB 1389; Laid on Table, Refer to HB 1389

HB 7099 Relating to Legislative Reauthorizations (Military & Local Affairs Policy Committee)
04/22/2010 HOUSE In returning messages

HB 7109 Relating to Tax Refund Program for Qualified Target Industry Businesses (Economic Development Policy Committee)
04/29/2010 HOUSE Enrolled Text (ER) Filed

HB 7169 Relating to State-owned Real Property (Governmental Affairs Policy Committee)
03/25/2010 HOUSE Placed on Calendar, on second reading

HB 7201 Relating to Economic Development (Finance & Tax Council)
04/06/2010 SENATE In Messages

SB 1842 **Relating to Transportation Projects** Bennett

Transportation Projects [CPSC]; Directs the DOT to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects. Provides a timeframe for notification. Requires the department to hold a public hearing and receive public input regarding the effects of the project on local business, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: No Current Committee

4/28/2010 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)
4/28/2010 SENATE Ordered enrolled
4/29/2010 SENATE Enrolled Text (ER) Filed

Compare

SB 0482 Relating to Highway Safety Act (Bennett)
04/27/2010 HOUSE In Messages

Similar

HB 1331 Relating to Transportation Projects (Abruzzo)
04/27/2010 HOUSE Read Second Time; Substituted for SB 1842; Laid on Table, Refer to SB 1842

SB 1942 **Relating to Public Participation Plans** Smith

Public Participation Plans [EPSC]; Requires applications for comprehensive plan amendments or development orders to include a public participation plan. Specifies a required time for implementation of the plan. Specifies plan purposes and required plan information. Specifies that certain notice requirements are in addition to other notice requirements of law. Provides for continuing effect of certain local government ordinances, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: Community Affairs

2/10/201 SENATE Filed
2/17/2010 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

Identical

HB 0733 Relating to Public Participation Plans (Sands)
02/05/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

SB 1984 **Relating to Rural Infrastructure Fund** Aronberg

Rural Infrastructure Fund [CPSC]; Revises provisions relating to rural infrastructure projects. Revises the percentage of total infrastructure project costs for which the OTTED may award grants. Authorizes the OTTED to award grants for a certain percentage of total infrastructure project costs for certain rural areas of critical economic concern. Requires that funds from the purchase of certain lands by the state or a state agency be appropriated to said fund. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Commerce

2/12/201 SENATE Filed
2/17/2010 SENATE Referred to Commerce; Community Affairs; Environmental Preservation and Conservation; Policy & Steering Committee on Ways and Means

Similar

HB 1067 Relating to Rural Infrastructure Fund (Bernard)
03/01/2010 HOUSE Now in Economic Development Policy Committee

SB 1990 **Relating to Powers of Community Development Districts** Baker

Powers of Community Development Districts [EPSC]; Revises general powers of community development districts. Revises special powers of community development districts. EFFECTIVE

DATE: 07/01/2010.
Current Committee of Reference: Judiciary
3/4/2010 SENATE On Committee agenda - Community Affairs, 03/09/10, 1:30 pm, 412 K
3/9/2010 SENATE Favorable with 1 Amendment by Community Affairs; 10 Yeas, 0 Nays
3/15/2010 SENATE Now in Judiciary
Identical

HB 0991 Relating to Powers of Community Development Districts (Hays)
02/25/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Civil Justice & Courts Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

SB 1992 **Relating to Florida Ports Investments** Ring
Florida Ports Investments [WPSC]; Cites certain provisions as the "Florida Ports Investment Act." Creates the Florida Ports Investment Corporation. Provides port project funding criteria. Provides requirements for capital allocation and investments. Provides for tax credits against specified taxes. Provides limitations on the credit. Authorizes the corporation and the OTTED to charge certain fees, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Finance and Tax
4/19/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 04/20/10, 4:30 p.m., 117 K (No Votes Will Be Taken)
4/20/2010 SENATE Committee Substitute Text (C2) Filed
4/20/2010 SENATE Now in Finance and Tax
Compare

HB 0973 Relating to Florida Ports Investments (Ray)
02/10/2010 HOUSE Withdrawn prior to introduction
HB 1169 Relating to Florida Ports Investments (Ray)
04/06/2010 SENATE In Messages

SB 2000 **Relating to Seaports** Ring
Seaports [WPSC]; Provides for port conceptual permits. Provides that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the DEP for final agency action. Requires the DOT to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain timeframe, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided.
Current Committee of Reference: No Current Committee
4/23/2010 SENATE Placed on Special Order Calendar for 04/27/10
4/27/2010 SENATE Placed on Special Order Calendar for 04/28/10
4/28/2010 SENATE Read Second Time; Amendments Adopted (800090, 594120, 312540); Substituted for HB 0963; Laid on Table, Refer to HB 0963
Similar

HB 0963 Relating to Seaports (Ray)
04/29/2010 HOUSE Enrolled Text (ER) Filed

SB 2018 **Relating to Florida Keys Area** Baker
Florida Keys Area [EPSC]; Authorizes the issuance of bonds to be used to finance the cost of constructing sewage facilities in the Florida Keys Area. Revises legislative intent relating to the designation of the Florida Keys as an area of critical state concern. Revises compliance requirements for reviewing comprehensive plan amendments. Provides additional requirements for onsite sewage treatment and disposal systems in Monroe County, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: Policy and Steering Committee on Ways and Means
4/15/2010 SENATE Now in Finance and Tax
4/21/2010 SENATE Withdrawn from Finance and Tax
4/21/2010 SENATE Now in Policy & Steering Committee on Ways and Means
Compare

SB 0422 Relating to Injection Wells (Bullard (L))
02/03/2010 SENATE Withdrawn from Environmental Preservation and Conservation; Health Regulation; General Government Appropriations; Withdrawn prior to introduction
SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed
HB 0753 Relating to Monroe County (Saunders)
04/19/2010 HOUSE Placed on Calendar, on second reading
SB 1226 Relating to Sewage Requirements in Monroe County (Bullard (L))

04/28/2010 HOUSE In Messages

Identical

HB 7191	Relating to Florida Keys Area (Agriculture & Natural Resources Policy Committee) 04/12/2010 HOUSE Placed on Calendar, on second reading

SB 2056 **Relating to Water Quality/Nutrients/Surface Water** Oelrich

Water Quality/Nutrients/Surface Water [EPSC]; Directs the DEP to contract with the National Academy of Science for an evaluation of issues related to the establishment of numeric nutrient criteria. Requires the DEP and the DOACS to evaluate the sources and quantities of nutrients in surface waters. Requires a report to the Governor and Legislature by a certain date. Provides for future expiration. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: Environmental Preservation and Conservation

2/16/201 SENATE Filed

3/1/2010 SENATE Referred to Environmental Preservation and Conservation; Agriculture; General Government Appropriations

SB 2074 **Relating to Agriculture** Peaden, Jr.

Agriculture [EPSC]; Prohibits a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances. Creates the "Agricultural Land Acknowledgement Act." Requires an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: No Current Committee

4/22/2010 SENATE Placed on Special Order Calendar for 04/26/10

4/26/2010 SENATE Read Second Time

4/27/2010 SENATE Read Third Time; Substituted for HB 7103; Laid on Table, Refer to HB 7103

Compare

SB 0382	Relating to Department of Agriculture and Consumer Services (Dean) 04/30/2010 SENATE Engrossed Text (E1) Filed
HB 1445	Relating to Agriculture (Nelson) 04/27/2010 SENATE Received; Referred to Agriculture; Community Affairs; Health Regulation
SB 2044	Relating to Property Insurance (Richter) 04/30/2010 SENATE Ordered engrossed, then enrolled
SB 2348	Relating to Department of Agriculture and Consumer Services (Baker) 03/04/2010 SENATE Referred to Agriculture; Community Affairs; Health Regulation; General Government Appropriations

Similar

HB 7103	Relating to Agriculture (Agriculture & Natural Resources Policy Committee) 04/30/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

SB 2078 **Relating to Platted Lots/Pilot Program** Bennett

Platted Lots/Pilot Program [EPSC]; Establishes a pilot program for the purpose of redeveloping antiquated subdivisions. Requires that the DCA administer the pilot program. Provides for the determination of density credits or units and for the transfer or sale of such credits or units. Requires the owner of a lot that receives density credits to execute a restrictive covenant. Requires that the OPPAGA submit a report to the Legislature by a specified date, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Community Affairs

2/16/201 SENATE Filed

3/1/2010 SENATE Referred to Community Affairs; Judiciary; Transportation and Economic Development Appropriations

SB 2080 **Relating to Water Conservation** Aronberg

Water Conservation [EPSC]; Revises the components for a comprehensive statewide water conservation program. Specifies that the program includes the creation of a Conserve Florida Clearinghouse and a Conserve Florida Clearinghouse Guide by the DEP. Requires a public water supply utility that develops a goal-based water conservation plan to submit the plan to the appropriate WMD for approval. Provides standards for approval, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Environmental Preservation and Conservation

2/16/201 SENATE Filed

3/1/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; General Government Appropriations

Compare

HB 7177 Relating to Water Resources (Agriculture & Natural Resources Policy Committee)
04/26/2010 SENATE In Messages

SB 2098 **Relating to Enterprise Zone Economic Stimulus** Wise

Enterprise Zone Economic Stimulus [WPSC]; Renames the enterprise zone jobs credit as the enterprise zone job stimulus credit. Authorizes the enterprise zone job stimulus credit against the sales tax to be applied to new employees hired. Revises criteria for claiming the credit. Deletes the minimum threshold requirement for full-time jobs required to claim the credit. Amends a specified provision relating to rural enterprise zones, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Commerce

2/17/201 SENATE Filed
3/1/2010 SENATE Referred to Commerce; Community Affairs; Finance and Tax; Policy & Steering Committee on Ways and Means

Identical

HB 0997 Relating to Enterprise Zone Economic Stimulus (Jones (M))
02/25/2010 HOUSE Referred to Economic Development Policy Committee; Finance & Tax Council; Economic Development & Community Affairs Policy Council

SB 2180 **Relating to City of Clearwater/Pinellas County** Jones (D)

City of Clearwater/Pinellas County; Provides for use of specified city-owned property for recreational and commercial working waterfronts. Provides for preservation of referendum requirement of use of certain city-owned property. Requires a referendum for lease, license, sale, or transfer of certain land and for any alteration to existing public land use map designation for such land, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: No Current Committee

2/18/201 SENATE Filed
4/26/2010 SENATE Referred to Rules

Identical

HB 1047 Relating to City of Clearwater, Pinellas County (Frishe)
04/29/2010 HOUSE Enrolled Text (ER) Filed

SB 2182 **Relating to Agriculture** Alexander

Agriculture [EPSC]; Clarifies that land that is classified as agricultural retains that class779711ification when offered for sale. Provides the methodology for assessing certain structures or improvements used for horticulture production. Revises provisions of the Florida Aquatic Weed Control Act. Requires that the DOACS enter into an agreement with the DEP to ensure the uniform regulation of pesticides, etc. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: No Current Committee

4/26/2010 SENATE Read Second Time; Amendments Adopted (917248, 689924); Ordered engrossed
4/26/2010 SENATE Engrossed Text (E1) Filed
4/27/2010 SENATE Read Third Time; Substituted for HB 0981; Laid on Table, Refer to HB 0981

Compare

SB 0382 Relating to Department of Agriculture and Consumer Services (Dean)
04/30/2010 SENATE Engrossed Text (E1) Filed

SB 1258 Relating to Department of Agriculture and Consumer Services (Agriculture)
04/29/2010 SENATE Temporarily Postponed on Third Reading

HB 1445 Relating to Agriculture (Nelson)
04/27/2010 SENATE Received; Referred to Agriculture; Community Affairs; Health Regulation

SB 1510 Relating to Department of Citrus (Baker)
04/30/2010 SENATE Ordered engrossed, then enrolled

Similar

HB 0981 Relating to Agriculture (Grimsley)
04/30/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

SB 2202 **Relating to Water Supply** Haridopolos

Water Supply [EPSC]; Creates specified 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 water management district governing boards to develop water supply plans for their respective regions.

Provides for alternative water supply development, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Environmental Preservation and Conservation
2/18/201 SENATE Filed
3/1/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Governmental Oversight and Accountability; Finance and Tax; General Government Appropriations

Compare

SB 0550 Relating to Environmental Protection (Constantine)
04/30/2010 HOUSE Enrolled Text (ER) Filed

Similar

HB 1109 Relating to Water Supply (Williams (T))
04/26/2010 SENATE In Messages

SB 2214 **Relating to Seaports** Altman
Seaports [WPSC]; Designates seaport commerce as a target industry. Requires Enterprise Florida, Inc. to include in its annual report a description of state efforts to attract and preserve entities engaged in the movement of goods between Florida and international markets. Requires the Seaport Transportation and Economic Development Council to annually submit a list of projects to the DOT which can be made production-ready within a certain period, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation
2/18/201 SENATE Filed
3/1/2010 SENATE Referred to Transportation; Commerce; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

SB 2220 **Relating to Strategic Intermodal System Plan** Wise
Strategic Intermodal System Plan [CPSC]; Removes provisions creating and providing duties of the Statewide Intermodal Transportation Advisory Council. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Transportation and Economic Development Appropriations
4/15/2010 SENATE On Committee agenda - Governmental Oversight and Accountability, 04/20/10, 10:30 am, 110 S
4/20/2010 SENATE Now in Transportation and Economic Development Appropriations
4/20/2010 SENATE Favorable by Governmental Oversight and Accountability; 8 Yeas, 0 Nays

Identical

HB 0903 Relating to Strategic Intermodal System Plan (Ray)
04/26/2010 SENATE In Messages

SB 2238 **Relating to Mitigation Banks** Richter
Mitigation Banks [EPSC]; Requires that rules of the DEP and the water management districts relating to mitigation banks be consistent with federal regulations. Requires the DEP to adopt a uniform process for obtaining a formal assessment determination for potential mitigation bank establishment. Provides that a formal assessment determination is binding for a specified period and constitutes final agency action, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Environmental Preservation and Conservation
2/19/201 SENATE Filed
3/1/2010 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; General Government Appropriations

Compare

HB 7177 Relating to Water Resources (Agriculture & Natural Resources Policy Committee)
04/26/2010 SENATE In Messages

Similar

HB 1175 Relating to Management and Storage of Surface Waters (Williams (T))
03/01/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Natural Resources Appropriations Committee; General Government Policy Council

SB 2322 **Relating to Qualifying Improvements To Real Property** Bennett
Qualifying Improvements To Real Property [WPSC]; Authorizes a local government to levy non-ad valorem assessments to fund certain improvements. Authorizes a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements. Authorizes a local government to collect moneys for such purposes through non-ad valorem assessments. Authorizes a local government to incur debt payable from revenues received from the improved property, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: No Current Committee
4/23/2010 SENATE Placed on Special Order Calendar for 04/27/10
4/27/2010 SENATE Placed on Special Order Calendar for 04/28/10

4/28/2010 SENATE Read Second Time; Amendments Adopted (956108, 866150); Substituted for HB 7179; Laid on Table, Refer to HB 7179

Similar

HB 7179 Relating to Qualifying Improvements to Real Property (Energy & Utilities Policy Committee)
04/30/2010 HOUSE Received from Messages; Concurred with Amendment (525388); Passed (Vote: 119 Yeas / 0 Nays); Ordered engrossed, then enrolled

SB 2324 **Relating to Metropolitan Planning Organizations** Altman

Metropolitan Planning Organizations [CPSC]; Requires the designation of a metropolitan planning organization for each urbanized area of the state meeting a certain population threshold. Provides processes for the redesignation of an M.P.O. Requires that a metropolitan transportation planning process be continuous, cooperative, coordinated, and comprehensive. Specifies prevailing principles to be considered by an M.P.O. during the development of a transportation improvement program, etc. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Transportation

2/23/201 SENATE Filed
3/4/2010 SENATE Referred to Transportation; Community Affairs; Transportation and Economic Development Appropriations

Similar

HB 1275 Relating to Metropolitan Planning Organizations (Ray)
03/03/2010 HOUSE Referred to Roads, Bridges & Ports Policy Committee; Transportation & Economic Development Appropriations Committee; Economic Development & Community Affairs Policy Council

SB 2432 **Relating to Transportation Funding** Smith

Transportation Funding [WPSC]; Increases the percentage of state revenues deposited into the State Transportation Trust Fund to be committed by the DOT for public transportation projects. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: Transportation

2/25/201 SENATE Filed
3/4/2010 SENATE Referred to Transportation; Transportation and Economic Development Appropriations; Policy & Steering Committee on Ways and Means

Compare

HB 1139 Relating to Transportation Funding (Rogers)
03/01/2010 HOUSE Referred to Transportation & Economic Development Appropriations Committee; Roads, Bridges & Ports Policy Committee; Full Appropriations Council on Education & Economic Development

SB 2452 **Relating to Legislative Reauthorizations** Bennett

Legislative Reauthorizations [EPSC]; Reauthorizes certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date. Provides for construction of the act. Provides for retroactive application. EFFECTIVE DATE: Upon becoming law.

Current Committee of Reference: No Current Committee

4/13/2010 SENATE Placed on Special Order Calendar for 04/15/10
4/15/2010 SENATE Placed on Special Order Calendar for 04/16/10
4/16/2010 SENATE Read Second Time; Amendment Adopted (571714); Substituted for HB 7099; Laid on Table, Refer to HB 7099

Compare

SB 1752 Relating to Economic Development (Gaetz)
04/30/2010 SENATE Ordered engrossed, then enrolled

Similar

HB 7099 Relating to Legislative Reauthorizations (Military & Local Affairs Policy Committee)
04/22/2010 HOUSE In returning messages

SB 2462 **Relating to Federal Grants TF/Department of Community Affairs** Fasano

Federal Grants TF/Department of Community Affairs [WPSC]; Creates the Federal Grants Trust Fund within the Department of Community Affairs. Provides for sources of funds and purposes. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010.

Current Committee of Reference: No Current Committee

4/5/2010 SENATE Enrolled Text (ER) Filed
4/9/2010 Signed by Officers and presented to Governor (Governor has until 04/16/10 to act on this bill)
4/15/2010 Approved by Governor; Chapter No. 2010-21

Identical

HB 7149 Relating to Trust Funds/Federal Grants Trust Fund/DCA (Transportation & Economic Development Appropriations Committee)
03/24/2010 HOUSE Read Second Time; Substituted for SB 2462; Laid on Table, Refer to SB 2462

SB 2470 **Relating to Regional Transportation** Thrasher
Regional Transportation [CPSC]; Creates the Northeast Florida Regional Transportation Study Commission. Provides for the Jacksonville Transportation Authority to staff the commission. Provides for funding of the commission. Provides for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: No Current Committee
4/28/2010 HOUSE Substituted for HB 1297; Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)
4/28/2010 SENATE Ordered enrolled
4/29/2010 SENATE Enrolled Text (ER) Filed

Similar

HB 1297 Relating to Northeast Florida Regional Transportation (Gibson)
04/28/2010 HOUSE Read Third Time; Substituted for SB 2470; Laid on Table, Refer to SB 2470

SB 2524 **Relating to Impact Fees** Deutch
Impact Fees [EPSC]; Authorizes counties, municipalities, and special districts to exempt certain affordable housing from payment of impact fees under certain circumstances. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Community Affairs
2/26/201 SENATE Filed
3/4/2010 SENATE Referred to Community Affairs; Finance and Tax; Policy & Steering Committee on Ways and Means

SB 2600 **Relating to Local Government Comprehensive Plans** Aronberg
Local Government Comprehensive Plans [EPSC]; Exempts certain municipalities from certain capital improvements element and schedule update requirements and certain comprehensive plan amendment prohibitions under certain circumstances. Exempts certain municipalities from certain water supply element requirements for future land use principles and guidelines. Revises a municipal revenue criterion relating to annual financial audit requirements, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: Community Affairs
2/26/201 SENATE Filed
3/9/2010 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Transportation

Similar

HB 1577 Relating to Local Government Comprehensive Plans (Brandenburg)
03/10/2010 HOUSE Referred to Military & Local Affairs Policy Committee; Economic Development & Community Affairs Policy Council

SB 2644 **Relating to Energy Economic Zones** Bennett
Energy Economic Zones [WPSC]; Requires the DCA to include in its report on the Energy Economic Zone Pilot Program information relating to incentives available under the program. Exempts certain building materials used in the construction or rehabilitation of energy-efficient structures from the tax on sales, use, and other transactions. Creates an energy economic zone jobs tax credit. Creates the energy economic zone pilot program property tax credit, etc. EFFECTIVE DATE: 07/01/2010.
Current Committee of Reference: Communications, Energy, and Public Utilities
4/7/2010 SENATE Favorable with CS by Commerce; 9 Yeas, 0 Nays
4/9/2010 SENATE Committee Substitute Text (C1) Filed
4/12/2010 SENATE Now in Communications, Energy, and Public Utilities

Compare

SB 1126 Relating to Permitting (Altman)
04/30/2010 SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129

HB 1461 Relating to Energy Economic Zones (Fitzgerald)
03/10/2010 HOUSE Referred to Energy & Utilities Policy Committee; Economic Development Policy Committee; Finance & Tax Council

HB 7229 Relating to Economic Incentives for Energy Initiatives (Energy

& Utilities Policy Committee)
04/27/2010 SENATE In Messages

SB 7024 **Relating to Assessment of Lands Used for Conservation Purposes** Finance and Tax
Assessment of Lands Used for Conservation Purposes; Provides for certain lands that are convenanted for use for conservation purposes to be assessed for ad valorem taxation in the same manner as lands used for outdoor recreational or park purposes. Redefines the term "covenant." Defines the term "conservation purposes." Specifies the information that must be included in a covenant. Requires covenants to be notarized, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: No Current Committee
1/11/2010 SENATE On Committee agenda - Finance and Tax, 01/21/10, 9:00 am, 301 S
1/21/2010 SENATE Submitted as Committee Bill by Finance and Tax
1/26/2010 SENATE Committee Bill filed as S 1378

SB 7026 **Relating to Working Waterfront Property** Finance and Tax
Working Waterfront Property; Defines terms. Specifies property that is eligible for classification as working waterfront property. Requires the assessment of working waterfront property based on current use. Requires an application for classification of property as working waterfront property. Authorizes a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances, etc. EFFECTIVE DATE: Upon becoming law.
Current Committee of Reference: No Current Committee
1/11/2010 SENATE On Committee agenda - Finance and Tax, 01/21/10, 9:00 am, 301 S
1/21/2010 SENATE Submitted as Committee Bill by Finance and Tax
1/26/2010 SENATE Committee Bill filed as S 1408

HB 7045 **Relating to Transportation Corridors** Roads, Bridges & Ports Policy Committee
Transportation Corridors: Repeals provisions relating to statewide transportation corridors; removes provisions that specify certain transportation facilities as statewide transportation corridors. Effective Date: July 1, 2010
Current Committee of Reference: No Current Committee
3/9/2010 HOUSE Read Second Time
3/10/2010 HOUSE Read Third Time; Passed (Vote: 114 Yeas / 0 Nays)
3/16/2010 SENATE In Messages

HB 7099 **Relating to Legislative Reauthorizations** Military & Local Affairs Policy Committee
Legislative Reauthorizations: Reauthorizes specified exemptions, 2-year extensions, & local comprehensive plan amendments granted, authorized, or adopted under general law & in effect as of specified date. Effective Date: upon becoming a law
Current Committee of Reference: No Current Committee
4/16/2010 SENATE Withdrawn from Community Affairs, Judiciary; Substituted for SB 2452; Read Second Time
4/21/2010 SENATE Read Third Time; Amendments Adopted (712410, 246466); Passed (Vote: 36 Yeas / 2 Nays)
4/22/2010 HOUSE In returning messages
Compare
SB 1752 Relating to Economic Development (Gaetz)
04/30/2010 SENATE Ordered engrossed, then enrolled
Similar
SB 2452 Relating to Legislative Reauthorizations (Bennett)
04/16/2010 SENATE Read Second Time; Amendment Adopted (571714); Substituted for HB 7099; Laid on Table, Refer to HB 7099

HB 7103 **Relating to Agriculture** Agriculture & Natural Resources Policy Committee
Agriculture: Prohibits county from enforcing certain limits on bona fide farm operation on agricultural land; prohibits county from charging agricultural lands for stormwater management assessments & fees; provides exemptions from certain restrictions on county's powers over activity on agricultural land; creates "Agricultural Land Acknowledgement Act"; requires applicant for certain development permits to sign & submit acknowledgement of certain contiguous agricultural lands as condition of political subdivision issuing permits; authorizes persons selling certain agricultural products who are not natural persons to qualify for exemption from obtaining local business tax receipt; revises term "farm tractor" for purposes of drivers' licenses; revises term "agricultural products" to make tropical foliage exempt from agricultural products dealer regulations; exempts farm fences from Florida Building Code; exempts nonresidential farm buildings & farm fences from county & municipal codes & fees; requires that gross written premiums for certain crop

insurance not be included when calculating insurer's gross writing ratio; requires that liabilities for ceded reinsurance premiums be netted against asset for amounts recoverable from reinsurers; requires that insurers who write other insurance products disclose breakout of gross written premiums for crop insurance; expands materials used in agricultural operations that may be disposed of by open burning; provides certain limitations on open burning. Effective Date: July 1, 2010

Current Committee of Reference: Agriculture

4/27/2010 SENATE Withdrawn from Agriculture; Community Affairs; Finance and Tax; General Government Appropriations; Substituted for SB 2074; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)
4/27/2010 HOUSE Ordered enrolled
4/30/2010 Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

Compare

SB 0382 Relating to Department of Agriculture and Consumer Services (Dean)
04/30/2010 SENATE Engrossed Text (E1) Filed
HB 1445 Relating to Agriculture (Nelson)
04/27/2010 SENATE Received; Referred to Agriculture; Community Affairs; Health Regulation
SB 2044 Relating to Property Insurance (Richter)
04/30/2010 SENATE Ordered engrossed, then enrolled
SB 2348 Relating to Department of Agriculture and Consumer Services (Baker)
03/04/2010 SENATE Referred to Agriculture; Community Affairs; Health Regulation; General Government Appropriations

Similar

SB 2074 Relating to Agriculture (Peaden, Jr.)
04/27/2010 SENATE Read Third Time; Substituted for HB 7103; Laid on Table, Refer to HB 7103

HB 7105 **Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act** Government Accountability Act Council

Review of the Department of Community Affairs under the Florida Government Accountability Act: With respect to review of DCA under Florida Government Accountability Act, reenacts pt. V of ch. 420, F.S., "Florida Housing Finance Corporation Act"; provides for appointment of inspector general of FHFC; provides appointing authority thereof; provides duties & responsibilities of inspector general; revises definitions of "state agency" & "agency head" to include FHFC within state agencies within which Office of Inspector General is established; authorizes Secretary of Community Affairs to designate senior-level agency employee to serve on board of directors of FHFC. Effective Date: July 1, 2010

Current Committee of Reference: Economic Development & Community Affairs Policy Council

3/11/2010 HOUSE Filed (formerly PCB GAAC3)
3/12/2010 HOUSE Referred to Economic Development & Community Affairs Policy Council
3/12/2010 HOUSE Now in Economic Development & Community Affairs Policy Council

Compare

SB 0262 Relating to Affordable Housing (Bennett)
04/27/2010 SENATE Read Second Time; Amendments Adopted (815630, 798042, 457750, 256110, 143790); Substituted for HB 0665; Laid on Table, Refer to HB 0665
SB 0282 Relating to Review/DCA/Florida Government Accountability Act (Bennett)
04/23/2010 HOUSE In Messages
HB 0665 Relating to Affordable Housing (Aubuchon)
04/30/2010 HOUSE In returning messages

HB 7107 **Relating to Review of the Department of Community Affairs under the Florida Government Accountability Act** Government Accountability Act Council

Review of the Department of Community Affairs under the Florida Government Accountability Act: With respect to review of DCA under Florida Government Accountability Act, reenacts provisions relating to establishment of DCA & divisions & offices thereof, & powers, duties, & functions of DCA & its divisions & offices; revises various provisions relating to Florida Communities Trust Act; repeals Community-Based Development Organization Assistance Act; revises procedures & requirements with respect to compilation by DCA of official list of special districts; provides for electronic publishing & updating of Florida Special District Handbook; revises payment of costs of administering "Uniform Special District Accountability Act of 1989"; provides for transfer of Small County Technical Assistance Program in DOACS to DCA; requires DCA to develop specified hurricane loss mitigation programs in consultation with the Division of Emergency Management; requires DCA to adopt rules for administration of specified grants; requires ratification of rules by Legislature; provides for transfer of Hurricane Loss Mitigation Program Advisory Council to DEM of

DCA; repeals Community-Based Development Organization Assistance Act. Effective Date: July 1, 2010
Current Committee of Reference: Economic Development & Community Affairs Policy Council
3/11/201 HOUSE Filed (formerly PCB GAAC4)
3/12/2010 HOUSE Referred to Economic Development & Community Affairs Policy Council
3/12/2010 HOUSE Now in Economic Development & Community Affairs Policy Councile
Compare

SB 0282	Relating to Review/DCA/Florida Government Accountability Act (Bennett) 04/23/2010 HOUSE In Messages
SB 1412	Relating to Obsolete or Outdated Agency Plans/Reports/Programs (Haridopolos) 04/30/2010 SENATE Ordered engrossed, then enrolled
SB 1440	Relating to Transportation and Economic Development (Fasano) 03/22/2010 SENATE Now in Policy & Steering Committee on Ways and Means
SB 2702	Relating to Implementing 2010-2011 General Appropriations Act (Policy and Steering Committee on Ways and Means) 03/31/2010 SENATE Engrossed Text (E1) Filed

HB 7127 **Relating to Working Waterfront Property** Finance & Tax Council
Working Waterfront Property: Provides for classification & assessment of specified working waterfront properties based upon current use; provides requirements for assessment methodology; provides classification application requirements, limitations, & procedures; provides for continuing classification of such property under specified circumstances; provides for loss of classification under specified circumstances; provides penalties; provides requirements for property appraisers; provides for denial of classification applications; provides procedures & requirements for appealing application denials; provides program project selection objectives for Stan Mayfield Working Waterfronts Program & Florida Forever program; provides for continuation of funded status for specified projects. Effective Date: upon becoming a law and shall operate retroactively to January 1, 2010
Current Committee of Reference: No Current Committee
4/14/2010 HOUSE Placed on Calendar, on second reading
4/15/2010 HOUSE Placed on Special Order Calendar for 04/19/10
4/19/2010 HOUSE Temporarily Postponed on Second Reading
Compare

HB 0073	Relating to Working Waterfront Property (Robaina) 03/03/2010 Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 03/05/10, 10:15 a.m., 117 K (No Votes Will Be Taken)
SB 0346	Relating to Working Waterfront Property (Dean) 04/29/2010 HOUSE In Messages

Similar

SB 1408	Relating to Working Waterfront Property (Finance and Tax) 04/29/2010 HOUSE In Messages

HB 7129 **Relating to Military Support** Military & Local Affairs Policy Committee
Military Support: Provides applicability of provisions governing compatibility of land development with military installations under Local Government Comprehensive Planning & Land Development Regulation Act to specified local governments & associated military installations; provides that valid military orders transferring military servicemember are sufficient to maintain permanent residence status of servicemember & spouse for purposes of such determination by property appraiser; authorizes temporary professional licensure by DBPR of spouses of certain active duty members of Armed Forces; authorizes Adjutant General to employ second Assistant Adjutant General for Army; revises accreditation standards for educational institutions with respect to Educational Dollars for Duty education assistance program. Effective Date: July 1, 2010
Current Committee of Reference: No Current Committee
4/30/2010 SENATE Substituted for SB 1126; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)
4/30/2010 HOUSE Engrossed Text (E1) Filed
4/30/2010 HOUSE Ordered enrolled
Compare

HB 0129	Relating to Military Affairs (Renuart) 04/21/2010 HOUSE Read Second Time; Substituted for SB 0464; Laid on Table, Refer to SB 0464
SB 0464	Relating to Military Affairs/Leave of Absence (Fasano)

Signed by Officers and presented to Governor (Governor must act on this bill by

04/27/2010 05/12/10)

HB 0713 Relating to Department of Business and Professional Regulation (Workman)
04/30/2010 HOUSE Ordered enrolled

SB 1126 Relating to Permitting (Altman)
04/30/2010 SENATE Read Third Time; Amendments Adopted (640332); Substituted for HB 7129; Laid on Table, Refer to HB 7129

SB 1330 Relating to Department of Business and Professional Regulation (Fasano)
04/29/2010 SENATE Read Second Time; Amendments Adopted (892916, 207236, 182920); Substituted for HB 0713; Laid on Table, Refer to HB 0713

Similar

SB 0274 Relating to Domestic Security (Bennett)
04/20/2010 SENATE Now in Criminal Justice

HB 7145 **Relating to Trust Funds/Florida Forever Program Trust Fund/DCA** Transportation & Economic Development Appropriations Committee

Trust Funds/Florida Forever Program Trust Fund/DCA: Re-creates Florida Forever Program Trust Fund within DCA; reenacts & amends provisions relating to trust fund; provides for sources of funds & purposes thereof & annual carryforward of funds; provides for future review & termination or re-creation of trust fund. Effective Date: July 1, 2010, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature

Current Committee of Reference: No Current Committee

3/19/2010 HOUSE Referred to Calendar
3/19/2010 HOUSE Placed on Special Order Calendar for 03/24/10
3/24/2010 HOUSE Read Second Time; Substituted for SB 1640; Laid on Table, Refer to SB 1640

Identical

SB 1640 Relating to Florida Forever Trust Fund/DCA (Fasano)
04/15/2010 Approved by Governor; Chapter No. 2010-18

RBP4 **Relating to Transportation Corridors** Roads, Bridges & Ports Policy Committee

PCB RBP 10-04 -- Transportation Corridors

Current Committee of Reference: No Current Committee

2/10/2010 HOUSE On Committee agenda - Roads, Bridges & Ports Policy Committee, 02/17/10, 9:00 am, 404 H
2/17/2010 HOUSE Submitted as Committee Bill by Roads, Bridges & Ports Policy Committee; 13 Yeas, 0 Nays
2/18/2010 HOUSE Committee Bill Filed as H 7045

MLA1 **Relating to Formation of Local Governments** Military & Local Affairs Policy Committee

PCB MLA 10-01 -- Formation of Local Governments

Current Committee of Reference: Military & Local Affairs Policy Committee

2/10/2010 HOUSE On Committee agenda - Military & Local Affairs Policy Committee, 02/17/10, 9:30 am, 306 H
2/17/2010 HOUSE Submitted as Committee Bill by Military & Local Affairs Policy Committee; 11 Yeas, 0 Nays
2/22/2010 HOUSE Committee Bill filed as H 7059

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FRCA TRACKING REPORT

2010 Bills Tracked for FRCA That Passed the Full Legislature

Sorted by Bill Number

HB 0053
Relating to License Plates
Lopez-Cantera

License Plates: Creates St. Johns River license plate; establishes annual use fee for plate; provides for distribution of use fees received from sale of such plates. Effective Date: October 1, 2010

HB 0143
Relating to Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements
Ray

Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements: Exempt hangars used to assemble or manufacture aircraft from transportation concurrency requirements. Effective Date: July 1, 2010

SB 0318
Relating to Wildlife Regulation
Sobel

Wildlife Regulation [EPSC]; (THIS BILL COMBINES S318 & CS/S572) Prohibits the import or release of nonnative animals in this state unless authorized by the FWC. Requires that any person or entity wishing to keep wildlife in captivity or sell specified species of wildlife obtain a permit from the FWC. Requires that the FWC annually evaluate the placement of additional species on the list of reptiles of concern beginning by a specified date, etc. EFFECTIVE DATE: 07/01/2010.

HB 0393
Relating to Pub. Rec./Public Transit Provider
Bovo

Pub. Rec./Public Transit Provider: Provides exemption from public records requirements for personal identifying information held by public transit provider for purpose of facilitating prepayment of transit fares or acquisition of prepaid transit fare card or similar device; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2010

HB 0431
Relating to Peace Creek Drainage District, Polk County
Wood

Peace Creek Drainage District, Polk County: Abolishes district; provides for transfer of district assets & indebtedness; repeals special acts relating to district. Effective Date: upon becoming a law

SB 0550
Relating to Environmental Protection
Constantine

Environmental Protection [EPSC]; Creates specified provisions relating to water supply policy, planning, production, and funding. Provides for the general powers and duties of water management district governing boards. Provides for the inclusion of wastewater utilities, reuse utilities, and the DEP in the regional water supply planning process. Reduces the frequency of compliance reports during the term of a consumptive use permit, etc. EFFECTIVE DATE: 07/01/2010.

HB 0569
Relating to Landfills
Poppell

Landfills: Authorizes disposal of yard trash at specified Class I landfills; requires such landfills to obtain modified operating permit; requires permittees to certify certain collection & beneficial use of landfill gas; provides applicability. Effective Date: July 1, 2010

HB 0843
Relating to Rural Enterprise Zones
Boyd

Rural Enterprise Zones: Requires OTTED to designate specified rural catalyst sites as rural enterprise zones upon host county request; specifies request requirements; specifies effect of designation; specifies reporting requirements for rural catalyst sites designated as rural enterprise zone; authorizes host county development authorities to enter into memoranda of agreement for specified purposes. Effective Date: July 1, 2010

HB 0963
Relating to Seaports
Ray

Seaports; Provides for application & issuance of port conceptual permits; provides requirements & procedures relating to such permits for DEP & Board of Trustees of the Internal Improvement Trust Fund; revises matching-fund requirements for projects to rehabilitate certain structures; requires DOT to include certain projects & funding allocations in legislative budget requests; provides for transfer of balances between certain projects, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided.

HB 0981
Relating to Agriculture
Grimsley

Agriculture: Clarifies that land classified as agricultural retains that classification when offered for sale; provides methodology for assessing certain structures & improvements used for horticultural production; authorizes FWCC to enter into agreement with DEP for uniform regulation of pesticides applied to waters of state; revises exemptions from water pollution permits; provides permits for applying pesticides to waters of state; requires DEP to enter into agreements with DOACS & FWCC for uniform regulation of pesticides applied to waters of state; authorizes temporary deviations from certain DEP rule provisions for certain pesticides; requires DOACS to enter into agreement with DEP for uniform regulation of pesticides applied to waters of state; provides that Citrus Research & Development Foundation shall provide advice to DOACS with respect to citrus research marketing orders, conduct citrus research, & perform other duties assigned by DOACS; provides for deposit of certain agricultural assessments; revises assessment rate on citrus fruit; expands type of research projects that may be conducted by DOACS; revises location of executive offices of Department of Citrus; requires DOACS & representatives of state pest control industry to submit report to Legislature; requires that report include recommendations for changes in law to provide for disciplinary action against licensees of pest control industry under certain circumstances. Effective Date: July 1, 2010

SB 0982
Relating to Underground Facility Damage Prevention & Safety
Bennett

Underground Facility Damage Prevention & Safety [EPSC]; Prohibits municipalities, counties, districts, and other local governments from enacting ordinances or rules that conflict with ch. 556, F.S. Provides that if an excavation is proposed within 15 feet of a high-priority subsurface installation and is identified as such by the facility operator, the facility operator must notify the excavator of such installation and mark its location before excavation may begin, etc. EFFECTIVE DATE: 10/01/2010.

SB 1118

Relating to Docks
Altman

Docks [EPSC]; Authorizes the placement of roofs on certain residential single-family docks. Authorizes the DEP to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters. Authorizes the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements, etc. EFFECTIVE DATE: 07/01/2010.

HB 1157
Relating to Local Government Prompt Payment Act
Eisnaugle

Local Government Prompt Payment Act: Revises definitions; revises provisions relating to timely payment for purchases of construction services; requires that dispute be resolved according to procedures in contract; prohibits assessment of damages against contractor if list of items remaining to complete is not timely provided to contractor; revises provisions relating to resolution of disputes concerning improper payment request or invoice; provides that local governmental entity waives its objection in payment dispute if it fails to commence dispute resolution procedure within time required. Effective Date: October 1, 2010

SB 1166
Relating to Community Residential Homes
Altman

Community Residential Homes [EPSC]; Prohibits certain rules adopted by the APD from restricting the number of facilities designated as community residential homes located within a planned residential community. Authorizes the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions. Defines the term "planned residential community," etc. EFFECTIVE DATE: 07/01/2010.

HB 1271
Relating to Transportation
Horner

Transportation: Authorizes counties within or under interlocal agreement with regional transportation or transit authority to levy discretionary sales surtax for transportation systems under certain conditions; provides that county commission may apply proceeds from charter county transportation system surtax to planning, development, construction, expansion, operation, & maintenance of on-demand transportation services, etc. Effective Date: July 1, 2010

HB 1301
Relating to Violations of County Ordinances
Rader

Violations of County Ordinances: Authorizes county to specify by ordinance penalties for violation of certain county ordinances. Effective Date: July 1, 2010

HB 1385
Relating to Petroleum Contamination Site Cleanup
Poppell

Petroleum Contamination Site Cleanup: Requires DEP to utilize natural attenuation monitoring strategies to transition sites into long-term natural attenuation monitoring & evaluate certain costs & strategies; prohibits local governments from denying building permits under specified conditions; establishes low-scored site initiative; requires DEP to issue certain determinations & orders; provides funding for payment of preapproved costs; deletes provisions relating to funding for limited interim soil-source removals & nonreimbursable voluntary cleanup; requires installation of fuel tank upgrades to secondary systems to be completed by specified deadlines; provides exception. Effective Date: July 1, 2010

SB 1412
Relating to Obsolete or Outdated Agency Plans/Reports/Programs
Haridopolos

Obsolete or Outdated Agency Plans/Reports/Programs [GPSC]; Repeals a provision which establishes the Florida Commission on Interstate Cooperation. Repeals a provision relating to the Florida State Commission on Hispanic Affairs. Revises reporting requirements of the Citizen's Assistance Office. Repeals a provision relating to the Florida Commission on African-American Affairs. Deletes an obsolete provision requiring creation of advisory committees on international and small business issues, etc. EFFECTIVE DATE: Upon becoming law.

SB 1510
Relating to Department of Citrus
Baker

Department of Citrus [WPSC]; Revises the location of the executive offices of the Department of Citrus. EFFECTIVE DATE: 07/01/2010.

SB 1514
Relating to Recreational Licenses
Baker

Recreational Licenses [WPSC]; Exempts the shoreline fishing license from a charge imposed to compensate the subagent or tax collector issuing the license. Authorizes the subagent or tax collector to retain a portion of certain other license proceeds. Removes the fee for an annual resident shoreline fishing license. EFFECTIVE DATE: 07/01/2010.

SB 1516
Relating to State-owned Lands
Baker

State-owned Lands [WPSC]; Requires the property appraiser to physically inspect any parcel of taxable or state-owned real property upon the request of the taxpayer or owner. Removes provisions requiring the DOR to notify property appraisers of state ownership of real property. Authorizes the DOR to disclose certain information to the DEP regarding state-owned lands. Requires that the DOT identify & dispose of surplus property pursuant to specified provisions, etc. EFFECTIVE DATE: Upon becoming law.

HB 1565
Relating to Rulemaking
Dorworth

Rulemaking: Requires each agency, before adopting, amending, or repealing certain rules, to prepare statement of estimated regulatory costs of proposed rule if proposed rule has adverse impacts on small business or increases regulatory costs; provides exception to circumstances under which emergency rule shall not be effective, etc. Effective Date: upon becoming a law

SB 1752
Relating to Economic Development
Gaetz

Economic Development [WPSC]; Requires an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds. Limits the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state. Temporarily exempts from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in

a base year, etc. APPROPRIATION: $35,039,943. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

SB 1842
Relating to Transportation Projects
Bennett

Transportation Projects [CPSC]; Directs the DOT to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects. Provides a timeframe for notification. Requires the department to hold a public hearing and receive public input regarding the effects of the project on local business, etc. EFFECTIVE DATE: 07/01/2010.

SB 2020
Relating to Information Technology
Alexander

Information Technology [WPSC]; Revises the duties and responsibilities of the Agency for Enterprise Information Technology. Requires said agency to make annual recommendations to the Legislature regarding the migration to a statewide e-mail service and the consolidation of purchasing certain commodities and services. Requires the Children's Legal Service and judiciary to use Florida Safe Families Network for child welfare case management, etc. APPROPRIATION: $300,000. EFFECTIVE DATE: Upon becoming law.

SB 2024
Relating to Tax on Communications and Utility Services
Alexander

Tax on Communications and Utility Services [WPSC]; Decreases the rate at which the sales price of certain communications services are taxed. Requires that the State Board of Education make specified adjustments to the figures used by the board in determining the amount of bond debt that can be serviced by revenues derived from the gross receipts tax on utility services. Provides for the act to apply to bills for communications services dated on or after a certain date, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

SB 2470
Relating to Regional Transportation
Thrasher

Regional Transportation [CPSC]; Creates the Northeast Florida Regional Transportation Study Commission. Provides for the Jacksonville Transportation Authority to staff the commission. Provides for funding of the commission. Provides for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically, etc. EFFECTIVE DATE: 07/01/2010.

HB 5001
Relating to Appropriations
Full Appropriations Council on Education & Economic Development

Appropriations: Provides moneys for annual period beginning July 1, 2010, & ending June 30, 2011, to pay salaries, & other expenses, capital outlay - buildings, & other improvements, & for other specified purposes of various agencies of state government. Effective Date: Except as otherwise provided, this act shall take effect July 1, 2010, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2010, then it shall operate retroactively to July 1, 2010.

HB 5003
Relating to Implementing the 2010-2011 General Appropriations Act
Full Appropriations Council on Education & Economic Development

Implementing the 2010-2011 General Appropriations Act: Implements 2010-2011 General Appropriations Act; provides legislative intent; incorporates by reference certain calculations of the Florida Education Finance Program for 2010-2011 fiscal year; authorizes transfer of funds, upon certain approval, for fixed capital outlay from Survey Recommended Needs-Public Schools appropriation category to Maintenance, Repair, Renovation & Remodeling appropriation category, etc. Effective Date: July 1, 2010; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2010

HB 5101
Relating to Prekindergarten through Grade 12 Education Funding
PreK-12 Appropriations Committee

Prekindergarten through Grade 12 Education Funding: Revises provisions relating to school capital outlay surtax, transfer of funds for class size reduction, appropriation of funds for regional consortium service organizations, calculations for funding lab schools, capital outlay funding for charter schools, calculations for funding Florida Virtual School, certain scholarship payments, & school district virtual instruction programs; revises requirements for maximum class size to include requirements contingent on voter approval of joint resolution; provides requirements relating to gifted student education, electronic learning management systems, instructional materials, FEFP calculations, calculation of funds for instructional materials & transportation, & levy of certain school district millage. Effective Date: July 1, 2010

HB 5201
Relating to Postsecondary Education Funding
State Universities & Private Colleges Appropriations Committee

Postsecondary Education Funding: Revises provisions relating to use of funds to pay postsecondary education expenses for children & spouses of certain members of military; provides definition; provides educational benefit award amounts for students at public & nonpublic eligible postsecondary education institutions; provides requirements for the licensing of electronic library resources, etc. Effective Date: July 1, 2010

HB 5301
Relating to Medicaid Services
Health Care Appropriations Committee

Medicaid Services: Revises provisions relating to Medicaid services, including minimum staffing requirements for nursing home facilities, eligibility & coverage for women during pregnancy & postpartum period who live in family with income at or below specified percentage of federal poverty level, expiration dates of provisions authorizing federal waiver for certain persons age 65 & over or with disability & provisions authorizing specified medically needy program, coverage for chiropractic services for adult recipients, formula used for calculating reimbursements to providers of prescribed drugs, purpose of use of nursing home facility quality assessment & federal matching funds & purpose of use of privately operated ICF/DD quality assessment & federal matching funds, data used in calculating disproportionate share, formula used to pay disproportionate share dollars to provider service network hospitals, prohibition against distributing moneys under perinatal intensive care centers disproportionate share program, authorization for distribution of moneys to teaching hospitals under disproportionate share program, prohibition against distributing moneys under primary care disproportionate share program, & formula used for calculating reimbursements to providers of prescribed drugs; permits AHCA, in consultation with DEA, to accept & forward application for expansion of service capacity to Centers for Medicare & Medicaid Services for specified entity that provides benefits under Program of All-inclusive Care for the Elderly. Effective Date: July 1, 2010

HB 5303
Relating to Agency for Persons with Disabilities
Health Care Appropriations Committee

Agency for Persons with Disabilities: Revises provisions relating to order of priority for clients with developmental disabilities waiting for waiver services; extends date for implementation for certain categories of clients; specifies assessment instruments to be used for delivery of home & community-based services; provides limit on annual expenditures for clients with certain service needs; directs agency to eliminate behavior assistance services; reduces geographic differential for Miami-Dade, Broward, Palm Beach, & Monroe Counties for residential habilitation services;

establishes iBudget program for delivery of home & community-based services; provides for hearings on Medicaid programs administered by agency. Effective Date: July 1, 2010

HB 5305
Relating to Child Welfare
Health Care Appropriations Committee

Child Welfare: Requires DCFS, DOH, APD, AHCA, & community-based care lead agencies to adopt policies for administrative monitoring of child welfare providers; authorizes private-sector entities to establish Internet-based data warehouse & archives; provides that certain services provided to young adults formerly in foster care are subject to specific appropriation; revises provisions relating to calculating amount of award granted under Road-to-Independence Program; repeals provisions relating to adoption benefits for qualifying adoptive employees of state agencies; revises provisions relating to funding for contracts established between DCFS & community-based care lead agencies; authorizes department to outsource certain functions; authorizes community-based care lead agencies to make certain expenditures. Effective Date: July 1, 2010

HB 5307
Relating to Mental Health and Substance Abuse
Health Care Appropriations Committee

Mental Health and Substance Abuse: Repeals provisions establishing Substance Abuse and Mental Health Corporation. Effective Date: July 1, 2010

HB 5309
Relating to Comprehensive Statewide Tobacco Education and Use Prevention Program
Health Care Appropriations Committee

Comprehensive Statewide Tobacco Education and Use Prevention Program: Expands counter-marketing & advertising campaign to include innovative communication strategies; provides requirements for administration & management of program by DOH; deletes county health department funding eligibility; specifies purpose of funds distributed under program; revises AHEC program component functions & requirements; authorizes community mental health providers under contract with DCFS to receive share of annual appropriation for specified purposes, subject to specific appropriation in GAA; requires DOH to submit proposal to Governor & Legislature for developing pilot program by specified date. Effective Date: July 1, 2010

HB 5311
Relating to Department of Health
Health Care Appropriations Committee

Department of Health: Revises provisions for administration & use of funds in Administrative Trust Fund & Emergency Medical Services Trust Fund; provides for funds collected from disposition of certain motor vehicle infractions to be deposited into EMS Trust Fund rather than Administrative Trust Fund; revises provisions relating to reimbursement of trauma centers; revises eligibility provisions to remove provisional trauma centers & certain hospitals; provides for use of funds in EMS Trust Fund for verified trauma centers. Effective Date: July 1, 2010

HB 5401
Relating to Clerks of the Court
Criminal & Civil Justice Appropriations Committee

Clerks of the Court: Transfers Clerks of the Court Trust Fund to DOR; provides additional powers & duties of Legislative Budget Commission; revises distributions of filing fees for trial & appellate proceedings; deletes provisions providing for housing Florida Clerks of Court Operations Corporation within Justice Administrative Commission, specifying corporation as commission budget entity, & specifying corporation employees as commission employees; subjects corporation & clerks of court to specified procurement requirements; exempts corporation from specified provisions, policies, & decisions; revises corporation's duties; revises requirements for budget procedure for court-related functions of clerks of court; revises requirements for distribution of fines, fees, service charges, & court costs collected by clerks of court; revises requirements for distribution of specified filing fees collected by clerks of court;

revises required budget procedures for budget requests for funding court-related functions of clerks of court; requires specified filing fees to be retained as fee income of office of clerk of circuit court; specifies creation of Clerks of the Court Trust Fund within DOR; provides for credit of funds to trust fund. Effective Date: July 1, 2010

HB 5501
Relating to Department of Highway Safety and Motor Vehicles
Transportation & Economic Development Appropriations Committee

Department of Highway Safety and Motor Vehicles: Revises provisions for motor vehicle crash reports; provides for short-form crash reports; requires department to authorize any or all of tax collectors in several counties of state to serve as its agent for provision of specified driver's license services; directs department, in conjunction with Florida Tax Collectors Association, to develop plan to transition all driver license issuance services to county tax collectors. Effective Date: July 1, 2010

HB 5505
Relating to Supplemental Corporate Fee
Transportation & Economic Development Appropriations Committee

Supplemental Corporate Fee: Specifies that fee for application for reinstatement following administrative dissolution includes specified late charge; deletes exception for liability for late charge; requires inclusion of reinstatement application fee under fees owed by corporation seeking reinstatement after administrative dissolution. Effective Date: July 1, 2010

HB 5603
Relating to Department of Financial Services
Government Operations Appropriations Committee

Department of Financial Services: Authorizes Division of Insurance Fraud & Office of Fiscal Integrity to conduct enforcement investigations; transfers Office of Fiscal Integrity of Division of Accounting & Auditing of DFS to Division of Insurance Fraud; revises criteria for premiums charged to agencies & departments for purposes of State Risk Management Trust Fund; revises reporting requirements on state insurance program; requires specified agencies to establish & maintain return-to-work programs for specified employees; provides program goals; requires Division of Risk Management to evaluate agency risk management programs; requires agencies to respond to division's evaluation & recommendations; requires division to submit evaluation report to legislative appropriations committees; provides for reversion of specified unencumbered & undisbursed funds to Workers' Compensation Administration Trust Fund. Effective Date: July 1, 2010

HB 5607
Relating to Retirement
Government Operations Appropriations Committee

Retirement: Revises payroll contribution rates for membership classes of FRS for state fiscal years effective July 1, 2010, & July 1, 2011; deletes provision providing for recognition & usage of current available excess assets of FRS Trust Fund to offset employer contribution rates for FRS; requires state actuary to consider additional factors when conducting annual actuarial study of FRS; specifies factors to be considered; provides declaration of important state interest. Effective Date: July 1, 2010

HB 5611
Relating to Department of Management Services
Government Operations Appropriations Committee

Department of Management Services: Provides that fees collected by DMS for use of its electronic information services & online procurement systems in excess of obligations & encumbrances to cover DMS's costs of providing services shall be calculated annually & transferred to General Revenue Fund; repeals provisions relating to creation of Council on Efficient Government within DMS; requires that business case be submitted in form & manner required by budget instructions. Effective Date: July 1, 2010

HB 5705
Relating to State Employees
Full Appropriations Council on Education & Economic Development

State Employees: Provides for resolution of economic collective bargaining issues at impasse between State of Florida & certified bargaining units for state employees pursuant to specified instructions. Effective Date: July 1, 2010

HB 5801
Relating to Taxation
Finance & Tax Council

Taxation: Directs DOR to develop & implement amnesty program for taxpayers subject to state & local taxes; provides time periods, program guidelines, eligible participants, & for waiver of penalties & interest; provide that DOR may release confidential taxpayer information relating to corporation having outstanding tax warrant to DBPR; authorizes DOR to publish list of taxpayers against whom DOR has filed warrant or judgment lien certificate or taken collection action; authorizes DBPR to revoke or deny renewal of license to operate public lodging establishment or public food service establishment under specified circumstances; authorizes DOR to revoke all certificates of registration, permits, or licenses issued to taxpayer against whose property DOR has filed warrant or tax lien; provides for transfer of tax liabilities to transferee of business or stock of goods under specified circumstances; makes permanent methodology for determining value of assessments for specified homesteads. Effective Date: upon becoming a law

HB 7103
Relating to Agriculture
Agriculture & Natural Resources Policy Committee

Agriculture: Prohibits county from enforcing certain limits on bona fide farm operation on agricultural land; prohibits county from charging agricultural lands for stormwater management assessments & fees; provides exemptions from certain restrictions on county's powers over activity on agricultural land; creates "Agricultural Land Acknowledgement Act"; requires applicant for certain development permits to sign & submit acknowledgement of certain contiguous agricultural lands as condition of political subdivision issuing permits; authorizes persons selling certain agricultural products who are not natural persons to qualify for exemption from obtaining local business tax receipt; revises term "farm tractor" for purposes of drivers' licenses; revises term "agricultural products" to make tropical foliage exempt from agricultural products dealer regulations; exempts farm fences from Florida Building Code; exempts nonresidential farm buildings & farm fences from county & municipal codes & fees; requires that gross written premiums for certain crop insurance not be included when calculating insurer's gross writing ratio; requires that liabilities for ceded reinsurance premiums be netted against asset for amounts recoverable from reinsurers; requires that insurers who write other insurance products disclose breakout of gross written premiums for crop insurance; expands materials used in agricultural operations that may be disposed of by open burning; provides certain limitations on open burning. Effective Date: July 1, 2010

HB 7203
Relating to Community Development Districts
Finance & Tax Council

Community Development Districts: Authorizes specified community development districts to levy tax on rental or license fee for use of real property; requires approval by district board of supervisors & district landowners; provides procedure to enact tax; provides for effective date of tax; provides for expiration of tax under specified circumstances; specifies uses of tax proceeds; requires prior approval by district board for expenditures of tax proceeds; specifies tax charging & collection requirements; provides for exempting specified transactions; requires local administration of tax; requires adoption of resolution; specifies requirements for local administration; specifies that tax constitutes lien for specified purposes. Effective Date: July 1, 2010

HB 7243
Relating to Environmental Control
General Government Policy Council

Environmental Control: Requires Enterprise Florida, Inc., to provide technical assistance to DEP in creation of Recycling Business Assistance Center; provides that financial responsibility for mitigation for wetlands & other surface waters required by permit for activities associated with extraction of limestone are subject to approval by DEP as part of permit application review; provides for creation of voluntary recyclers certification program, etc. Effective Date: July 1, 2010

Search Results

Num	Title	Sponsor	Last	all =>
HB 0001	**Relating to Statutes of Limitations**	Porth	04/30/10	
	Statutes of Limitations: Designates act "Jeffrey Klee Memorial Act"; eliminates statute of limitations for wrongful death actions for intentional torts resulting in death from acts described in specified provisions relating to murder & manslaughter; provides for application. Effective Date: upon becoming a law 04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)			
SB 0002	**Relating to Class Size Requirements for Public Schools**	Gaetz	04/09/10	
	Class Size Requirements for Public Schools [WPSC]; Proposes amendments to the State Constitution to revise class size requirements for public schools and to provide an effective date. 04/09/10 - SENATE Enrolled Text (ER) Filed			
SB 0004	**Relating to Education Accountability**	Detert	04/20/10	
	Education Accountability [SPSC]; Amends a provision relating to secondary school redesign, to delete obsolete provisions and to conform to changes made by the act. Revises requirements for middle grades promotion. Provides that successful completion of a high school level Algebra I, Geometry, or Biology I course is not contingent upon a student's performance on the end-of-course assessment. Revises requirements for high school graduation. Creates the Credit Acceleration Program, etc. EFFECTIVE DATE: 07/01/2010. 04/20/10 - Approved by Governor, Chapter No. 2010-22			
HB 0005	**Relating to Road, Bridge, and Building Designations**	Grimsley	04/29/10	
	Road, Bridge, and Building Designations: Designates Doolittle Raiders Highway in Okaloosa and Walton Counties; designates Beach Highway in Walton County; designates Command Sergeant Major Gary Littrell Medal of Honor Causeway and Bridge in Pinellas County; Designates Perdido Key Parkway in Escambia County; designates Andrew J. Capeletti Memorial Ramp and Jose Regueiro Avenue in Miami-Dade County; directs the Department of Transportation to erect suitable markers, etc. Effective Date: July 1, 2010 04/29/10 - HOUSE Enrolled Text (ER) Filed			
SB 0006	**Relating to Education Personnel**	Thrasher	04/16/10	
	Education Personnel [SPSC]; Authorizes the release of child abuse records to certain employees and agents of the Department of Education. Requires school districts to develop and implement end-of-course assessments. Creates the Performance Fund for Instructional Personnel and School-Based Administrators. Limits bonuses under the Dale Hickam Excellent Teaching Program to individuals who remain continuously employed in a public school in this state, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided. 04/16/10 - SENATE Veto Message received			
SB 0010	**Relating to Balanced Federal Budget**	Atwater	04/22/10	
	Balanced Federal Budget [SPSC]; Urges Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States to provide for a balanced federal budget and limit the ability of Congress to dictate to states requirements for the expenditure of federal funds 04/22/10 - SENATE Enrolled Text (ER) Filed			
HB 0011	**Relating to Crimes Against Homeless Persons**	Porth	04/30/10	
	Crimes Against Homeless Persons: Reclassifies offenses evidencing prejudice based on homeless status of victim. Effective Date: October 1, 2010			

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0012	**Relating to Relief/Stephen Hall/DOT**	Haridopolos	04/30/10

Relief/Stephen Hall/DOT [WPSC]; Compensates Stephen Hall for injuries sustained as a result of the negligence of an employee of the Department of Transportation. Provides a limitation of the payment of fees and costs, etc. CLAIM WITH APPROPRIATION: $388,000. EFFECTIVE DATE: 04/30/2010.

04/30/10 - Approved by Governor

HB 0025	**Relating to Temporary and Concurrent Custody of a Child**	Glorioso	04/30/10

Temporary and Concurrent Custody of a Child: Provides that parent assigned to military service on orders in excess of specified period may designate person to exercise time-sharing on parent's behalf; limits who may be designated; provides for expedited hearings; requires servicemember & nonmilitary parent to cooperate to resolve issues & share information; revises provisions relating to petitions & court orders awarding temporary custody of child to extended family member, to also provide for concurrent custody with parents of child; revises petition for concurrent custody to require additional information; provides that if parent objects to petition for concurrent custody, court may not grant petition & must give petitioner option of converting petition to one for temporary custody; provides for dismissal of petition; provides that order granting concurrent custody does not affect ability of parents to obtain physical custody of child at any time; provides for court to terminate order for concurrent custody if either or both parents object to order; provides for filing for temporary custody if order for concurrent custody has been terminated; provides for modification of existing child support order. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0029	**Relating to Road and Bridge Designations**	Bembry	04/06/10

Road and Bridge Designations: Designates Ray Charles Memorial Parkway in Madison County, Deputy Victor J. "Skip" McDonald Memorial Highway & Trooper Charles Eugene Campbell Memorial Highway in Taylor County, Frank Pasquarella Way, Bob Arbetter's Way, & Don Shula Drive in Miami-Dade County, Captain Chad Allen Reed, Sr., Memorial Highway in Dixie County, & Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; directs DOT to erect suitable markers. Effective Date: July 1, 2010

04/06/10 - Approved by Governor

SB 0030	**Relating to Relief/Lois Lacava/Munroe Regional Health System**	Dean	04/28/10

Relief/Lois Lacava/Munroe Regional Health System [SPSC]; Compensates Lois H. Lacava for injuries sustained as a result of the negligence of the Munroe Regional Medical Center. Provides a limitation on the payment of fees and costs, etc. CLAIM: $250,000. EFFECTIVE DATE: Upon becoming law.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0031	**Relating to Public Education**	Drake	04/29/10

Public Education: Prohibits district school boards, administrative personnel, & instructional personnel from taking affirmative action that infringes or waives rights or freedoms afforded by First Amendment to United States Constitution in absence of certain consent. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0033	**Relating to Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age**	Randolph	04/30/10

Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age: Increases penalty imposed for second or subsequent offense of selling, giving, or serving alcoholic beverages to person under 21 years of age within specified period following prior offense; provides defense. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0037	**Relating to Health Care Services**	Plakon	04/23/10

Health Care Services: Proposes creation of s. 28, Art. I of State Constitution to prohibit laws or rules from compelling any person, employer, or health care provider to participate in any health care system, permit person or employer to purchase lawful health care services directly from health care provider, permit health care provider to accept direct payment from person or employer for lawful health care services, exempt persons, employers, & health care providers from penalties & fines for paying or accepting direct payment for lawful health care services, & permit purchase or sale of health insurance in private health care systems; specifies what amendment does not affect or prohibit. Effective Date: Not Specified

04/23/10 - HOUSE Ordered Enrolled

SB 0046	**Relating to Relief/Edwidge Valmyr/City of North Miami**	Peaden, Jr.	04/28/10

Relief/Edwidge Valmyr Gabriel/City of North Miami [EPSC]; Provides relief for Edwidge Valmyr Gabriel, as parent and natural guardian of her son, Stanley Valmyr, a minor, and as personal representative of the Estate of Stanley Valmyr, deceased, by the City of North Miami. Compensates her for the wrongful death of her son, Stanley Valmyr, as a result of the negligence of the City of North Miami. Provides a limitation on the payment of fees and costs, etc. CLAIM: $754,186. EFFECTIVE DATE: Upon becoming law.

04/28/10 - SENATE Enrolled Text (ER) Filed

SB 0050	**Relating to Relief/Madonna Castillo/City of Hialeah**	Rich	04/28/10

Relief/Madonna Castillo/City of Hialeah [EPSC]; Provides for an appropriation to compensate her for injuries and damages that she sustained as a result of the negligence of the City of Hialeah. Provides a limitation on the payment of fees and costs. CLAIM: $500,000. EFFECTIVE DATE: Upon becoming law.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0053	**Relating to License Plates**	Lopez-Cantera	04/30/10

License Plates: Creates St. Johns River license plate; establishes annual use fee for plate; provides for distribution of use fees received from sale of such plates. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0054	**Relating to Relief/Erskin Bell, II/City of Altamonte Springs**	Gardiner	04/28/10

Relief/Erskin Bell, II/City of Altamonte Springs [SPSC]; Compensates Erskin Bell, II, for injuries and damages sustained as the result of negligence by the City of Altamonte Springs. Provides a limitation on the payment of fees and costs, etc. CLAIM: $150,000. EFFECTIVE DATE: Upon becoming law.

04/28/10 - SENATE Enrolled Text (ER) Filed

SB 0060	**Relating to Relief/Pierreisna Archille/DCFS**	Storms	04/30/10

Relief/Pierreisna Archille/DCFS [SPSC]; Compensates Pierreisna Archille, a mentally disabled person, by and through Darlene Archille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services. Provides for reversion of funds. Provides a limitation on the payment of attorney's fees, lobbying fees, costs, and other similar expenses, etc. CLAIM WITH APPROPRIATION: $1,200,000. EFFECTIVE DATE: Upon becoming law.

04/30/10 - SENATE Enrolled Text (ER) Filed

HB 0083	**Relating to Specialty License Plates**	Crisafulli	05/04/10

Specialty License Plates: Creates Endless Summer license plate; establishes annual use

fee for plate; provides for distribution of use fees received from sale of such plates. Effective Date: October 1, 2010

05/04/10 - HOUSE Enrolled Text (ER) Filed

HB 0091	**Relating to Adult Protective Services**	Wood	04/30/10

Adult Protective Services: Revises legislative intent with respect to adult protective services; provides for care & protection of all vulnerable adults; provides for certain suspected abuse cases to be transferred to local county sheriff's office; provides for DCFS to file petition to determine incapacity & guardianship; authorizes DHSMV to provide copies of drivers' license files to DCFS to conduct protective investigations. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0105	**Relating to Civics Education**	McBurney	04/30/10

Civics Education: Designates act "Justice Sandra Day O'Connor Civics Education Act"; provides requirement that reading portion of language arts curriculum include civics education content for all grade levels; provides requirements for civics education course that student must successfully complete for middle grades promotion; requires administration of end-of-course assessment in civics education as field test at middle school level; provides requirements for course grade & course credit; requires inclusion of civics education end-of-course assessment data in determining school grades. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0109	**Relating to Excise Tax on Documents**	Jenne	04/30/10

Excise Tax on Documents: Excludes unpaid indebtedness from taxable consideration for short sales of real property; defines term "short sale." Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0119	**Relating to Sexual Offenders and Predators**	Glorioso	04/30/10

Sexual Offenders and Predators: Prohibits loitering or prowling by certain offenders within specified distance of places where children were congregating; prohibits certain actions toward child at public park or playground by certain offenders; prohibits presence of certain offenders at child care facility or pre- K through 12 school without notice & supervision; provides exceptions; provides penalties, etc. Effective Date: upon becoming a law

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0131	**Relating to Elections**	Adams	04/30/10

Elections: Provides that all matters in chapters 97 through 105, F.S., are preempted to state, unless otherwise specified; defines term "absent uniformed services voter"; revises definition of term "overseas voter"; revises voter challenge oath requirements; provides circumstances under which challenged voter may execute change of legal residence, be directed to proper precinct, or vote provisional ballot, etc. Effective Date: upon becoming a law, except as otherwise provided

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 0140	**Relating to School Food Service Programs**	Siplin	04/28/10

School Food Service Programs [SPSC]; Creates the Florida Farm Fresh Schools Program within the DOE. Requires the department to work with the DOACS to develop policies that encourage school districts to buy fresh and local food and select foods with maximum nutritional content. Requires the DOE, in collaboration with the DOACS, to provide outreach services regarding the benefits of fresh food products from this state, etc. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0143	**Relating to Exemption for Aircraft Assembly**	Ray	04/30/10

	and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements		
	Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements: Exempt hangars used to assemble or manufacture aircraft from transportation concurrency requirements. Effective Date: July 1, 2010 04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)		
SB 0150	**Relating to Athletic Coaches**	Ring	04/30/10
	Athletic Coaches [SPSC]; Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries. Requires the independent sanctioning authority to disqualify any athletic coach appearing on a registry. Requires said sanctioning authority to maintain documentation of screening results and disqualification notices, etc. EFFECTIVE DATE: 07/01/2010. 04/30/10 - SENATE Enrolled Text (ER) Filed		
HB 0159	**Relating to Guaranty Associations**	Legg	04/30/10
	Guaranty Associations: Exempts workers' compensation claims under employer liability coverage from application of specified requirements; authorizes insurers to recoup specified assessments levied by OIR; expands application of state law to specified residents of other states who own insurance policies; expands list of contracts & policies to which life & health insurance guaranty of payments provisions do not apply; provides for application to coverage under structured settlement annuities; revises guaranty association's aggregate liability for life insurance & deferred annuity contracts; authorizes association to issue alternative policies or contracts; subjects such alternative policies or contracts to specified requirements; authorizes association to succeed to rights of insolvent insurer arising after order of liquidation or rehabilitation relating to contracts of reinsurance; requires that such association pay all unpaid premiums due under contract; specifies that advertisement prohibitions do not prohibit furnishing specified written information in form prepared by association. Effective Date: July 1, 2010 04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)		
HB 0163	**Relating to Prepaid Wireless Telecommunications Service**	Gibbons	04/30/10
	Prepaid Wireless Telecommunications Service: Removes provisions for study of feasibility of collecting E911 fee on sale of prepaid wireless telecommunications service; prohibits collection of fee until after certain date; revises limitation on amount of funds received by county from E911 fee which may be carried forward to following year. Effective Date: July 1, 2010 04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)		
SB 0166	**Relating to Prescribed Pancreatic Enzyme Supplements/Use**	Wise	04/28/10
	Prescribed Pancreatic Enzyme Supplements/Use [SPSC]; Authorizes certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances. Requires the State Board of Education to adopt rules. Provides for indemnification. EFFECTIVE DATE: 07/01/2010. 04/28/10 - SENATE Enrolled Text (ER) Filed		
HB 0173	**Relating to Tax on Sales, Use, and Other Transactions**	Poppell	04/30/10
	Tax on Sales, Use, and Other Transactions: Provides alternative tax rate on sales of aircraft; exempts from use tax aircraft owned by nonresidents & entering & remaining in		

state for specified purposes; deletes mandatory penalty provision; deletes authorization to return specified aircraft to state for repairs without liability for taxes & penalty under specified circumstances. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text Filed (ER)

SB 0176	**Relating to Road Designations/Duval County**	Wise	03/30/10

Road Designations/Duval County [CPSC]; Designates the James E. "Jim" King, Jr., Parkway, the Hans G. Tanzler, Jr., Interstate, and the Don Davis Memorial Interchange in Duval County. Directs the Department of Transportation to erect suitable markers. EFFECTIVE DATE: 07/01/2010.

03/30/10 - Approved by Governor

HB 0191	**Relating to Ecumenical Patriarchate**	Nehr	04/29/10

Ecumenical Patriarchate: Urges Congress to encourage Government of Turkey to grant Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, & right to train clergy of all nationalities & to respect property rights & human rights of Ecumenical Patriarchate. Effective Date: Not Specified

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0200	**Relating to Parole Interview Dates for Certain Inmates**	Baker	04/28/10

Parole Interview Dates for Certain Inmates [WPSC]; Extends from 5 to 7 years the period between parole interview dates for inmates convicted of violating specified provisions or serving a mandatory minimum sentence under a specified provision. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

SB 0206	**Relating to District School Board Policies and Procedures**	Hill	04/28/10

District School Board Policies and Procedures [SPSC]; Provides legislative intent to recognize student academic achievement. Encourages each district school board to adopt policies and procedures that provide for an annual "Academic Scholarship Signing Day." EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0227	**Relating to Control of Florida National Guard by Governor**	Adams	04/30/10

Control of Florida National Guard by Governor: Urges Congress to preserve authority of Governor to retain command & control of Florida National Guard & to reject any changes to federal law that would restrict or diminish authority of Governor to activate Florida National Guard in response to domestic crisis, disaster, or other emergency. Effective Date: Not Specified

04/30/10 - Signed by Officers and filed with Secretary of State

HB 0263	**Relating to Department of Highway Safety and Motor Vehicles**	Llorente	04/30/10

Department of Highway Safety and Motor Vehicles: Requires application form for motor vehicle registration or renewal of registration to include language permitting applicant to make voluntary contribution to Prevent Child Sexual Abuse; requires application form for original, renewal, or replacement driver's license or identification card to include language permitting applicant to make voluntary contribution to certain nonprofit organizations; requires such forms to include language permitting applicant to make voluntary contribution to Prevent Child Sexual Abuse & to Prevent Blindness Florida; provides for distribution of funds collected from such contributions; provides that such contributions are not considered income of revenue nature; removes provisions requiring application form for renewal of driver's license to include language permitting applicant to make voluntary contribution to Prevent Blindness Florida & to Family First. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0281	**Relating to Communications Services Taxes**	Schultz	04/30/10

Communications Services Taxes: Authorizes dealers to report credit for bad debt by netting credit against tax due; authorizes dealers to use proportionate allocation method or other reasonable method in determining amount of bad debt attributable to state or local jurisdiction; provides for retroactive operation; specifies that act is remedial in nature & not basis for refunds of tax. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0289	**Relating to Specialty License Plates**	Brandenburg	04/30/10

Specialty License Plates: Revises authorized uses of revenue received from sale of Sea Turtle license plate; creates Fraternal Order of Police license plate; establishes annual use fee for plate; provides for distribution of use fees received from sale of such plates. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0295	**Relating to Food Service Inspections of Domestic Violence Centers and Group Care Homes**	Hukill	04/27/10

Food Service Inspections of Domestic Violence Centers and Group Care Homes: Includes within DOH's environmental health program investigation of food service programs of domestic violence centers and group care homes; excludes domestic violence centers from definition of term "food service establishment" under certain conditions. Effective Date: July 1, 2010

04/27/10 - Approved by Governor; Chapter No. 2010-28

HB 0303	**Relating to Regulation of Real Estate Appraisers and Appraisal Management Companies**	Hudson	04/30/10

Regulation of Real Estate Appraisers and Appraisal Management Companies: Revises membership of Florida Real Estate Appraisal Board; requires appraisal management companies to register with DBPR; specifies application requirements & procedures; requires application, registration, & renewal fees for appraisal management companies; requires fingerprinting & criminal history records checks of, & provides qualifications for, certain persons who control appraisal management companies; requires nonresident appraisal management companies to consent to commencement of actions in this state; provides for discipline of appraisal management companies by Florida Real Estate Appraisal Board; provides penalties; revises requirements for retention of appraisal records; requires appraisal management companies to follow such requirements; requires DBPR & board to adopt certain rules. Effective Date: July 1, 2011

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0312	**Relating to Pub. Rec./Public Defenders/Regional Counsel**	Jones (D)	04/28/10

Pub. Rec./Public Defenders/Regional Counsel [SPSC]; Creates a public records exemption for specified personal information of current and former public defenders and criminal conflict and civil regional counsel, as well as their spouses and children. Provides for future legislative review and repeal of the exemption under the Open Government Sunset Review Act. Provides a statement of public necessity. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0315	**Relating to Adoption**	Horner	04/06/10

Adoption: Prohibits adoption agency or entity from making suitability determinations based on, requiring disclosure relating to, or restricting lawful possession, storage, or use of firearm or ammunition; provides additional requirements for child-placing agencies; provides additional rulemaking requirements for DCFS; creates additional grounds for

denial, suspension, or revocation of license. Effective Date: upon becoming a law
04/06/10 - Approved by Governor; Chapter No. 2010-6

HB 0317	**Relating to Threats**	Adkins	04/30/10

Threats: Revises provisions relating to sending of or procuring sending of letters or inscribed communications containing certain threats of death or bodily injury; includes electronic communications in provisions. Effective Date: October 1, 2010
04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0318	**Relating to Wildlife Regulation**	Sobel	04/28/10

Wildlife Regulation [EPSC]; (THIS BILL COMBINES S318 & CS/S572) Prohibits the import or release of nonnative animals in this state unless authorized by the FWC. Requires that any person or entity wishing to keep wildlife in captivity or sell specified species of wildlife obtain a permit from the FWC. Requires that the FWC annually evaluate the placement of additional species on the list of reptiles of concern beginning by a specified date, etc. EFFECTIVE DATE: 07/01/2010.
04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0321	**Relating to Road Designations**	Boyd	04/30/10

Road Designations: Designates Veterans Memorial Highway & Sergeant Ricky Lord Road in Gilchrist County & Anthony J. Perez Street, Orange Bowl Way, John Torrese Family Road, Manuel Capo Way, Manuel Capo Boulevard, & Lt. Colonel Charles Brown Memorial Highway in Miami-Dade County; revises designation of Jose A. Marques Boulevard in Miami-Dade County; directs DOT to erect suitable markers. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0325	**Relating to Uniform Traffic Control**	Reagan	04/30/10

Uniform Traffic Control: Preempts to state use of cameras to enforce traffic laws; authorizes counties & municipalities to use traffic infraction detectors under certain circumstances; creates Mark Wandall Traffic Safety Program; authorizes DHSMV, county, or municipality to use traffic infraction detector to identify motor vehicle that fails to stop at traffic control signal steady red light, etc. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0341	**Relating to H. Lee Moffitt Cancer Center and Research Institute**	Coley	04/30/10

H. Lee Moffitt Cancer Center and Research Institute: Revises provisions relating to establishment of institute & specifies primary responsibilities; conforms provisions relating to agreement by BOG & not-for-profit corporation for use of facilities; specifies that corporation & its not-for-profit subsidiaries shall conclusively act as instrumentalities of state for purposes of sovereign immunity; authorizies use of land, facilities, & personnel for teaching & research programs conducted by state universities; revises provisions relating to control & sharing of certain income. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0350	**Relating to Tomato Food Safety**	Dean	04/27/10

Tomato Food Safety [EPSC]; Requires minimum food safety standards for producing, harvesting, packing, and repacking tomatoes. Authorizes the DOACS to inspect tomato farms, greenhouses, and packinghouses or repackers. Provides a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances. Revises duties of the Division of Fruit and Vegetables for tomato food safety inspections, etc. EFFECTIVE DATE: 07/01/2010.
04/27/10 - Approved by Governor; Chapter No. 2010-25

HB 0351	**Relating to Specialty License Plates**	Patterson	04/30/10

Specialty License Plates: Creates Catch Me, Release Me license plate, Florida Horse

Park license plate, & Florida Biodiversity Foundation license plate; establishes annual use fee for plates; provides for distribution of use fees received from sale of such plates; revises portion of use fees collected from sale of Florida Salutes Veterans license plate that shall be distributed to direct-support organization; revises time period during which such distribution shall be made. Effective Date: October 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 0366	**Relating to Retail Sales of Smoking Pipes and Devices**	Wise	04/28/10

Retail Sales of Smoking Pipes and Devices [CPSC]; Prohibits retail sales of certain smoking pipes and smoking devices under certain circumstances. Specifies criteria for the lawful sales of such items. Provides a criminal penalty for unlawful sales of such items. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

SB 0370	**Relating to Community Corrections Assistance**	Joyner	04/28/10

Community Corrections Assistance [SPSC]; Adds rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0393	**Relating to Pub. Rec./Public Transit Provider**	Bovo	04/29/10

Pub. Rec./Public Transit Provider: Provides exemption from public records requirements for personal identifying information held by public transit provider for purpose of facilitating prepayment of transit fares or acquisition of prepaid transit fare card or similar device; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0399	**Relating to Motor Vehicles**	Kelly	04/30/10

Motor Vehicles: Requires applications for motor vehicle registrations or renewals thereof & applications for driver's licenses & duplicates or renewals thereof to include language permitting applicants to make voluntary contributions to Blind Babies & Blind Youth Services, to Senior Vision Services, & for services for persons with developmental disabilities; provides for distribution of funds collected from voluntary contributions; provides that such contributions are not considered income of revenue nature. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0423	**Relating to Seminole County Port Authority, Seminole County**	Dorworth	04/29/10

Seminole County Port Authority, Seminole County: Codifies, amends, reenacts, & repeals special acts relating to district; provides for warrants by chairperson, treasurer, or certain other persons; provides that authority may hold books open for period after fiscal year; provides that authority shall comply with general law for cost of construction & supplies; provides for execution of documents & examination of claims; provides for charter to supersede chapter 315, F.S., in certain circumstances. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0431	**Relating to Peace Creek Drainage District, Polk County**	Wood	04/29/10

Peace Creek Drainage District, Polk County: Abolishes district; provides for transfer of district assets & indebtedness; repeals special acts relating to district. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0434	**Relating to Suicide Prevention Education**	Sobel	04/28/10

Suicide Prevention Education [SPSC]; Deletes references to inactive organizations

represented by members of the Suicide Prevention Coordinating Council and replaces with active organizations. Requires that district school boards provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district professional development system. EFFECTIVE DATE: 07/01/2010.
04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0435	**Relating to Marketable Record Title**	Abruzzo	04/29/10

Marketable Record Title: Revises exceptions to marketability by including any right, title, or interest held by Board of Trustees of Internal Improvement Trust Fund, any water management district, or United States; conforms provisions to changes made by act; provides requirements for recorded notice to preserve claim of right. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0436	**Relating to Community Colleges**	Baker	04/20/10

Community Colleges [SPSC]; Amends a specified provision relating to educational institutes. Conforms provisions. Renames Central Florida Community College as "College of Central Florida." Renames Lake City Community College as "Florida Gateway College." Renames Palm Beach Community College as "Palm Beach State College." Renames Seminole Community College as "Seminole State College of Florida." EFFECTIVE DATE: 04/20/2010.
04/20/10 - Approved by Governor, Chapter No. 2010-23

HB 0437	**Relating to Contingency Fee Agreements Between the Department of Legal Affairs and Private Attorneys**	Eisnaugle	04/14/10

Contingency Fee Agreements Between the Department of Legal Affairs and Private Attorneys: Prohibits DLA from entering into contingency fee contract with private attorney unless AGO makes written determination prior to entering into such contract that contingency fee representation is both cost-effective & in public interest; requires written determination to include certain findings; requires AGO, upon making his or her written determination, to request proposals from private attorneys to represent DLA on contingency-fee basis unless AGO determines in writing that requesting such proposals is not feasible under the circumstances; provides that written determination does not constitute final agency action; provides that request for proposals & contract award are not subject to challenge under APA; requires maintenance of specified records; limits amount of contingency fee that may be paid to private attorney pursuant to contract with DLA; requires Internet posting of specified information. Effective Date: July 1, 2010
04/14/10 - Approved by Governor, Chapter No. 2010-7

HB 0449	**Relating to Sanctions for Certain Court Pleadings**	Steinberg	04/29/10

Sanctions for Certain Court Pleadings: Prohibits monetary sanction against represented party for claim that is presented as good faith argument but that is found to not be supported by application of then-existing law to material facts; prohibits sanctions against party or its attorneys by court on its own initiative if case has already been settled or voluntarily dismissed by that party. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0451	**Relating to Space Florida**	Crisafulli	04/29/10

Space Florida: Revises provisions for governing board of Space Florida to terminate existing board & replace it with new board; provides for membership, organization, meetings, & actions of board; provides for reimbursement of expenses; requires members to file disclosure of financial interests. Effective Date: upon becoming a law
04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0464	**Relating to Military Affairs/Leave of Absence**	Fasano	04/27/10

Military Affairs/Leave of Absence [GPSC]; Amends specified provision relating to provisions authorizing leave of absence for officers and employees of the state or

counties, municipalities, or political subdivisions who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or who are members of the National Guard. Provides for the appointment of a second Assistant Adjutant General for the Florida National Guard Army, etc. EFFECTIVE DATE: 07/01/2010.

04/27/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/12/10)

HB 0467	**Relating to Public K-12 Education**	Jones (M)	04/30/10

Public K-12 Education: Provides that comprehensive health education taught in public schools shall include component on teen dating violence & abuse for students in grades 7 through 12; requires district school boards to adopt & implement dating violence & abuse policy; requires DOE to develop model policy; requires school personnel training. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0483	**Relating to Tax on Sales, Use, and Other Transactions**	Rivera	04/29/10

Tax on Sales, Use, and Other Transactions: Specifies period during which sale of books, clothing, & school supplies is exempt from tax. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0488	**Relating to Vehicle Registration Forms/Voluntary Contribution**	Lynn	04/28/10

Vehicle Registration Forms/Voluntary Contribution [CPSC]; Requires motor vehicle registration application forms to provide for a voluntary contribution to Florida Network of Children's Advocacy Centers, Inc. Provides for the use of such funds. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 0491	**Relating to Teaching Nursing Homes**	Bogdanoff	04/29/10

Teaching Nursing Homes: Revises term "teaching nursing home" as it relates to implementation of teaching nursing home pilot project; revises requirements to be designated as teaching nursing home. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0492	**Relating to Garnishment/Exemption of Wages**	Smith	04/29/10

Garnishment/Exemption of Wages [CPSC]; Increases the amount of wages of a head of family which is exempt from garnishment. Provides a form that must be used for an agreement to waive the exemption from garnishment. Increases the amount of wages of a head of family which is exempt from garnishment. EFFECTIVE DATE: 10/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 0502	**Relating to Special Investigators**	Aronberg	04/29/10

Special Investigators [SPSC]; Deletes a requirement that investigators be employed on a full-time basis. Specifies matters that may be investigated by special investigators. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0511	**Relating to Collier County**	Hudson	04/29/10

Collier County: Provides charter; creates independent special district to provide children's services in county; provides for governing board, membership, terms, powers, & duties; authorizes reimbursement for per diem & travel expenses; requires certain reports & audits; specifies fiscal year; provides financial requirements & budget procedures; authorizes levy of ad valorem assessments & provides millage cap; requires surety bond of certain persons; provides requirements for amendment or dissolution of district; provides for referendums. Effective Date: only upon its approval by a majority vote of those qualified electors of Collier County voting in a referendum to be held by the Board of County Commissioners of Collier County in conjunction with the next primary, general, or special election in Collier County, except that this section shall take effect upon this act

becoming a law
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0521	**Relating to Interstate Compact on Educational Opportunity for Military Children**	Proctor	04/30/10

Interstate Compact on Educational Opportunity for Military Children: Abrogates future repeal of compact; deletes provisions relating to disclosure of information & records & closure of meetings by Interstate Commission on Educational Opportunity for Military Children; provides for future legislative review & repeal of compact. Effective Date: upon becoming a law
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0523	**Relating to Florida Civil Rights Hall of Fame**	Williams (A)	04/30/10

Florida Civil Rights Hall of Fame: Provides for establishment & location of Florida Civil Rights Hall of Fame; provides for selection of hall-of-fame members by Governor upon recommendations by Florida Commission on Human Relations; provides criteria for such recommendations; authorizes commission to set time periods for nomination & selection of hall-of-fame members; assigns responsibility for certain hall-of-fame costs. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0525	**Relating to Statutes of Limitation for Sexual Battery**	Dorworth	04/30/10

Statutes of Limitation for Sexual Battery: Eliminates statutes of limitations to institution of criminal or civil actions relating to sexual battery of child if victim is under 16 years of age at time of offense; provides applicability. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0545	**Relating to Residential Property Sales**	Patterson	04/30/10

Residential Property Sales: Repeals provision requiring disclosures of residential property windstorm mitigation ratings to purchasers in wind-borne debris regions. Effective Date: upon becoming a law
04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 0550 ▼	**Relating to Environmental Protection**	Constantine	04/30/10

Environmental Protection [EPSC]; Creates specified provisions relating to water supply policy, planning, production, and funding. Provides for the general powers and duties of water management district governing boards. Provides for the inclusion of wastewater utilities, reuse utilities, and the DEP in the regional water supply planning process. Reduces the frequency of compliance reports during the term of a consumptive use permit, etc. EFFECTIVE DATE: 07/01/2010.
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0551	**Relating to Pub. Rec. & Meetings/County/Complaints on Conduct/Disclosure**	Eisnaugle	04/29/10

Pub. Rec. & Meetings/County/Complaints on Conduct/Disclosures: Revises exemption from public record & public meeting requirements for complaints & related records in custody of & proceedings conducted by county or municipality with established local investigatory process to enforce more stringent standards of conduct & disclosure requirements; provides for future legislative review & repeal of exemptions under Open Government Sunset Review Act; provides statement of public necessity. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0569 ▼	**Relating to Landfills**	Poppell	04/30/10

Landfills: Authorizes disposal of yard trash at specified Class I landfills; requires such

landfills to obtain modified operating permit; requires permittees to certify certain collection & beneficial use of landfill gas; provides applicability. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0573	**Relating to Physician Assistants**	Kreegel	04/30/10

Physician Assistants: Deletes requirements that physician assistants file evidence of certain clinical experience before prescribing or dispensing medication; authorizes electronic submission of physician assistant license applications & other required documentation. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0615	**Relating to Substantial Assistance**	Brandenburg	04/29/10

Substantial Assistance: Permits state attorney to request sentencing court to reduce or suspend sentence of convicted felon who provides substantial assistance in identification, arrest, or conviction of any accomplice, accessory, coconspirator, or principal of that felon or another felon; provides that arresting agency be given opportunity to be heard in aggravation or mitigation; provides that motion may be filed & heard in camera for good cause shown; provides that judge may reduce or suspend sentence if judge finds that defendant rendered substantial assistance. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0622	**Relating to Gaming**	Jones (D)	04/28/10

Gaming [CPSC]; Amends specified provision relating to compact authorization. Provides that specified agreements executed by the Seminole Tribe of Florida and the Governor are void and not in effect. Ratifies and approves a specified compact executed by the Tribe and the Governor. Directs the Governor to cooperate with the Tribe in seeking approval of the compact from the United States Secretary of the Interior, etc. EFFECTIVE DATE: 04/28/2010.

04/28/10 - Approved by Governor; Chapter No. 2010-29

HB 0631	**Relating to Motor Vehicles**	Burgin	04/30/10

Motor Vehicles: Removes requirement that HSMV adopt uniform written notice to be used to enforce provisions that prohibit parking motor vehicle on certain property for purpose of displaying motor vehicle as being for sale, hire, or rental; removes requirement that each law enforcement agency provide its own notice for such enforcement, etc. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrossed Text (E3) Filed

SB 0644	**Relating to Direct-support Org./Department of Military Affairs**	Justice	04/29/10

Direct-support Org./Department of Military Affairs [WPSC]; Authorizes the direct-support organization to support the processing of requests from the Soldiers and Airmen Assistance Program or similar programs. Requires the direct-support organization to submit its annual budget and financial reports to the DMA. Requires the financial committee of the board of directors of the direct-support organization for the DMA to review the financial transactions of the program quarterly, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0661	**Relating to Minimum Surplus Requirements for Mortgage Guaranty Insurers**	Nelson	04/30/10

Minimum Surplus Requirements for Mortgage Guaranty Insurers: Authorizes Commissioner of Insurance Regulation to permit temporary exception to specified minimum surplus requirements under specified circumstances; revises authority of OIR to take action against noncomplying insurers. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0663	**Relating to Building Safety**	Aubuchon	04/30/10

Building Safety: Revises provisions of law relating to elevator safety, home inspection services, mold assessment & remediation, & building code inspections & enforcement; provides for effect of expired, lapsed, nonrenewed, or revoked building permit; revises Florida Building Commission authority; exempts specified structures from Florida Building Code requirements, etc. Effective Date: July 1, 2010, except as otherwise provided

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0689	**Relating to Negligence**	Aubuchon	04/14/10

Negligence: Provides that if person slips & falls on transitory foreign substance in business establishment, injured person must prove that establishment had actual or constructive knowledge of condition & should have taken action to remedy it; provides that constructive knowledge may be proven by circumstantial evidence; provides that such provisions do not affect any common-law duty of care owed by person or entity in possession or control of business premises; repeals provisions relating to duty to maintain premises & burden of proof in claims of negligence involving transitory foreign objects or substances. Effective Date: July 1, 2010

04/14/10 - Approved by Governor, Chapter No. 2010-8

SB 0694	**Relating to Child Support**	Storms	04/29/10

Child Support [SPSC]; Provides that an obligor may make child support payments directly to the obligee under certain circumstances. Clarifies when income deduction payments are required to be paid to the State Disbursement Unit. Authorizes the DOR to submit to the court a written declaration signed under penalty of perjury for the purpose of establishing an obligation for child support, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 0704	**Relating to Capital Felonies**	Thrasher	04/29/10

Capital Felonies [SPSC]; Provides that it is an aggravating circumstance for the purpose of determining sentence if a capital felony was committed by a person subject to an injunction or protection order against the petitioner who obtained that injunction or order or any of certain related persons. EFFECTIVE DATE: 10/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0713	**Relating to Department of Business and Professional Regulation**	Workman	04/30/10

Department of Business and Professional Regulation: Assigns certain programs to regulation by DBPR's Division of Professions; specifies that DBPR is responsible for regulation of certain professions & administration of certain examinations; authorizes DHSMV to issue reproductions of driver's licenses to DBPR; revises certain licensing & continuing education requirements; authorizes temporary licensure of spouses of active duty service members; revises grounds for discipline of professional licensees; revises licensing requirements for home inspectors, mold assessors & mold remediators; deletes requirements for certificates of authorization for corporations or partnerships offering home inspection or mold-related services; exempts from punishment certain unlicensed activity occurring before specified date; extends time for licensure of home inspectors, mold assessors & mold remediators under certain grandfather provisions & revises such provisions; revises certain exemptions from veterinary regulations; revises licensing requirements for real estate brokers & sales associates & cosmetologists; revises membership of Florida Real Estate Appraisal Board; authorizes certain board members & certain members of Florida Real Estate Commission to offer, conduct, & teach certain courses; assigns departmental unit responsible for regulation of carbon monoxide hazards in certain public lodging establishments; authorizes DBPR to issue & enforce notices to cease & desist violations of provisions regulating pugilistic exhibitions. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0723	**Relating to Postsecondary Education Fee Waivers**	Sachs	04/29/10

Postsecondary Education: Authorizes state universities & community colleges to waive tuition & fees for certain public school classroom teachers for undergraduate courses approved by DOE; Requires State Board of Education rulemaking; prohibits cause of action against state university for actions or decisions of state university student government, etc. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0729	**Relating to Practice of Tattooing**	Brandenburg	04/30/10

Practice of Tattooing: Prohibits practice of tattooing except by person licensed or registered by DOH; provides for licensure of tattoo artists & temporary registration of guest tattoo artists licensed in jurisdictions outside of state; requires tattoo artists to complete DOH-approved education course & pass examination; exempts certain personnel who perform tattooing for medical or dental purposes from regulation under specified provisions; requires licensure of permanent tattoo establishments & temporary establishments; provides practice requirements for tattoo artists, guest tattoo artists, tattoo establishments, & temporary establishments; requires DOH to inspect establishments at specified intervals; provides for fees for initial licensure or registration & renewal or reactivation thereof; authorizes adjustment of fees according to inflation or deflation; specifies acts that constitute grounds for which DOH may take disciplinary action; provides penalties for certain violations involving practice of tattooing; prohibits tattooing of minor child except under certain circumstances; provides that specified provisions do not preempt certain local laws & ordinances. Effective Date: January 1, 2012

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0731	**Relating to Uniform Commercial Code**	Carroll	04/30/10

Uniform Commercial Code : Revises & provides provisions of Florida Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, & other documents of title to conform to revised Article 7 of Uniform Commercial Code as prepared by National Conference of Commissioners on Uniform State Laws. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 0742	**Relating to Public Safety Telecommunicators/E911**	Detert	04/29/10

Public Safety Telecommunicators/E911 [SPSC]; Includes dispatching as a function of E911 service. Includes fees for certification and recertification collected by the Department of Health in authorized expenditures for E911 services. Requires certain 911 public safety telecommunicators, sworn state-certified law enforcement officers, or state-certified firefighters to pass an examination administered by the department, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0747	**Relating to Treatment of Diabetes**	Thompson (N)	04/30/10

Treatment of Diabetes: Revises Diabetes Advisory Council membership; prohibits school districts from restricting assignment of diabetic students to certain schools for certain reasons; authorizes student to manage diabetes while at school, at school-sponsored activities, or in transit to or from school or school-sponsored activities with written authorization from parent & physician; provides for indemnification of specified employees, volunteers, & entities. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0751	**Relating to Automatic Renewal of Service Contracts**	McBurney	04/30/10

Automatic Renewal of Service Contracts: Requires sellers that sell, lease, or offer to sell or lease any services to consumers pursuant to certain contracts to disclose automatic renewal provisions; provides disclosure requirements; provides exceptions to disclosure requirements; provides that certain violations will render automatic renewal provision void

& unenforceable; provides definitions & applicability. Effective Date: July 1, 2010, and applies only to contracts entered into on or after that date

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

HB 0759	**Relating to Northern Palm Beach County Improvement District, Palm Beach County**	Domino	04/29/10

Northern Palm Beach County Improvement District, Palm Beach County: Revises procedures for election of, & qualification & residency requirements for, members of district's board of supervisors; updates obsolete language; revises application of definition of "electors"; excludes certain lands from those for which landowner is entitled to vote at landowners' meeting. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0765	**Relating to Animal Protection**	Garcia	04/30/10

Animal Protection: Revises veterinary licensure exemption pertaining to certain persons practicing temporarily in state; provides circumstances that render inapplicable veterinary licensure exemption pertaining to part-time & independent contractors; prohibits specified acts relating to horsemeat for human consumption; provides penalties; increases classification of offenses related to horsemeat for human consumption, etc. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and Presented to Governor (Governor must act on this bill by 05/15/10)

SB 0768	**Relating to Luis Rivera Ortega Street Racing Act**	Constantine	04/29/10

Luis Rivera Ortega Street Racing Act [CPSC]; Creates the "Luis Rivera Ortega Street Racing Act." Revises penalties for violating provisions prohibiting certain speed competitions and exhibitions. EFFECTIVE DATE: 10/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0787	**Relating to Child Abduction Prevention**	Rouson	04/30/10

Child Abduction Prevention: Designates act "Child Abduction Prevention Act"; authorizes additional persons to move to have certain restrictions placed in parenting plans upon showing of risk that one party may violate court's parenting plan by removing child from this state or country or by concealing child's whereabouts; authorizes courts to impose certain restrictions in parenting plans upon specified finding; authorizes court to impose certain restrictions in addition to or in lieu of requirement that child's passport be surrendered; authorizes court to impose specified restrictions upon entry of order to prevent removal of child from this state or country; provides additional factors that may be considered in assessing risk that party may violate parenting plan by removing child from this state or country or by concealing child's whereabouts; provides that violations may subject violator to specified penalties or other consequences. Effective Date: January 1, 2011

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0795	**Relating to Penalties for Violations of Traffic Laws**	Jones (M)	04/29/10

Penalties for Violations of Traffic Laws: Provides for person charged with noncriminal traffic infraction to make periodic payments to pay civil penalties & fees; provides for certain persons cited for specified offenses to provide proof of compliance to designated official; provides alternative citation disposition procedures for certain offenses; provides for removal of habitual traffic offender designation upon proof of compliance by certain offenders. Effective Date: October 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0808	**Relating to Murder/Unlawful Distribution of Methadone**	Oelrich	04/29/10

Murder/Unlawful Distribution of Methadone [SPSC]; Provides that murder in the first degree includes the unlawful killing of a human being which resulted from the unlawful distribution of methadone by a person aged 18 or older when such drug is proven to be the proximate cause of death of the user, etc. EFFECTIVE DATE: 10/01/2010.
04/29/10 - SENATE Enrolled Text (ER) Filed

SB 0814	**Relating to Lifeline Telecommunications Service**	Aronberg	04/29/10

Lifeline Telecommunications Service [EPSC]; Authorizes any commercial mobile radio service provider designated as an eligible telecommunications carrier to offer Lifeline services. Authorizes the DCFS, DOE, PSC, and Office of Public Counsel to exchange certain information with eligible telecommunications carriers and certain commercial mobile radio service providers so the carriers and providers can identify and enroll an eligible person in the Lifeline and Link-Up programs, etc. EFFECTIVE DATE: 07/01/2010.
04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0821	**Relating to International Commercial Arbitration**	Thurston	04/30/10

International Commerical Arbitration: Replaces Florida International Arbitration Act with Florida International Commercial Arbitration Act; provides requirements, procedures, & limitations for international commercial arbitration; provides requirements & restrictions on courts; provides for creation of arbitral tribunals; provides powers, duties, & responsibilities of arbitral tribunals; provides for arbitral proceedings; provides procedures for appointment of arbitrators; specifies powers, duties, & responsibilities of arbitrators; provides for liability for & award of costs & damages; authorizes parties to arbitration to agree to arbitration procedures; provides default procedures; provides procedures & requirements for evidence; provides for awards by arbitral tribunals; provides judicial immunity to arbitrators; specifies conditions under which court may set aside arbitral award; provides for recognition & enforcement of arbitral awards by court. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0831	**Relating to Nassau County**	Adkins	04/29/10

Nassau County: Provides that certain single-family docks located in Nassau River-St. Johns River Marshes Aquatic Preserve must meet specified criteria; authorizes DEP to take action against owners of docks that do not meet such criteria after specified date. Effective Date: upon becoming a law
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0843	**Relating to Rural Enterprise Zones**	Boyd	04/29/10

Rural Enterprise Zones: Requires OTTED to designate specified rural catalyst sites as rural enterprise zones upon host county request; specifies request requirements; specifies effect of designation; specifies reporting requirements for rural catalyst sites designated as rural enterprise zone; authorizes host county development authorities to enter into memoranda of agreement for specified purposes. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0846	**Relating to Residential Fire Sprinkler Requirements**	Bennett	04/29/10

Residential Fire Sprinkler Requirements [CPSC]; Prohibits incorporation into the Florida Building Code certain mandatory residential fire sprinkler provisions of the International Residential Code. Provides an exception. Prohibits the requirement of property owners to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property. EFFECTIVE DATE: Upon becoming law.
04/29/10 - SENATE Enrolled Text (ER) Filed

SB 0850	**Relating to Fla. Industrial and Phosphate Research Institute**	Alexander	04/30/10

Fla. Industrial and Phosphate Research Institute [SPSC]; Renames the Florida Institute of Phosphate Research as the "Florida Industrial and Phosphate Research Institute" and establishes it within the University of South Florida Polytechnic. Provides for a type two transfer of the Florida Institute of Phosphate Research to the Florida Industrial and Phosphate Research Institute within said university. Repeals a specified provision relating to the Florida Institute of Phosphate Research, etc. EFFECTIVE DATE: Upon becoming law.

04/30/10 - SENATE Enrolled Text (ER) Filed

HB 0851	**Relating to Florida Legal Resource Center**	Grady	04/29/10

Florida Legal Resource Center: Repeals provisions creating & providing duties of Florida Legal Resource Center. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0859	**Relating to West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County**	Domino	04/30/10

West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County: Revises definition of term "salary"; authorizes other fiduciary designees to sign fund drafts; clarifies exception relating to adoption of experience tables & interest rates; provides for adjustment of benefits when changing joint annuitants or beneficiaries; removes requirement for spouse's consent to waive joint & survivor benefit; provides for quarterly adjustment of share accounts; provides exception to exclusion for disabled members; revises provisions relating to payment of certain death benefits; provides for bimonthly refund repayments; requires board of trustees to identify & report any holdings in scrutinized company; requires divestiture of certain securities within specified time; limits board liability relating to such divestiture; authorizes withholding of certain retirement funds for certain purposes upon request of retiree; reduces amount of small retirement income that may be paid in lump sum; authorizes certain city police officers to recontribute to fund; revises provisions relating to determination of creditable service for members who die or become disabled while on active duty military service; provides for distribution of fund in event of termination of pension plan. Effective Date: upon becoming a law

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0885	**Relating to Life Insurance**	Tobia	04/30/10

Life Insurance: Exempts certain life insurance agents from certain continuing education requirements under certain circumstances; specifies nonapplication of required notice to current insurer of policy replacement; provides limitation on resale of specified annuities to third parties; prohibits creating or permitting of specified classes of employees for group health insurance policy purposes; preserves employer's authority to require plan participation as condition of employment; revises limitation on amount of insurance for spouses of dependent children of employees of members under group life insurance policy. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0889	**Relating to Biomedical Research**	Adkins	04/30/10

Biomedical Research: Repeals Center for Health Technologies, Florida Biomedical & Social Research Act, Cervical Cancer Elimination Task Force, & Florida Cancer Council; revises provisions relating to Florida Center for Universal Research to Eradicate Disease; revises advisory council membership; transfers & revises provisions relating to Florida Cancer Council mission & duties to include them within William G. "Bill" Bankhead, Jr., & David Coley Cancer Research Program. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0907	**Relating to Child Support Guidelines**	Flores	04/30/10

Child Support Guidelines: Requires all child support orders after certain date to contain

certain provisions; provides principles for implementing support guidelines schedule; creates rebuttable presumption of census-level wages if information about earnings level is not provided; provides that burden of proof is on party seeking to impute income to other party; prohibits imputation of income for out-of-date records or unprecedented earnings, etc. Effective Date: January 1, 2011

04/30/10 - HOUSE Engrossed Text (E2) Filed

SB 0926	**Relating to Trusts**	Richter	04/29/10

Trusts [CPSC]; Limits the duties and liability of certain trustees with respect to contracts for life insurance. Provides for the application and nonapplication of certain provisions of state law. Prohibits the compensation of a trustee for the performance of certain activities. Expands the list of delegable investment functions for certain fiduciaries, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0927	**Relating to Real Property**	Kiar	04/30/10

Real Property: Revises criteria under which transfer of homestead property is not considered change of ownership; provides that change in ownership of nonhomestead residential property or nonresidential property is not deemed to have occurred due to certain transactions involving publicly traded company; provides that recorded deed or other instrument shall serve as notice of change of ownership, etc. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0937	**Relating to City of West Palm Beach, Palm Beach County**	Domino	04/29/10

City of West Palm Beach, Palm Beach County: Revises definitions relating to West Palm Beach Firefighters Pension Fund; revises terms of board members; provides that authorized fiduciary may sign drafts for fund disbursements; provides additional requirements for board relating to certain holdings; deletes certain requirements relating to service pension for normal retirement, including optional transition benefits for certain employees; provides that retired member may change certain designation of joint annuitant or beneficiary relating to payment of benefits; provides that members who are disabled due to specified military service are not excluded from disability pensions; provides that board may authorize withholdings from retirement pay under certain circumstances; provides that firefighter for federal fire department constitutes prior firefighter service; provides for termination of fund & distribution of assets. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0944	**Relating to Space Shuttle Orbiter Retirement**	Altman	05/03/10

Space Shuttle Orbiter Retirement [CPSC]; Urges the Congress of the United States to direct that one of the retiring space shuttle orbiters be preserved and placed on permanent display at the Kennedy Space Center.

05/03/10 - SENATE Enrolled Text (ER) Filed

HB 0945	**Relating to Automated External Defibrillators in Assisted Living Facilities**	Anderson	04/30/10

Automated External Defibrillators in Assisted Living Facilities: Requires licensed ALFs with 17 beds or more to possess functioning automated external defibrillator; encourages location registration; provides immunity from liability under Good Samaritan Act & Cardiac Arrest Survival Act; authorizes DEA to adopt rules relating to use of automated external defibrillators; provides appropriations. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 0951	**Relating to Public Safety**	Snyder	04/30/10

Public Safety: Requires certain reports to be submitted in automated format; deletes provisions relating to automatic deletion of mental health record under specified conditions from FDLE database for purposes of sale & delivery of firearms & substitutes procedure

for judicial relief from firearm disabilities & removal of records; revises provisions relating to Criminal Justice Information Program; authorizes requesting retention of certain fingerprints by FDLE; provides for rulemaking requiring keeping agencies informed of certain changes of fingerprinted persons; requires Criminal Justice Standards & Training Commission to adopt rules relating to maintenance of officers who engage in high-risk areas & demonstration of firearms proficiency by all law enforcement officers; revises exemptions from completing commission-approved basic recruit training program; revises qualifications for certified law enforcement officers separated from employment for more than certain period of time; deletes requirement that correctional probation officers pass specified basic skills examination & assessment instrument before entrance into basic recruit training program; deletes state funding eligibility for locally funded crime laboratory. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 0955	**Relating to Marion County**	Chestnut	04/29/10

Marion County: Repeals chapter laws relating to levy of special assessments for road & drainage improvements in certain unincorporated areas. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0957	**Relating to Marion County**	Chestnut	04/29/10

Marion County: Repeals chapter law relating to municipal service taxing units for road improvements in unincorporated areas & levying of special assessments within territorial boundaries of such units. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 0962	**Relating to Driver License Records**	Storms	04/29/10

Driver License Records [CPSC]; Revises the authorized uses of license identification information maintained by the HSMV and released to the DCFS. Authorizes use for certain adult protective services investigations. Provides conditions for such information to be used for verification of identity in determination of eligibility for public assistance and for certain fraud investigations. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0963	**Relating to Seaports**	Ray	04/29/10

Seaports; Provides for application & issuance of port conceptual permits; provides requirements & procedures relating to such permits for DEP & Board of Trustees of the Internal Improvement Trust Fund; revises matching-fund requirements for projects to rehabilitate certain structures; requires DOT to include certain projects & funding allocations in legislative budget requests; provides for transfer of balances between certain projects, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided.

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0965	**Relating to Real Property Assessment**	McKeel	04/29/10

Real Property Assessment: Requires property appraisers to adjust assessed value of specified properties affected by imported or domestic drywall; provides for nominal just value of $0; provides for application to specified properties; provides for nonapplication to specified property owners; specifies homestead property as damaged for specified purposes; prohibits consideration of homestead property as abandoned under specified circumstances; provides for assessment of specified property after completion of remediation or repair; provides application to 2010 & subsequent assessment rolls; provides for future repeal unless reviewed & reenacted. Effective Date: upon becoming a law and shall apply to the 2010 and subsequent assessment rolls

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0969	**Relating to Space & Aerospace Infrastructure**	Crisafulli	04/29/10

Space and Aerospace Infrastructure: Revises authorized uses of specified Space Florida appropriations. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0971	**Relating to Highway Safety & Motor Vehicles**	Aubuchon	04/29/10

Highway Safety & Motor Vehicles: Defines term "tri-vehicle" for purposes of Florida Uniform Traffic Control Law; requires that drivers of certain commercial motor vehicles slow before crossing railroad grade crossing; requires bicycles to be ridden in lane marked for bicycle use except under specified circumstances; creates Hispanic Achievers license plate, Children First license plate, & Veterans of Foreign Wars license plate, etc. Effective Date: September 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 0981	**Relating to Agriculture**	Grimsley	04/30/10

Agriculture: Clarifies that land classified as agricultural retains that classification when offered for sale; provides methodology for assessing certain structures & improvements used for horticultural production; authorizes FWCC to enter into agreement with DEP for uniform regulation of pesticides applied to waters of state; revises exemptions from water pollution permits; provides permits for applying pesticides to waters of state; requires DEP to enter into agreements with DOACS & FWCC for uniform regulation of pesticides applied to waters of state; authorizes temporary deviations from certain DEP rule provisions for certain pesticides; requires DOACS to enter into agreement with DEP for uniform regulation of pesticides applied to waters of state; provides that Citrus Research & Development Foundation shall provide advice to DOACS with respect to citrus research marketing orders, conduct citrus research, & perform other duties assigned by DOACS; provides for deposit of certain agricultural assessments; revises assessment rate on citrus fruit; expands type of research projects that may be conducted by DOACS; revises location of executive offices of Department of Citrus; requires DOACS & representatives of state pest control industry to submit report to Legislature; requires that report include recommendations for changes in law to provide for disciplinary action against licensees of pest control industry under certain circumstances. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

SB 0982	**Relating to Underground Facility Damage Prevention & Safety**	Bennett	04/29/10

Underground Facility Damage Prevention & Safety [EPSC]; Prohibits municipalities, counties, districts, and other local governments from enacting ordinances or rules that conflict with ch. 556, F.S. Provides that if an excavation is proposed within 15 feet of a high-priority subsurface installation and is identified as such by the facility operator, the facility operator must notify the excavator of such installation and mark its location before excavation may begin, etc. EFFECTIVE DATE: 10/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 0985	**Relating to Peddling at Camp Meetings**	Van Zant	04/30/10

Peddling at Camp Meetings: Repeals provisions relating to peddling at or within specified distance of any camp or field meeting held for religious purposes. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

SB 0998	**Relating to Trust Administration**	Thrasher	04/29/10

Trust Administration [SPSC]; Limits a personal representative's entitlement to payment from a trust of certain estate expenses and obligations. Deletes certain notice requirements relating to court review of a trustee's employment of certain persons. Prohibits state agencies and local governments from requiring the disclosure of certain characteristics of persons associated with certain charitable organizations, trusts, and foundations, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1003	**Relating to Veterans**	Drake	04/29/10

Veterans: Exempts certain veterans' organizations from requirements to file registration statements with DOACS; revises definition of term "service-disabled veteran" for purposes of Florida Service-Disabled Veteran Business Enterprise Opportunity Act; revises eligibility requirements for residency in Veterans' Domiciliary Home of Florida; revises eligibility requirements for admittance into licensed health care facility operated by DVA. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1004	**Relating to Local Government**	Gelber	04/29/10

Local Government [EPSC]; Authorizes a board of county commissioners to negotiate the lease of certain real property for a limited period. Authorizes transfers of right-of-way between local governments by deed. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1005	**Relating to Corrections**	Holder	04/30/10

Corrections: Revises criminal penalties for offenses concerning sexually transmissible diseases; eliminates penalty of criminal quarantine community control; prohibits person in correctional facility from committing lewd or lascivious exhibition in presence of employee; requires that DOC electronically send Parole Commission monthly list of inmates released & offenders terminated from supervision who may be eligible for restoration of rights; prohibits employee of private correctional facility from committing certain criminal acts; authorizes DOC to electronically submit certain information to law enforcement where released inmate plans to reside; requires DOC to establish & operate certain geriatric facilities & dorms; deletes prohibition against placement of youthful offenders at certain institutions for mental health treatment; provides procedures for transport of inmates who are mentally ill; authorizes DOC to use inmate labor on private property in certain circumstances; provides additional conditions of probation; deletes certain requirements for possession of weapon; requires digitized photograph of offender be part of offender's record; authorizes DOC to display photographs on website; revises terms & conditions of community control. Effective Date: effect July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 1012	**Relating to Juvenile Justice Facilities and Programs**	Jones (D)	04/29/10

Juvenile Justice Facilities and Programs [SPSC]; Defines the term "ordinary medical care." Requires that the DJJ adopt rules to ensure the effective delivery of services to children in the care and custody of the DJJ. Clarifies that the rules of the DJJ do not supersede provisions governing consent to treatment and services, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1013	**Relating to Citrus Canker Eradication**	Plakon	04/30/10

Citrus Canker Eradication: Repeals provisions relating to citrus canker eradication program & payment of compensation to eligible homeowners whose citrus trees have been removed under program. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1033	**Relating to Road Designations**	Murzin	04/30/10

Road Designations: Designates Perdido Key Parkway in Escambia County, Orange Bowl Way in Miami-Dade County, & Colonel Bud Day Boulevard in Okaloosa County; designates Pastor Wilner Maxi Street, Bishop Dr. Randall & Prophetess Sharlene Holts Street, Pastor Dr. Carl Johnson Street, Haitian/American Historical Society Street, Center for Haitian Studies Street, and Eufaula Frazier Street in Miami-Dade County; directs DOT to erect suitable markers. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1035	**Relating to Elevator Safety**	Frishe	04/29/10

Elevator Safety: Requires DBPR's Division of Hotels & Restaurants to adopt rules; authorizes division to enter certain buildings; provides for variances; exempts certain elevators from specific code update requirements; provides phase-in period for such elevators; specifies additional acts by registered elevator company or certificateholder which are subject to discipline; requires certain licensees to provide written responses to departmental requests relating to inspection reports; extends time within which elevator owner may comply with certain orders to correct; provides procedures related to citations & discipline relating to unlicensed activity; provides registration & continuing education requirements for certified elevator inspectors. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1045	**Relating to Palm Beach County**	Brandenburg	04/29/10

Palm Beach County: Revises & provides definitions; provides requirements for operation & licensing of large family child care homes; provides for provisional licensing of child care facilities, large family child care homes, & family day care homes; revises Child Care Advisory Council membership requirements. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1047	**Relating to City of Clearwater, Pinellas County**	Frishe	04/29/10

City of Clearwater, Pinellas County: Provides for use of specified city-owned property for recreational & commercial working waterfronts; provides for use of revenue from specified city-owned property; provides for development of specified city-owned property consistent with Florida Coastal Management Program, Waterfronts Florida Program, city comprehensive plan & code of ordinances, & other applicable law; provides for preservation of referendum requirement of use of certain city-owned property; requires referendum for lease, license, sale, or transfer of certain land & for any alteration to existing public land use map designation for such land. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1049	**Relating to City of Eustis, Lake County**	Hays	04/29/10

City of Eustis, Lake County: Authorizes Division of Alcoholic Beverages & Tobacco of DBPR to issue temporary permits to nonprofit civic organization for sale of alcoholic beverages for consumption on premises at outdoor events on public right-of-way in downtown Eustis, subject to certain statutory requirements; provides that such events require street-closure permit from city; provides that permits authorized by act are in addition to certain other authorized temporary permits. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1050	**Relating to Ephedrine or Related Compounds/Sale**	Baker	04/28/10

Ephedrine or Related Compounds/Sale [SPSC]; Prohibits obtaining or delivering to an individual in a retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of specified amounts. Requires a purchaser of a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds to meet specified requirements, etc. EFFECTIVE DATE: 07/01/2010.

04/28/10 - SENATE Enrolled Text (ER) Filed

HB 1051	**Relating to City of Tavares, Lake County**	Hays	04/29/10

City of Tavares, Lake County: Authorizes Division of Alcoholic Beverages & Tobacco of DBPR to issue temporary permits to nonprofit civic organization for sale of alcoholic beverages for consumption on premises at outdoor events on public right-of-way in downtown Tavares, subject to certain statutory requirements; provides that such events require street-closure permit from city; provides that permits authorized by act are in addition to certain other authorized temporary permits. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1053	**Relating to Melbourne-Tillman Water Control District, Brevard County**	Workman	04/29/10

Melbourne-Tillman Water Control District, Brevard County: Revises district boundaries. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1055	**Relating to Brevard County**	Tobia	04/29/10

Brevard County: Changes name of Brevard Police Testing & Certification Center to Brevard Police Testing & Selection Center; provides for change in composition & membership of board of directors; provides board has authority to recommend approval of agreements with & acceptance of funds or services from any federal, state, or local governmental entity or political subdivision, any college or university, or any private or civic source; clarifies center's primary mission; provides for applicant testing, screening, & information services for criminal justice & public safety positions; authorizes certain applicant fees; revises provisions relating to establishment, approval, & use of user fees. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1058	**Relating to Cooperation Between Schools & Juvenile Authorities**	Aronberg	04/29/10

Cooperation Between Schools & Juvenile Authorities [SPSC]; Requires that specified school personnel be notified when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult and the disposition of the charges. Authorizes certain entities to release a student's education records without consent of the student or parent to parties to an interagency agreement for specified purposes, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1059	**Relating to Pub. Rec./Examination Techniques and Procedures/DFS**	Domino	04/30/10

Pub. Rec./Examination Techniques and Procedures/DFS: Provides exemption from public records requirements for information that would reveal examination techniques & procedures used by OFR pursuant to Florida Securities & Investor Protection Act; provides for retroactive application of exemption; provides exception to exemption; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1073	**Relating to Persons with Disabilities**	Llorente	04/30/10

Persons with Disabilities: Revises provisions relating to licensure & standards for facilities & programs for persons with developmental disabilities; requires minimum training for child care personnel to include identification & care of children with developmental disabilities; provides requirements for use of seclusion & restraint on public school students with disabilities; requires Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or inservice training requirements for instructional personnel. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 1118	**Relating to Docks**	Altman	04/30/10

Docks [EPSC]; Authorizes the placement of roofs on certain residential single-family docks. Authorizes the DEP to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters. Authorizes the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements, etc. EFFECTIVE DATE: 07/01/2010.

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 1121	**Relating to Town of Grant-Valkaria, Brevard County**	Poppell	04/29/10
	Town of Grant-Valkaria, Brevard County: Specifies certain revenue sources for qualification to receive revenue-sharing funds under shared revenue programs of state. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
HB 1129	**Relating to City of Tamarac, Broward County**	Porth	04/29/10
	City of Tamarac, Broward County: Extends & enlarges corporate limits of City of Tamarac to include specified unincorporated lands within such limits; provides for effective date of annexation; provides for interlocal agreement; provides for land use & zoning governance; provides legislative findings; provides requirements for levying of fire rescue special assessments; provides for assessment methodology review & report on fire rescue special assessment; prohibits charging of certain impact fees; provides for transfer of public roads & rights-of-way. Effective Date: upon becoming a law City of Tamarac, Broward County: Extends & enlarges corporate limits of City of Tamarac to include specified unincorporated lands within such limits; provides for effective date of annexation; provides for interlocal agreement; provides for land use & zoning governance; provides legislative findings; provides requirements for levying of fire rescue special assessments; provides for assessment methodology review & report on fire rescue special assessment; prohibits charging of certain impact fees; provides for transfer of public roads & rights-of-way. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
SB 1136	**Relating to Firesafety Inspections**	Crist	04/30/10
	Firesafety Inspections [EPSC]; Provides exceptions to certain local government firesafety inspection requirements. Specifies inspection requirements for fire hydrants owned by governmental entities. Authorizes local government utilities to comply using designated employees. Specifies responsibility for ensuring the qualification of designated employees to make inspections. EFFECTIVE DATE: Upon becoming law. 04/30/10 - SENATE Enrolled Text (ER) Filed		
HB 1143	**Relating to Health Care**	Hudson	04/30/10
	Health Care: Amends provision relating to Drug-Free Workplace Act; revises distribution of funds from civil penalties imposed for traffic violations by county courts; directs the DOH to accept funds from counties, municipalities, & certain other entities for purchase of certain products made available under contract with U.S. Department of Health & Human Services for manufacture & delivery of such products in response to public health emergency, etc. Effective Date: July 1, 2010 04/30/10 - HOUSE Received from Messages; Concurred with Amendments (841564, 753340, 355772, 147056); Passed (Vote: 75 Yeas / 44 Nays); Ordered engrossed, then enrolled		
HB 1145	**Relating to State Parks**	Bembry	04/29/10
	State Parks: Provides discounts on annual passes for members & veterans of U.S. Armed Forces & reserve forces & for surviving spouses of certain veterans; provides additional duties of Division of Recreation & Parks of DEP. Effective Date: July 1, 2010 04/29/10 - HOUSE Enrolled Text (ER) Filed		
SB 1150	**Relating to Registration/Farm Labor Contractors and Employees**	Dean	04/29/10
	Registration/Farm Labor Contractors and Employees [CPSC]; Requires the renewal of farm labor contractor and employee certificates of registration under certain circumstances. Requires the DBPR to suspend, revoke, or refuse to issue or renew certificates of registration under certain circumstances. EFFECTIVE DATE: 07/01/2010. 04/29/10 - SENATE Enrolled Text (ER) Filed		
SB 1152	**Relating to Funeral, Cemetery, and Consumer Services Act**	Bennett	04/29/10

Funeral, Cemetery, and Consumer Services Act [CPSC]; Revises qualifications for the membership of the Board of Funeral, Cemetery, and Consumer Services. Authorizes the waiver of certain provisions during a state of emergency. Authorizes fees for certain inspections of licensees. Prohibits the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances. Authorizes a licensing authority of the DFS to adopt rules, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1157	**Relating to Local Government Prompt Payment Act**	Eisnaugle	04/29/10

Local Government Prompt Payment Act: Revises definitions; revises provisions relating to timely payment for purchases of construction services; requires that dispute be resolved according to procedures in contract; prohibits assessment of damages against contractor if list of items remaining to complete is not timely provided to contractor; revises provisions relating to resolution of disputes concerning improper payment request or invoice; provides that local governmental entity waives its objection in payment dispute if it fails to commence dispute resolution procedure within time required. Effective Date: October 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1158	**Relating to Department of Agriculture and Consumer Services**	Dean	03/30/10

Department of Agriculture and Consumer Services [EPSC]; Exempts the Division of Licensing Trust Fund within the DOACS from a provision authorizing the Legislature to transfer unappropriated cash balances in the fund to the General Revenue Fund or the Budget Stabilization Fund. EFFECTIVE DATE: 03/30/2010.

03/30/10 - Approved by Governor; Chapter No. 2010-2

SB 1166	**Relating to Community Residential Homes**	Altman	04/30/10

Community Residential Homes [EPSC]; Prohibits certain rules adopted by the APD from restricting the number of facilities designated as community residential homes located within a planned residential community. Authorizes the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions. Defines the term "planned residential community," etc. EFFECTIVE DATE: 07/01/2010.

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 1178	**Relating to Cost-benefit/Return-on-investment/Dynamic Scoring**	Haridopolos	04/29/10

Cost-benefit/Return-on-investment/Dynamic Scoring [WPSC]; Authorizes the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on specified techniques. Requires the Office of Economic and Demographic Research to develop protocols and procedures to be used by the consensus estimating conferences when evaluating proposed legislation, etc. EFFECTIVE DATE: Upon becoming law.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1193	**Relating to Retirement**	Plakon	04/30/10

Retirement: Designates act "Adam Pierce Act"; provides statement of important state interest; revises definition of special risk member to include certain members suffering qualifying injury; provides eligibility requirements for membership in Special Risk Class for certain members suffering qualifying injury; provides medical certification requirements; provides definition; prohibits grant or creation of additional rights; provides retroactive effect. Effective Date: upon becoming a law

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 1196	**Relating to Community Associations**	Fasano	04/29/10

Community Associations [CPSC]; (THIS BILL COMBINES S1196 & S1222) Exempts certain elevators from specific code update requirements. Revises the limitations on the

right of members to vote on corporate matters for certain corporations not for profit that are regulated under specified provisions. Specifies the maximum amount of any unit owner's loss assessment coverage that can be assessed for any loss. Creates the "Distressed Condominium Relief Act," etc. EFFECTIVE DATE: 07/01/2010.
04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1207	**Relating to Campaign Financing**	McKeel	04/06/10

Campaign Financing: Provides for establishment of affiliated party committees; provides for definitions, duties, exemptions, exclusions, restrictions, penalties, & responsibilities of affiliated party committees; revises affected definitions in chapter 106, F.S.; amends definitions of expenditures & gifts; reenacts & amends substantial provisions of ch. 106, F.S., pertaining to electioneering communications & electioneering communications organizations in response to federal court decision; revises restrictions on use of local government funds for certain purposes. Effective Date: July 1, 2010
04/06/10 - Vetoed by Governor

HB 1209	**Relating to City of Fort Lauderdale, Broward County**	Porth	04/30/10

City of Fort Lauderdale, Broward County: Extends & enlarges corporate limits of City of Fort Lauderdale to include specified unincorporated lands; provides for effective date of annexation; provides for interlocal agreement, land use & zoning governance, & residency qualification for candidacies for municipal office; provides applicability to existing contracts; provides for transfer of public roads & rights-of way. Effective Date: upon becoming a law
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 1215	**Relating to Broward County**	Porth	04/29/10

Broward County: Requires each member of Town of Southwest Ranches South Broward Utility Advisory Board to be water or sewer user within service area of former South Broward Utility. Effective Date: upon becoming a law
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1237	**Relating to Probate Procedures**	Hukill	04/29/10

Probate Procedures: Imposes additional duties on lessor of safe-deposit box; authorizes lessor to charge fees for performing such duties; revises requirements relating to filing caveat; revises provisions relating to notice; revises provision relating to right of election; provides that decedent's spouse may elect to take interest in homestead as tenant in common rather than life estate; provides that such election is irrevocable; provides for allocation of expenses relating to homestead; specifies that interests of decedent's descendants in homestead may not be divested if spouse's interest is disclaimed; provides that if spouse's interest in homestead has been disclaimed, disclaimed interest passes by law; provides for inter vivos transfer of homestead property; revises provisions relating to which laws apply when determining intestate succession; denies specified rights or benefits to surviving spouse who procured marriage by fraud, duress, or undue influence; provides procedures for challenging surviving spouse; provides time limitation on bringing such actions; deletes requirement for attaching copy of will to notice of petition for administration; specifies manner for serving notice of personal representative's lien for expenditures & obligations incurred; revises provisions relating to providing notice for petition for summary administration.Effective Date: October 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1247	**Relating to Hillsborough County**	Ambler	04/29/10

Hillsborough County: Authorizes Division of Alcoholic Beverages & Tobacco of DBPR to issue alcoholic beverage license to Children's Museum of Tampa, Inc.; provides that license may be used only for special events; provides for payment of license fee; prohibits sales for consumption off premises; authorizes transfer & provides for subsequent reversion of license under certain circumstances. Effective Date: upon becoming a law
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1249	**Relating to Lee County Sheriff's Office**	Williams (T)	04/29/10
	Lee County Sheriff's Office: Provides that sheriff has burden of proving just cause in appeal of disciplinary action; provides that certain retirement health insurance benefits shall not be available to employees commencing employment after specified date. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
HB 1253	**Relating to Continuing Care Facilities**	Proctor	04/30/10
	Continuing Care Facilities: Revises provisions of law regulating continuing care facilities; increases threshold amount for businesses that must be identified in application for provisional certificate; revises financial information required annually for each certified facility; requires annual report to reflect changes in accounting principle terminology; authorizes provider to assess separate, nonrefundable fee for processing application for continuing care; specifies that amounts maintained in escrow relating to taxes refer to property taxes; provides that resident is deemed to be occupying unit upon payment of specified fees; provides timeframe for rescinding contract; increases application processing fee; renames residents' organizations as residents' councils; requires provider to provide newly elected council chair copy of ch. 651, F.S., & related rules; specifies that resident has right to receive residents' council memos & announcements; prohibits provider from restricting resident's access to council; requires provider to provide reasons for increasing maintenance fee to resident's council chair; authorizes designated representative to represent provider at meetings; specifies that management company or operator is provider's agent for disclosing information to residents; expands list of items that must be provided to chair of residents' council; requires provider to provide copy of s. 651.071, F.S., relating to receivership or liquidation, to all prospective residents; increases amount of time OIR has to inspect facility; requires OIR to determine if all disclosures have been made to resident's council chair; requires chair of Continuing Care Advisory Council to report council's findings & recommendations to Governor & OIR director; requires OIR to provide specified information to council. Effective Date: July 1, 2010 04/30/10 - HOUSE Enrolled Text (ER) Filed		
SB 1264	**Relating to International Banking Corporations**	Richter	04/15/10
	International Banking Corporations [WPSC]; Expands application of state banking laws to include certain international banking corporations. Prohibits construction to authorize international banking corporation or trust companies to conduct trust business under certain circumstances. Expands criteria under which the Office of Financial Regulation may take possession of certain business and property of certain international banking corporations, etc. EFFECTIVE DATE: 07/01/2010. 04/15/10 - Approved by Governor; Chapter No. 2010-9		
HB 1271	**Relating to Transportation**	Horner	04/29/10
	Transportation: Authorizes counties within or under interlocal agreement with regional transportation or transit authority to levy discretionary sales surtax for transportation systems under certain conditions; provides that county commission may apply proceeds from charter county transportation system surtax to planning, development, construction, expansion, operation, & maintenance of on-demand transportation services, etc. Effective Date: July 1, 2010 04/29/10 - HOUSE Enrolled Text (ER) Filed		
HB 1279	**Relating to Assessment of Property for Back Ad Valorem Taxes**	Rivera	04/30/10
	Assessment of Property for Back Ad Valorem Taxes: Provides for nonapplication of retroactive assessment & collection of ad valorem taxes on property under specified circumstances; provides criteria. Effective Date: July 1, 2010 04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)		
HB 1281	**Relating to Loan Origination**	Workman	04/30/10

Loan Origination: Reenacts reference to certain federal laws for purposes of incorporating rules adopted under such laws; specifies application of disciplinary procedures to principal loan originators for actions of loan originators; specifies nonapplication of specified limitations to licensed loan originators operating solely as loan processors; prohibits acting as loan processor unless licensed as loan originator; requires declaration of intent to engage solely in loan processing; authorizes withdrawal of declaration of intent; exempts specified mobile home dealers from specified licensure requirements; specifies mobile home dealer employees as not loan originators; revises requirements relating to good faith estimate by loan originator; requires disclosure document to be signed & dated by borrower; deletes licensure application requirement prior to specified purchases or acquisitions. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1291	**Relating to Domestic Violence Fatality Review Teams**	Coley	04/30/10

Domestic Violence Fatality Review Teams: Deletes requirement that Governor's Task Force on Domestic Violence provide information & technical assistance to local domestic violence fatality review teams; provides that information & records acquired by team are not subject to discovery or introduction into evidence in criminal or administrative proceedings in certain circumstances; provides that person who has attended meeting of team may not testify in criminal or administrative proceedings as to certain records or information produced or presented to team. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1295	**Relating to City of Lauderhill, Broward County**	Porth	04/29/10

City of Lauderhill, Broward County: Extends & enlarges corporate limits of City of Lauderhill to include specified unincorporated lands; provides annexation effective date. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1301	**Relating to Violations of County Ordinances**	Rader	04/30/10

Violations of County Ordinances: Authorizes county to specify by ordinance penalties for violation of certain county ordinances. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

SB 1306	**Relating to Public Assistance**	Storms	04/29/10

Public Assistance [SPSC]; Revises terminology relating to the food stamp program and the WAGES Program to conform to current federal law. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1307	**Relating to State Financial Matters**	Schenck	04/30/10

State Financial Matters: Provides for excess account balances in Public Employee Optional Retirement Program when employee transfers to defined benefit program; establishes forfeiture account in Public Employee Retirement Program TF; requires that SBA create audit committee for specified purposes; requires that contract for investment advisor or manager include standard of conduct, etc. Effective Date: July 1, 2010

04/30/10 - HOUSE Engrossed Text (E2) Filed

HB 1337	**Relating to Nursing**	Grimsley	04/30/10

Nursing: Authorizes disclosure of certain confidential information required of nursing license applicants to certain persons; provides & revises definitions; revises requirements for graduation from certain nursing education programs for nursing license applicants seeking to take licensing examination; revises restrictions on nursing graduates who may use certain titles & abbreviations, etc. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1363	**Relating to Postsecondary Student Fees**	Glorioso	04/30/10

Postsecondary Student Fees: Clarifies exemption from fee requirements provided for student who is or was at time he or she reached 18 years of age in custody of relative under Relative Caregiver Program or who was adopted from DCFS after specified date; provides that certain exemptions include fees associated with enrollment in career-preparatory instruction; deletes exemption associated with completion of college-level communication & computation skills testing program; provides that exemptions remain valid for specified time. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1377	**Relating to Telecommunications Companies**	Fresen	04/30/10

Telecommunications Companies: Repeals provisions relating to: rates, tolls, contracts, charges, rules, regulations, performance of service, & maintenance of telecommunications facilities; fixing rates by PSC; consideration of directory advertising revenues when establishing rates; changing rates, tolls, rentals, contracts, or charges; schedule for implementation of price regulation; procedures for interim rates; PSC to compel by order or rule adjustment of rates, charges, tolls, rules, or regulations or changes to practices or service or installation of equipment or facilities; forms prescribed by PSC; & inspection by PSC of accounts & records. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1385	**Relating to Petroleum Contamination Site Cleanup**	Poppell	04/30/10

Petroleum Contamination Site Cleanup: Requires DEP to utilize natural attenuation monitoring strategies to transition sites into long-term natural attenuation monitoring & evaluate certain costs & strategies; prohibits local governments from denying building permits under specified conditions; establishes low-scored site initiative; requires DEP to issue certain determinations & orders; provides funding for payment of preapproved costs; deletes provisions relating to funding for limited interim soil-source removals & nonreimbursable voluntary cleanup; requires installation of fuel tank upgrades to secondary systems to be completed by specified deadlines; provides exception. Effective Date: July 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 1389	**Relating to Space and Aerospace Infrastructure**	Crisafulli	04/29/10

Space and Aerospace Infrastructure: Designates act "Space Transition and Revitalization Act"; authorizes use of specified amount of resources for projects to retain or create high-technology jobs directly associated with developing more diverse aerospace economy in state; authorizes Enterprise Florida, Inc., to waive eligibility criteria for projects receiving funds from Quick Action Closing Fund which would mitigate impact of conclusion of space shuttle program; revises authorized uses of specified Space Florida appropriations. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1401	**Relating to Export of Goods, Commodities, & Things of Value to Foreign Countries**	Rivera	04/30/10

Export of Goods, Commodities, & Things of Value to Foreign Countries: Prohibits state agencies from issuing certain forms of documentation for any good, commodity, or thing of value to be exported to certain foreign countries. Effective Date: upon becoming a law

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 1403	**Relating to Sarasota Manatee Airport Authority**	Holder	04/29/10

Sarasota Manatee Airport Authority: Authorizes attendance & participation at specified emergency meetings of Sarasota Manatee Airport Authority by teleconference under specified circumstances; provides for quorum; provides for compliance with public meetings requirements. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1411	**Relating to Foreclosures**	Dorworth	04/30/10

Foreclosures: Provides requirements for officers, directors, & agents of timeshare owners' association; authorizes managing entity to bring judicial & trustee actions to foreclose certain liens; renames title of part III of ch. 721, to conform to changes made by act; establishes procedure for trustee foreclosure assessment liens & mortgage liens; provides for appointment of trustee; provides recording requirements for such liens; provides procedures for initiation of trustee foreclosure procedure against timeshare interest; provides procedures for obligor's objection to trustee foreclosure procedure; provides requirements for notice of default & intent to sell, notice of sale, trustee's certificate of compliance, & sale by auction of foreclosed encumbered timeshare interests; provides for effect of trustee's sale; provides requirements for trustee's deed; provides for disposition of proceeds of sale; provides that trustee foreclosure procedure does not impair or otherwise affect right to bring certain actions; provides criminal penalty; provides application; provides for priority of application in case of conflict; revises exemptions from certain licensing requirements. Effective Date: upon becoming a law

04/30/10 - HOUSE Engrossed Text (E3) Filed

SB 1412	**Relating to Obsolete or Outdated Agency Plans/Reports/Programs**	Haridopolos	04/30/10

Obsolete or Outdated Agency Plans/Reports/Programs [GPSC]; Repeals a provision which establishes the Florida Commission on Interstate Cooperation. Repeals a provision relating to the Florida State Commission on Hispanic Affairs. Revises reporting requirements of the Citizen's Assistance Office. Repeals a provision relating to the Florida Commission on African-American Affairs. Deletes an obsolete provision requiring creation of advisory committees on international and small business issues, etc. EFFECTIVE DATE: Upon becoming law.

04/30/10 - SENATE Ordered engrossed, then enrolled

HB 1455	**Relating to Misrepresentation of Military Status**	Sachs	04/29/10

Misrepresentation of Military Status: Prohibits person from falsely representing himself or herself as member of or representing U.S. Armed Forces or National Guard for purpose of solicitation of charitable contributions or participation in charitable or sponsor sales promotion; prohibits person from wearing uniform of or any medal or insignia authorized for use by members or veterans of U.S. Armed Forces or National Guard with intent to misrepresent himself or herself as member or veteran of U.S. Armed Forces or National Guard while soliciting for charitable contributions; provides criminal penalties. Effective Date: October 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1460	**Relating to Florida Hurricane Catastrophe Fund/Contract Year**	Richter	04/15/10

Florida Hurricane Catastrophe Fund/Contract Year [WPSC]; Revises the method by which an insurer's retention is calculated. Revises contract years relating to minimum retention levels. Extends the expiration date of certain provisions of state law. Increases the maximum financial obligations of the SBA with respect to all contracts covering a particular contract year. Revises contract years for which a TICL options addendum must provide for reimbursement of TICL insurers for covered events, etc. EFFECTIVE DATE: Upon becoming law.

04/15/10 - Approved by Governor; Chapter No. 2010-10

HB 1473	**Relating to Manatee County**	Fitzgerald	04/29/10

Manatee County: Revises legal boundaries of City of Anna Maria to remove land that is currently included in boundaries of City of Holmes Beach & to include submerged lands; exempts Manatee County from certain regulations of City of Anna Maria; revises boundaries of City of Holmes Beach to include unincorporated land owned by DOT. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1483	**Relating to Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County**	Schenck	04/29/10
	Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County: Revises district boundaries. Effective Date: effect upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
SB 1484	**Relating to Medicaid**	Peaden, Jr.	04/30/10
	Medicaid [WPSC]; Authorizes the ACHA to contract with an entity for the provision of comprehensive behavioral health care services to certain Medicaid recipients who are not enrolled in a Medicaid managed care plan or a Medicaid provider service network under certain circumstances. Establishes the Medicaid and Public Assistance Fraud Strike Force within the DFS. Directs the DFS rather than the FDLE to investigate public assistance fraud, etc. EFFECTIVE DATE: 07/01/2010 except as otherwise provided. 04/30/10 - SENATE Engrossed Text (E2) Filed		
HB 1485	**Relating to Hillsborough County**	Glorioso	04/29/10
	Hillsborough County: Revises definitions relating to Public Transportation Commission. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
HB 1487	**Relating to Spring Lake Improvement District, Highlands County**	Grimsley	04/29/10
	Spring Lake Improvement District, Highlands County: Deletes obsolete & repetitive language; provides minimum charter requirements; amends board, election, & term of office provisions; amends compensation for board members to comply with general law; deletes obsolete powers; provides additional district powers, including mosquito control, fire & emergency services, & construction & maintenance of school facilities; provides for applicability of general laws; provides ballot statement; requires referendum. Effective Date: upon this act becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
HB 1493	**Relating to Career Offenders**	Cruz	04/30/10
	Career Offenders: Prohibits performing specified acts with intent to assist career offender in eluding law enforcement agency that is seeking to find career offender to question career offender about, or to arrest career offender for, his or her noncompliance. Effective Date: July 1, 2010 04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)		
HB 1505	**Relating to John M. McKay Scholarships for Students with Disabilities Program**	Flores	04/30/10
	John M. McKay Scholarships for Students with Disabilities Program: Revises student eligibility requirements for participation in scholarship program; authorizes students who are eligible to enter kindergarten to receive John M. McKay Scholarship; provides eligibility requirements for student identified with developmental delay; authorizes students who were enrolled & reported by school district for funding during any prior year FEFP surveys to receive scholarship; authorizes Commissioner of Education to deny, suspend, or revoke private school's participation in program for certain acts or omissions by owner or operator; permits students to receive instruction & services at site other than physical location of private school under specified conditions. Effective Date: July 1, 2010 04/30/10 - HOUSE Engrossed Text (E1) Filed		
SB 1510	**Relating to Department of Citrus**	Baker	04/30/10
	Department of Citrus [WPSC]; Revises the location of the executive offices of the Department of Citrus. EFFECTIVE DATE: 07/01/2010. 04/30/10 - HOUSE Engrossed Text (E1) Filed		
SB 1514	**Relating to Recreational Licenses**	Baker	04/30/10

Recreational Licenses [WPSC]; Exempts the shoreline fishing license from a charge imposed to compensate the subagent or tax collector issuing the license. Authorizes the subagent or tax collector to retain a portion of certain other license proceeds. Removes the fee for an annual resident shoreline fishing license. EFFECTIVE DATE: 07/01/2010.

04/30/10 - SENATE Engrossed Text (E1) Filed

SB 1516	**Relating to State-owned Lands**	Baker	05/03/10

State-owned Lands [WPSC]; Requires the property appraiser to physically inspect any parcel of taxable or state-owned real property upon the request of the taxpayer or owner. Removes provisions requiring the DOR to notify property appraisers of state ownership of real property. Authorizes the DOR to disclose certain information to the DEP regarding state-owned lands. Requires that the DOT identify & dispose of surplus property pursuant to specified provisions, etc. EFFECTIVE DATE: Upon becoming law.

05/03/10 - SENATE Engrossed Text (E2) Filed

HB 1519	**Relating to Sarasota County Tourist Development Council**	Holder	04/29/10

Sarasota County Tourist Development Council: Provides for appointment of additional members to Sarasota County Tourist Development Council; specifies requirements for council members; provides for duties, responsibilities, & procedures of council; provides for superseding specified provisions of general law. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1547	**Relating to Lake Asbury Municipal Service Benefit District, Clay County**	Proctor	04/30/10

Lake Asbury Municipal Service Benefit District, Clay County: Authorizes board of district trustees to increase cap on special assessments against lots in district, subject to voter approval at referendum. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1551	**Relating to Black Business Investment Board, Inc.**	Carroll	04/30/10

Black Business Investment Board, Inc.: Deletes description of BBIB as public-private entity; requires BBIB to assist OTTED in creating long-range strategic policy for Black Business Loan Program; revises entities with whom BBIB may create partnerships; revises membership of board of directors; provides for certain members to be ex officio, nonvoting members; revises requirements for selection, removal, & terms of chair & vice chair; requires that, upon dissolution of BBIB, asset not acquired through use of state funds be returned to donor who provided asset; requires BBIB to aid development & expansion of black business enterprises by leveraging federal, state, local, & private funds; requires BBIB to collaborate with agencies of federal, state, & local governments, private entities, nonprofit organizations, & national organizations; revises dates by which applications for loans from Black Business Loan Program must be received & processed by OTTED; revises eligibility requirements for program recipients; revises date by which OTTED must distribute appropriations to program recipients; deletes provisions providing for BBIB to recommend certification of eligible recipients for loans; revises percentages of program funds that recipient may use for certain purposes; authorizes OTTED to bring civil action against entity that unlawfully holds itself out as black business investment corporation; deletes provision relating to black contractors bonding program, which requires board to provide assistance to OSD; requires that recipients of loans from Black Business Loan Program provide quarterly reports to OTTED; requires that OTTED compile summary of quarterly reports from loan recipients & submit copy of summary to board; requires that OTTED & BBIB provide annual reports to Governor & Legislature. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 1565	**Relating to Rulemaking**	Dorworth	04/29/10

Rulemaking: Requires each agency, before adopting, amending, or repealing certain rules, to prepare statement of estimated regulatory costs of proposed rule if proposed rule has adverse impacts on small business or increases regulatory costs; provides exception to circumstances under which emergency rule shall not be effective, etc. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1581	**Relating to Florida Atlantic University**	Hasner	04/30/10

Florida Atlantic University: Authorizes doctor of medicine degree program at FAU. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

SB 1612	**Relating to Office of Supplier Diversity/DMS**	Lawson Jr.	04/29/10

Office of Supplier Diversity/DMS [GPSC]; Deletes the requirement for affidavits in certifications of minority business enterprises. Provides that certifications may be signed electronically. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

HB 1621	**Relating to North Springs Improvement District, Broward County**	Porth	04/29/10

North Springs Improvement District, Broward County: Extends & enlarges boundaries of North Springs Improvement District. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 1625	**Relating to Brevard County**	Workman	04/29/10

Brevard County: Authorizes Division of Alcoholic Beverages & Tobacco to issue alcoholic beverage license to East Coast Zoological Society of Florida, Inc., for use within Brevard Zoo buildings & grounds; provides for payment of fee; provides for sale of beverages; provides for transfer of license. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1626	**Relating to Ringling Investment Trust Fund/DMS**	Baker	04/15/10

Ringling Investment Trust Fund/DMS [WPSC]; Terminates the Ringling Investment Trust Fund within the Department of Management Services. Provides for the disposition of balances in and revenues of the trust fund. Prescribes procedures for terminating the trust fund. EFFECTIVE DATE: 07/01/2010.

04/15/10 - Approved by Governor; Chapter No. 2010-11

HB 1627	**Relating to Hardee County Economic Development Authority, Hardee County**	Troutman	04/29/10

Hardee County Economic Development Authority, Hardee County: Revises provisions relating to authority's purpose & grant application criteria; corrects cross-references. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1628	**Relating to Federal Grants Trust Fund/DMS**	Baker	04/15/10

Federal Grants Trust Fund/DMS [WPSC]; Creates the Federal Grants Trust Fund within the Department of Management Services. Provides for the purpose of the trust fund and sources of funds. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010 if enacted by a 3/5ths vote of the membership of each house of the Legislature.

04/15/10 - Approved by Governor; Chapter No. 2010-12

HB 1629	**Relating to Hillsborough County**	Glorioso	04/29/10

Hillsborough County: Clarifies that administrative determination by DOAH of invalidity of rules or proposed rules of county Public Transportation Commission is authorized. Effective Date: upon becoming a law

04/29/10 - HOUSE Enrolled Text (ER) Filed

SB 1630	**Relating to Audit & Warrant Clearing Trust Fund/DOR**	Baker	04/15/10
	Audit & Warrant Clearing Trust Fund/DOR [WPSC]; Re-creates the Audit and Warrant Clearing Trust Fund within the Department of Revenue without modification. Abrogates provisions relating to the termination of the trust fund, to conform. EFFECTIVE DATE: 07/01/2010. 04/15/10 - Approved by Governor; Chapter No. 2010-13		
HB 1631	**Relating to Lake Padgett Estates Independent Special District, Pasco County**	Weatherford	04/29/10
	Lake Padgett Estates Independent Special District, Pasco County: Corrects legal description of district boundaries. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
SB 1632	**Relating to Transportation Revenue Bond Trust Fund/DOT**	Fasano	04/15/10
	Transportation Revenue Bond Trust Fund/DOT [WPSC]; Reenacts and amends a specified provision relating to the Transportation Revenue Bond Trust Fund within the Department of Transportation. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010. 04/15/10 - Approved by Governor; Chapter No. 2010-14		
SB 1634	**Relating to Transportation Governmental Bond Trust Fund/DOT**	Fasano	04/15/10
	Transportation Governmental Bond Trust Fund/DOT [WPSC]; Creates the Transportation Governmental Bond Trust Fund within the Department of Transportation. Provides for the purpose of the trust fund and sources of funds. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010. 04/15/10 - Approved by Governor; Chapter No. 2010-15		
HB 1635	**Relating to Panama City - Bay County Airport and Industrial District**	Coley	04/29/10
	Panama City - Bay County Airport and Industrial District: Adds one member to district governing board who will represent Walton County & be appointed by Walton County Commission; adds two board members who will represent Panama City Beach & be appointed by Panama City Beach City Council; provides terms for such members; provides for subsequent appointment procedures for such members; revises quorum requirement; provides that indebtedness of district for bonds issued shall not be considered debt of city or county; provides that issuance of revenue bonds by district shall not obligate city or county of district to levy any ad valorem taxes or to make any appropriations for their payment or for operation & maintenance of facilities of district. Effective Date: upon becoming a law 04/29/10 - HOUSE Enrolled Text (ER) Filed		
SB 1636	**Relating to Trust Funds**	Fasano	04/15/10
	Trust Funds [WPSC]; Creates the Clearing Funds Trust Fund within the Department of State. Clarifies provisions requiring that election assessments be transferred to the Elections Commission Trust Fund within the Department of Legal Affairs. Requires that certain funds paid to the Department of State by cable or video providers be deposited into the Clearing Funds Trust Fund rather than the Operating Trust Fund, etc. EFFECTIVE DATE: 07/01/2010. 04/15/10 - Approved by Governor; Chapter No. 2010-16		
SB 1638	**Relating to Federal Grants Trust Fund/Dept. of State**	Fasano	04/15/10
	Federal Grants Trust Fund/Department of State [WPSC]; Creates said trust fund within the Department of State. Provides for the purpose of the trust fund and sources of funds. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010.		

04/15/10 - Approved by Governor; Chapter No. 2010-17

SB 1640	**Relating to Florida Forever Trust Fund/DCA**	Fasano	04/15/10

Florida Forever Trust Fund/DCA [WPSC]; Re-creates said trust fund within the DCA. Reenacts and amends a specified provision relating to said trust fund. Provides for sources of funds and purposes. Provides for the annual carryforward of funds. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010.

04/15/10 - Approved by Governor; Chapter No. 2010-18

SB 1642	**Relating to Emergency Response Trust Fund/Military Affairs**	Fasano	04/15/10

Emergency Response Trust Fund/Military Affairs [WPSC]; Re-creates the Emergency Response Trust Fund within the Department of Military Affairs without modification. Abrogates the provisions relating to the termination of the trust fund, to conform. EFFECTIVE DATE: 07/01/2010.

04/15/10 - Approved by Governor; Chapter No. 2010-19

SB 1644	**Relating to Trust Funds/Department of State**	Fasano	04/15/10

Trust Funds/Department of State [WPSC]; Terminates specified trust funds within the Department of State. Provides for the disposition of balances in and revenues of such trust funds. Prescribes procedures for the termination of such trust funds. Redesignates the Florida Fine Arts Trust Fund within the Division of Cultural Affairs as the Grants and Donations Trust Fund. EFFECTIVE DATE: 07/01/2011.

04/15/10 - Approved by Governor; Chapter No. 2010-20

SB 1678	**Relating to OGSR/Moffitt Cancer Center and Research Institute**	Higher Education	04/30/10

OGSR/Moffitt Cancer Center and Research Institute [SPSC]; Repeals a provision relating to an exemption from public records requirements for certain records held by the H. Lee Moffitt Cancer Center and Research Institute. Saves the exemption from repeal under the Open Government Sunset Review Act. Removes the scheduled repeal of the exemption. EFFECTIVE DATE: 10/1/2010.

04/30/10 - SENATE Enrolled Text (ER) Filed

SB 1730	**Relating to Biodiesel Fuel**	Oelrich	04/29/10

Biodiesel Fuel [SPSC]; Exempts biodiesel fuel manufactured by a public or private secondary school from taxation under certain circumstances. Specifies the circumstances under which a public or private secondary school that manufactures such fuel is exempt from certain registration requirements. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 1736	**Relating to Unemployment Compensation**	Garcia	04/29/10

Unemployment Compensation [CPSC]; Provides for retroactive application. Establishes temporary state extended benefits for weeks of unemployment. Provides for state extended benefits for certain weeks and for periods of high unemployment. Specifies the duration of liens securing the payment of unemployment compensation tax obligations. Provides for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 1752 ✝	**Relating to Economic Development**	Gaetz	04/30/10

Economic Development [WPSC]; Requires an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds. Limits the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state. Temporarily exempts from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year, etc. APPROPRIATION: $35,039,943. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

04/30/10 - SENATE Engrossed Text (E2) Filed

SB 1780	**Relating to Official Florida Statutes**	Villalobos	03/30/10

Official Florida Statutes [WPSC]; Adopts the Florida Statutes 2010 and designates the portions thereof that are to constitute the official law of the state. Provides that the Florida Statutes 2010 shall be effective immediately upon publication. Provides that general laws enacted during the 2009 regular session and prior thereto and not included in the Florida Statutes 2010 are repealed, etc. EFFECTIVE DATE: 60 days after sine die.

03/30/10 - Approved by Governor; Chapter No. 2010-3

SB 1782	**Relating to Florida Statutes**	Villalobos	03/30/10

Florida Statutes [WPSC]; Deletes provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to specified provisions, may be omitted from the 2010 Florida Statutes only through a reviser's bill duly enacted by the Legislature. EFFECTIVE DATE: 60 days after sine die.

03/30/10 - Approved by Governor; Chapter No. 2010-4

SB 1784	**Relating to Florida Statutes**	Villalobos	03/30/10

Florida Statutes [WPSC]; Deletes provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Replaces incorrect cross-references and citations. Corrects grammatical, typographical, and like errors. Removes inconsistencies, redundancies, and unnecessary repetition in the statutes. Improves the clarity of the statutes, etc. EFFECTIVE DATE: 60 days after sine die.

03/30/10 - Approved by Governor; Chapter No. 2010-5

SB 1842	**Relating to Transportation Projects**	Bennett	04/29/10

Transportation Projects [CPSC]; Directs the DOT to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects. Provides a timeframe for notification. Requires the department to hold a public hearing and receive public input regarding the effects of the project on local business, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 1896	**Relating to Commercial, Civil, Military, or Academic Endeavors**	Altman	04/22/10

Commercial, Civil, Military, or Academic Endeavors [CPSC]; Urges the Congress of the United States to support any commercial, civil, military, or academic endeavor, including job training and placement, which will enable the United States space program to maintain, to the greatest extent possible, our nation's only human space flight workforce.

04/22/10 - SENATE Enrolled Text (ER) Filed

SB 1964	**Relating to Design Professionals**	Negron	04/29/10

Design Professionals [CPSC]; Provides for limited liability for engineers, surveyors and mappers, architects, interior designers, and registered landscape architects as a result of construction defects resulting from the performance of a contract. Provides that, if a contract requires professional liability insurance, the contract may not limit the liability of the design professional inconsistent with the insurance requirements, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 2014	**Relating to Early Learning**	Wise	04/29/10

Early Learning [CPSC]; Deletes an obsolete reference to the repealed subsidized child care program. Replaces an obsolete reference to a repealed program with an updated reference to the school readiness program. Establishes the Gold Seal Quality Care program within the DCFS. Revises procedures for child care market rate reimbursement and child care grants. Revises provisions relating to statewide kindergarten screening and kindergarten readiness rates, etc. EFFECTIVE DATE: 05/31/2010 except as otherwise provided.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 2020	**Relating to Information Technology**	Alexander	04/30/10

Information Technology [WPSC]; Revises the duties and responsibilities of the Agency for Enterprise Information Technology. Requires said agency to make annual recommendations to the Legislature regarding the migration to a statewide e-mail service and the consolidation of purchasing certain commodities and services. Requires the Children's Legal Service and judiciary to use Florida Safe Families Network for child welfare case management, etc. APPROPRIATION: $300,000. EFFECTIVE DATE: Upon becoming law.

04/30/10 - SENATE Engrossed Text (E2) Filed

SB 2024	**Relating to Tax on Communications and Utility Services**	Alexander	04/30/10

Tax on Communications and Utility Services [WPSC]; Decreases the rate at which the sales price of certain communications services are taxed. Requires that the State Board of Education make specified adjustments to the figures used by the board in determining the amount of bond debt that can be serviced by revenues derived from the gross receipts tax on utility services. Provides for the act to apply to bills for communications services dated on or after a certain date, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

04/30/10 - SENATE Engrossed Text (E2) Filed

SB 2044	**Relating to Property Insurance**	Richter	04/30/10

Property Insurance [CPSC]; Delays the repeal of a provision exempting medical malpractice insurance premiums from emergency assessments to the Hurricane Catastrophe Fund. Revises the minimum surplus as to policyholders which must be maintained by certain insurers. Exempts certain individuals from the requirement to pass an examination before being issued a license as an agent, customer representative, or adjuster, etc. APPROPRIATION: $310,700. EFFECTIVE DATE: 06/01/2010 except as otherwise provided.

04/30/10 - SENATE Ordered engrossed, then enrolled

SB 2046	**Relating to Employee Leasing Companies**	Richter	04/30/10

Employee Leasing Companies [CPSC]; Deletes the requirement that an employee leasing company obtain approval of the Board of Employee Leasing Companies before changing the name or location of a company. Provides that board approval is not required before the purchase or acquisition of a company if a controlling person in the company is licensed. Provides that failure to timely pay a license renewal fee subjects the licensee to disciplinary action, etc. EFFECTIVE DATE: 07/01/2010.

04/30/10 - SENATE Enrolled Text (ER) Filed

SB 2054	**Relating to Road Designations**	Gaetz	04/27/10

Road Designations [CPSC]; Designates Doolittle Raiders Highway in Okaloosa and Walton Counties. Designates Beach Highway in Walton County. Designates K. Earl Durden Highway in Bay County. Directs the Department of Transportation to erect markers. EFFECTIVE DATE: 07/01/2010.

04/27/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/12/10)

SB 2060	**Relating to Sovereign Immunity**	Bennett	04/27/10

Sovereign Immunity [SPSC]; Increases the statutory limits on liability for tort claims against the state and its agencies and subdivisions. Provides for application of the act to claims arising on or after the effective date. EFFECTIVE DATE: 10/01/2011.

04/27/10 - Approved by Governor; Chapter No. 2010-26

SB 2086	**Relating to Consumer Debt Collection**	Richter	04/29/10

Consumer Debt Collection [CPSC]; Requires a consumer debt collection agency to maintain records. Increases the administrative fine imposed against an out-of-state consumer debt collector that fails to register as required. Revises provisions relating to authorized activities of the Attorney General. Revises requirements for providing written

notice of the assignment of debt. Revises prohibited acts with respect to consumer debt collection, etc. EFFECTIVE DATE: 10/01/2010.
04/29/10 - SENATE Enrolled Text (ER) Filed

SB 2126	**Relating to Florida Tax Credit Scholarship Program**	Negron	04/22/10

Florida Tax Credit Scholarship Program [WPSC]; Makes operation of the program contingent upon available funds. Revises certain eligibility criteria. Revises tax credit grant provisions. Specifies a tax credit cap. Provides for increasing the tax credit cap under certain circumstances. Provides for unused amounts of tax credits to be carried forward. Revises provisions governing the rescission of taxpayer tax credits. Authorizes DOR to adopt emergency rules, etc. APPROPRIATION: $140,494. EFFECTIVE DATE: 07/01/2010 except as otherwise provided.
04/22/10 - Approved by Governor; Chapter No. 2010-24

SB 2176	**Relating to Insurance**	Peaden, Jr.	04/30/10

Insurance [CPSC]; Prohibits an association, fund, or pool created for the purpose of forming or managing a risk management mechanism or providing self-insurance for a public entity from requiring its members to give more than 60 days' notice of the member's intention to withdraw from the association, fund, or pool. Exempts certain categories or types of insurance and types of commercial lines risks from certain rate requirements, etc. EFFECTIVE DATE: 01/01/2011.
04/30/10 - SENATE Engrossed Text (E2) Filed

SB 2272	**Relating to Controlled Sustances**	Fasano	04/30/10

Controlled Sustances [SPSC]; (THIS BILL COMBINES CS/S2272 & CS/S2722) Provides that pain-management clinics that are required to be registered with the DOH are business establishments. Requires all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing a physician who is primarily engaged in the same, to register with the DOH, etc. EFFECTIVE DATE: 10/01/2010.
04/30/10 - SENATE Enrolled Text (ER) Filed

SB 2284	**Relating to Legislature**	Negron	04/26/10

Legislature [GPSC]; Fixes the date for convening the regular session of the Legislature in the year 2012. EFFECTIVE DATE: 07/01/2010.
04/26/10 - SENATE Enrolled Text (ER) Filed

SB 2374	**Relating to State Group Insurance Program**	Alexander	04/30/10

State Group Insurance Program [WPSC]; Establishes the state's monthly contributions for employees who have individual coverage and for employees who have family coverage. Requires that the Division of State Group Insurance within the DMS establish a state employee health clinic pilot program. Requires the Division of State Group Insurance to contract for postpayment claims review services for the State Group Insurance Program, etc. EFFECTIVE DATE: 07/01/2010.
04/30/10 - SENATE Engrossed Text (E1) Filed

SB 2386	**Relating to State Financial Matters**	Alexander	04/30/10

State Financial Matters [WPSC]; Authorizes the CFO to adopt rules requiring that payments made by the state for goods, services, or anything of value be made by electronic means. Requires that the rules include methods for accommodating persons who may not be able to recieve payment by electronic means. Requires that the CFO adopt and disseminate uniform minimum procedures to state agencies for agreements that provide state or federal financial assistance to a recipient, etc. APPROPRIATION: $311,915. EFFECTIVE DATE: 07/01/2010.
04/30/10 - SENATE Ordered engrossed, then enrolled

SB 2440	**Relating to Liability Releases**	Bennett	04/27/10

Liability Releases [SPSC]; Redefines the term "nonspectators" to include a minor on whose behalf a natural guardian has signed a motorsport liability release. Provides that a

motorsport liability release signed by a natural guardian on behalf of a minor participating in a sanctioned motorsports event is valid to the same extent as for other nonspectators, etc. EFFECTIVE DATE: 04/27/2010.

04/27/10 - Approved by Governor; Chapter No. 2010-27

SB 2462	**Relating to Federal Grants TF/Department of Community Affairs**	Fasano	04/15/10

Federal Grants TF/Department of Community Affairs [WPSC]; Creates the Federal Grants Trust Fund within the Department of Community Affairs. Provides for sources of funds and purposes. Provides for future review and termination or re-creation of the trust fund. EFFECTIVE DATE: 07/01/2010.

04/15/10 - Approved by Governor; Chapter No. 2010-21

SB 2470	**Relating to Regional Transportation**	Thrasher	04/29/10

Regional Transportation [CPSC]; Creates the Northeast Florida Regional Transportation Study Commission. Provides for the Jacksonville Transportation Authority to staff the commission. Provides for funding of the commission. Provides for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically, etc. EFFECTIVE DATE: 07/01/2010.

04/29/10 - SENATE Enrolled Text (ER) Filed

SB 2742	**Relating to Nonbinding Statewide Advisory Referendum**	Atwater	04/30/10

Nonbinding Statewide Advisory Referendum [SPSC]; Requires that a question regarding a balanced federal budget be printed on the ballot and submitted to the voters in the 2010 general election. EFFECTIVE DATE: Upon becoming law.

04/30/10 - SENATE Enrolled Text (ER) Filed

HB 5001	**Relating to Appropriations**	Full Appropriations Council on Education & Economic Development	04/30/10

Appropriations: Provides moneys for annual period beginning July 1, 2010, & ending June 30, 2011, to pay salaries, & other expenses, capital outlay - buildings, & other improvements, & for other specified purposes of various agencies of state government. Effective Date: Except as otherwise provided, this act shall take effect July 1, 2010, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2010, then it shall operate retroactively to July 1, 2010.

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5003	**Relating to Implementing the 2010-2011 General Appropriations Act**	Full Appropriations Council on Education & Economic Development	04/30/10

Implementing the 2010-2011 General Appropriations Act: Implements 2010-2011 General Appropriations Act; provides legislative intent; incorporates by reference certain calculations of the Florida Education Finance Program for 2010-2011 fiscal year; authorizes transfer of funds, upon certain approval, for fixed capital outlay from Survey Recommended Needs-Public Schools appropriation category to Maintenance, Repair, Renovation & Remodeling appropriation category, etc. Effective Date: July 1, 2010; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5101	**Relating to Prekindergarten through Grade 12 Education Funding**	PreK-12 Appropriations Committee	04/30/10

Prekindergarten through Grade 12 Education Funding: Revises provisions relating to school capital outlay surtax, transfer of funds for class size reduction, appropriation of funds for regional consortium service organizations, calculations for funding lab schools, capital outlay funding for charter schools, calculations for funding Florida Virtual School,

certain scholarship payments, & school district virtual instruction programs; revises requirements for maximum class size to include requirements contingent on voter approval of joint resolution; provides requirements relating to gifted student education, electronic learning management systems, instructional materials, FEFP calculations, calculation of funds for instructional materials & transportation, & levy of certain school district millage. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5201	**Relating to Postsecondary Education Funding**	State Universities & Private Colleges Appropriations Committee	04/30/10

Postsecondary Education Funding: Revises provisions relating to use of funds to pay postsecondary education expenses for children & spouses of certain members of military; provides definition; provides educational benefit award amounts for students at public & nonpublic eligible postsecondary education institutions; provides requirements for the licensing of electronic library resources, etc. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5301	**Relating to Medicaid Services**	Health Care Appropriations Committee	04/30/10

Medicaid Services: Revises provisions relating to Medicaid services, including minimum staffing requirements for nursing home facilities, eligibility & coverage for women during pregnancy & postpartum period who live in family with income at or below specified percentage of federal poverty level, expiration dates of provisions authorizing federal waiver for certain persons age 65 & over or with disability & provisions authorizing specified medically needy program, coverage for chiropractic services for adult recipients, formula used for calculating reimbursements to providers of prescribed drugs, purpose of use of nursing home facility quality assessment & federal matching funds & purpose of use of privately operated ICF/DD quality assessment & federal matching funds, data used in calculating disproportionate share, formula used to pay disproportionate share dollars to provider service network hospitals, prohibition against distributing moneys under perinatal intensive care centers disproportionate share program, authorization for distribution of moneys to teaching hospitals under disproportionate share program, prohibition against distributing moneys under primary care disproportionate share program, & formula used for calculating reimbursements to providers of prescribed drugs; permits AHCA, in consultation with DEA, to accept & forward application for expansion of service capacity to Centers for Medicare & Medicaid Services for specified entity that provides benefits under Program of All-inclusive Care for the Elderly. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5303	**Relating to Agency for Persons with Disabilities**	Health Care Appropriations Committee	04/30/10

Agency for Persons with Disabilities: Revises provisions relating to order of priority for clients with developmental disabilities waiting for waiver services; extends date for implementation for certain categories of clients; specifies assessment instruments to be used for delivery of home & community-based services; provides limit on annual expenditures for clients with certain service needs; directs agency to eliminate behavior assistance services; reduces geographic differential for Miami-Dade, Broward, Palm Beach, & Monroe Counties for residential habilitation services; establishes iBudget program for delivery of home & community-based services; provides for hearings on Medicaid programs administered by agency. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5305	**Relating to Child Welfare**	Health Care Appropriations	04/30/10

		Committee	

Child Welfare: Requires DCFS, DOH, APD, AHCA, & community-based care lead agencies to adopt policies for administrative monitoring of child welfare providers; authorizes private-sector entities to establish Internet-based data warehouse & archives; provides that certain services provided to young adults formerly in foster care are subject to specific appropriation; revises provisions relating to calculating amount of award granted under Road-to-Independence Program; repeals provisions relating to adoption benefits for qualifying adoptive employees of state agencies; revises provisions relating to funding for contracts established between DCFS & community-based care lead agencies; authorizes department to outsource certain functions; authorizes community-based care lead agencies to make certain expenditures. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5307	**Relating to Mental Health and Substance Abuse**	Health Care Appropriations Committee	04/30/10

Mental Health and Substance Abuse: Repeals provisions establishing Substance Abuse and Mental Health Corporation. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5309	**Relating to Comprehensive Statewide Tobacco Education and Use Prevention Program**	Health Care Appropriations Committee	04/30/10

Comprehensive Statewide Tobacco Education and Use Prevention Program: Expands counter-marketing & advertising campaign to include innovative communication strategies; provides requirements for administration & management of program by DOH; deletes county health department funding eligibility; specifies purpose of funds distributed under program; revises AHEC program component functions & requirements; authorizes community mental health providers under contract with DCFS to receive share of annual appropriation for specified purposes, subject to specific appropriation in GAA; requires DOH to submit proposal to Governor & Legislature for developing pilot program by specified date. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5311	**Relating to Department of Health**	Health Care Appropriations Committee	04/30/10

Department of Health: Revises provisions for administration & use of funds in Administrative Trust Fund & Emergency Medical Services Trust Fund; provides for funds collected from disposition of certain motor vehicle infractions to be deposited into EMS Trust Fund rather than Administrative Trust Fund; revises provisions relating to reimbursement of trauma centers; revises eligibility provisions to remove provisional trauma centers & certain hospitals; provides for use of funds in EMS Trust Fund for verified trauma centers. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5401	**Relating to Clerks of the Court**	Criminal & Civil Justice Appropriations Committee	04/30/10

Clerks of the Court: Transfers Clerks of the Court Trust Fund to DOR; provides additional powers & duties of Legislative Budget Commission; revises distributions of filing fees for trial & appellate proceedings; deletes provisions providing for housing Florida Clerks of Court Operations Corporation within Justice Administrative Commission, specifying corporation as commission budget entity, & specifying corporation employees as commission employees; subjects corporation & clerks of court to specified procurement requirements; exempts corporation from specified provisions, policies, & decisions; revises corporation's duties; revises requirements for budget procedure for court-related functions of clerks of court; revises requirements for distribution of fines, fees, service

charges, & court costs collected by clerks of court; revises requirements for distribution of specified filing fees collected by clerks of court; revises required budget procedures for budget requests for funding court-related functions of clerks of court; requires specified filing fees to be retained as fee income of office of clerk of circuit court; specifies creation of Clerks of the Court Trust Fund within DOR; provides for credit of funds to trust fund. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5501	**Relating to Department of Highway Safety and Motor Vehicles**	Transportation & Economic Development Appropriations Committee	04/30/10

Department of Highway Safety and Motor Vehicles: Revises provisions for motor vehicle crash reports; provides for short-form crash reports; requires department to authorize any or all of tax collectors in several counties of state to serve as its agent for provision of specified driver's license services; directs department, in conjunction with Florida Tax Collectors Association, to develop plan to transition all driver license issuance services to county tax collectors. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5505	**Relating to Supplemental Corporate Fee**	Transportation & Economic Development Appropriations Committee	04/30/10

Supplemental Corporate Fee: Specifies that fee for application for reinstatement following administrative dissolution includes specified late charge; deletes exception for liability for late charge; requires inclusion of reinstatement application fee under fees owed by corporation seeking reinstatement after administrative dissolution. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5603	**Relating to Department of Financial Services**	Government Operations Appropriations Committee	04/30/10

Department of Financial Services: Authorizes Division of Insurance Fraud & Office of Fiscal Integrity to conduct enforcement investigations; transfers Office of Fiscal Integrity of Division of Accounting & Auditing of DFS to Division of Insurance Fraud; revises criteria for premiums charged to agencies & departments for purposes of State Risk Management Trust Fund; revises reporting requirements on state insurance program; requires specified agencies to establish & maintain return-to-work programs for specified employees; provides program goals; requires Division of Risk Management to evaluate agency risk management programs; requires agencies to respond to division's evaluation & recommendations; requires division to submit evaluation report to legislative appropriations committees; provides for reversion of specified unencumbered & undisbursed funds to Workers' Compensation Administration Trust Fund. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5607	**Relating to Retirement**	Government Operations Appropriations Committee	04/30/10

Retirement: Revises payroll contribution rates for membership classes of FRS for state fiscal years effective July 1, 2010, & July 1, 2011; deletes provision providing for recognition & usage of current available excess assets of FRS Trust Fund to offset employer contribution rates for FRS; requires state actuary to consider additional factors when conducting annual actuarial study of FRS; specifies factors to be considered; provides declaration of important state interest. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5611	**Relating to Department of Management Services**	Government Operations Appropriations Committee	04/30/10

Department of Management Services: Provides that fees collected by DMS for use of its electronic information services & online procurement systems in excess of obligations & encumbrances to cover DMS's costs of providing services shall be calculated annually & transferred to General Revenue Fund; repeals provisions relating to creation of Council on Efficient Government within DMS; requires that business case be submitted in form & manner required by budget instructions. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5705	**Relating to State Employees**	Full Appropriations Council on Education & Economic Development	04/30/10

State Employees: Provides for resolution of economic collective bargaining issues at impasse between State of Florida & certified bargaining units for state employees pursuant to specified instructions. Effective Date: July 1, 2010

04/30/10 - HOUSE Ordered engrossed, then enrolled

HB 5801	**Relating to Taxation**	Finance & Tax Council	04/30/10

Taxation: Directs DOR to develop & implement amnesty program for taxpayers subject to state & local taxes; provides time periods, program guidelines, eligible participants, & for waiver of penalties & interest; provide that DOR may release confidential taxpayer information relating to corporation having outstanding tax warrant to DBPR; authorizes DOR to publish list of taxpayers against whom DOR has filed warrant or judgment lien certificate or taken collection action; authorizes DBPR to revoke or deny renewal of license to operate public lodging establishment or public food service establishment under specified circumstances; authorizes DOR to revoke all certificates of registration, permits, or licenses issued to taxpayer against whose property DOR has filed warrant or tax lien; provides for transfer of tax liabilities to transferee of business or stock of goods under specified circumstances; makes permanent methodology for determining value of assessments for specified homesteads. Effective Date: upon becoming a law

04/30/10 - HOUSE Ordered engrossed, then enrolled

SB 6000	**Relating to Joint Session/Receiving Governor's Message**	Villalobos	03/05/10

Joint Session/Receiving Governor's Message; Provides that the Senate and the House of Representatives convene in Joint Session for the purpose of receiving a message from the Governor.

03/05/10 - HOUSE Signed by Officers and filed with Secretary of State

HB 7017	**Relating to Pub. Rec./Credit History Information and Credit Scores/OFR**	Insurance, Business & Financial Affairs Policy Committee	04/29/10

Pub. Rec./Credit History Information and Credit Scores/OFR: Creates exemption from public records requirements for credit history information & credit scores held by OFR within DFS & related to licensing of loan originators, mortgage brokers, & mortgage lenders; provides exception to exemption for specified governmental entities; transfers specified provisions; provides for future legislative review & repeal; provides statement of public necessity. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7019	**Relating to Trust Funds/Creation/Mortgage Guaranty Trust Fund/Office of Financial Regulation**	Insurance, Business & Financial Affairs Policy Committee	04/29/10

Trust Funds/Creation/Mortgage Guaranty Trust Fund/Office of Financial Regulation: Creates Mortgage Guaranty Trust Fund within OFR of DFS; provides for sources of funds & purposes; provides for annual carryforward of funds; provides for future review &

termination or re-creation of trust fund. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7033	**Relating to Unemployment Compensation**	Economic Development & Community Affairs Policy Council	03/02/10

Unemployment Compensation: Establishes temporary state extended benefits for weeks of unemployment; provides for state extended benefits for certain weeks & for periods of high unemployment; reduces amount of exempt wages beginning January 1, 2010; increases amount of exempt wages beginning January 1, 2012; suspends exempt wages adjustment when repayment of federal advance is owed; provides that positive adjustment factor begins January 1, 2012; requires employer assessment when federal advance interest is due; requires Revenue Estimating Conference to calculate interest based on certain factors at date certain; requires assessment by date certain; provides formula for calculation of employer interest assessment rate & payment; provides for separate collection of such assessment; provides for credit of excess interest funds collected; provides for suspension or termination of assessment under certain circumstances; provides credit for interest funds collected prior to suspension or termination; provides for elimination of provisions that interfere with federal interest relief or federal tax credit; provides schedule for contributing employers to make payments for 2010 & 2011 contributions due for wages; requires employer to pay fee to participate in new schedule; provides for penalties, interest, & fees on delinquent contributions; provides appropriations for purposes of implementation; provides declaration of important state interest. Effective Date: March 2, 2010; except as otherwise provided
03/02/10 - Signed by Officers and presented to Governor; Approved by Governor; Chapter No. 2010-1

HB 7035	**Relating to Criminal Justice**	Criminal & Civil Justice Policy Council	04/29/10

Criminal Justice: Repeals provision relating to prohibition on Attorney General collecting fee for defending supposed offender; repeals provisions relating to sheriff's or deputy's required place of residence; removes penalty provisions relating to criminal transmission of HIV; revises provisions relating to obsolete community residential drug punishment centers; repeals provisions relating to initiation of restoration of civil rights; removes definition of term "criminal quarantine community control"; repeals provisions relating to community service alternative to fines; repeals provisions relating to authorization for Correctional Privatization Commission to contract for youthful offender correctional facilities; repeals provisions relating to sheriff's training & respect programs; conforms provisions. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7037	**Relating to Education**	Education Policy Council	04/30/10

Education: Revises & repeals provisions relating to vocational rehabilitation programs & services; revises provisions relating to eligibility for services; provides duties of Division of Vocational Rehabilitation in DOE; allows records to be released for audit, program evaluation, & research purposes; repeals provisions relating to SMART Schools Clearinghouse; specifies criteria for prioritization of SIT Program awards; requires Statutory Revision to prepare reviser's bill relating to Florida College System; repeals & conforms miscellaneous provisions relating to K-12 education; repeals various loan forgiveness, scholarship, & tuition reimbursement programs. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7069	**Relating to Screening**	Criminal & Civil Justice Policy Council	04/30/10

Background Screening: Revises background screening requirements for various licensees, service providers, and volunteers; requires affidavit relating to background

screening & revises background screening requirements under AHCA; requires electronic submission of fingerprints; revises level 1 & level 2 screening standards; adds disqualifying offenses; authorizes agencies to contract for electronic fingerprinting; revises requirements for covered employees & employers; revises provisions relating to employment exclusions; provides that employer may not hire, select, or otherwise allow employee contact with any vulnerable person until screening is completed; revises exemption provisions; revises payment; revises provisions relating to Criminal Justice Information Program under FDLE; authorizes agencies to request retention of certain fingerprints by FDLE; provides for rulemaking to require employers to keep agencies informed of certain changes concerning persons whose fingerprints are retained; revises background screening requirements for DJJ; conforms provisions. Effective Date: August 1, 2010

04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7079	**Relating to OGSR/Voter Information**	Governmental Affairs Policy Committee	04/29/10

OGSR/Voter Information: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for certain information regarding voters & voter registration & which provides exemption from copying requirements for signatures of voters & voter registrants; makes clarifying changes; creates public-records exemption for specified personal identifying information of stalking victims held by Attorney General or contained in voter registration and voting records held by supervisor of elections or Department of State, etc. Effective Date: October 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7085	**Relating to OGSR/Commission on Ethics**	Governmental Affairs Policy Committee	04/29/10

OGSR/Commission on Ethics: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for complaints & related records held by Commission on Ethics or Commission on Ethics and Public Trust established by county or municipality & exemption from public meetings requirements for proceedings conducted by such commissions pursuant to complaint or preliminary investigation; reorganizes exemption. Effective Date: October 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7087	**Relating to OGSR/Guardians Ad Litem**	Governmental Affairs Policy Committee	04/30/10

OGSR/Guardians Ad Litem: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for identification & location information of current or former guardians ad litem & spouses & children thereof; expands exemption to include names & locations of schools or day care facilities attended by children of current or former guardians ad litem; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7089	**Relating to OGSR/Florida Self-Insurers Guaranty Association**	Governmental Affairs Policy Committee	04/30/10

OGSR/Florida Self-Insurers Guaranty Association: Removes scheduled repeal under Open Government Sunset Review Act of exemptions from public records & public meetings requirements for Florida Self-Insurers Guaranty Association, Inc. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7091	**Relating to OGSR/Insurance Claim Data Exchange Information/DOR**	Governmental Affairs Policy Committee	04/30/10

OGSR/Insurance Claim Data Exchange Information/DOR: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for certain records obtained by DOR under insurance claim data exchange system; extends repeal date of exemption. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7093	**Relating to OGSR/Domestic Security Oversight Council**	Governmental Affairs Policy Committee	04/30/10

OGSR/Domestic Security Oversight Council: Removes scheduled repeal under Open Government Sunset Review Act of exemptions from public records & public meetings requirements for Domestic Security Oversight Council. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7103	**Relating to Agriculture**	Agriculture & Natural Resources Policy Committee	04/30/10

Agriculture: Prohibits county from enforcing certain limits on bona fide farm operation on agricultural land; prohibits county from charging agricultural lands for stormwater management assessments & fees; provides exemptions from certain restrictions on county's powers over activity on agricultural land; creates "Agricultural Land Acknowledgement Act"; requires applicant for certain development permits to sign & submit acknowledgement of certain contiguous agricultural lands as condition of political subdivision issuing permits; authorizes persons selling certain agricultural products who are not natural persons to qualify for exemption from obtaining local business tax receipt; revises term "farm tractor" for purposes of drivers' licenses; revises term "agricultural products" to make tropical foliage exempt from agricultural products dealer regulations; exempts farm fences from Florida Building Code; exempts nonresidential farm buildings & farm fences from county & municipal codes & fees; requires that gross written premiums for certain crop insurance not be included when calculating insurer's gross writing ratio; requires that liabilities for ceded reinsurance premiums be netted against asset for amounts recoverable from reinsurers; requires that insurers who write other insurance products disclose breakout of gross written premiums for crop insurance; expands materials used in agricultural operations that may be disposed of by open burning; provides certain limitations on open burning. Effective Date: July 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7109	**Relating to Tax Refund Program for Qualified Target Industry Businesses**	Economic Development Policy Committee	04/29/10

Tax Refund Program for Qualified Target Industry Businesses: Establishes schedule for OTTED to review & revise list of target industries & submit report to Governor & Legislature; revises criteria for evaluating applications for program; requires consideration of state's return on investment in evaluating applications for participation in program; requires EDR to submit reports to Legislature evaluating calculation of state's return on investment for program; requires that additional provisions be included in tax refund agreements; redesignates economic-stimulus exemption as "economic recovery extension"; revises date by which qualified target industry businesses may request economic recovery extensions; authorizes waiver of requirement that qualified target industry businesses annually provide proof of taxes paid under certain conditions; requires OTTED to submit reports to Governor & Legislature concerning failure of qualified target industry businesses to complete their tax refund agreements; revises date by which target industry business may be certified as qualified for program. Effective Date: July 1, 2010

04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7111	**Relating to OGSR/Information Held by Guardians Ad Litem**	Governmental Affairs Policy Committee	04/30/10

OGSR/Information Held by Guardians Ad Litem: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for certain information regarding child held by guardian ad litem; clarifies & reorganizes exemption. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7113	**Relating to OGSR/State Child Abuse Death Review Committee**	Governmental Affairs Policy Committee	04/30/10

OGSR/State Child Abuse Death Review Committee: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for information held or obtained by State Child Abuse Death Review Committee or any local committee & exemption from public meetings requirements for specified meetings of committee or local committee; defines term "local committee"; reorganizes provisions; requires any portion of closed meeting to be recorded; provides public record exemption for recording of closed meeting; provides penalty; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7115	**Relating to OGSR/Identification of Minor/Waiver of Termination of Pregnancy Notification**	Governmental Affairs Policy Committee	04/30/10

OGSR/Identification of Minor/Waiver of Termination of Pregnancy Notification: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for information that could identify minor which is contained in record relating to minor?s petition to waive notice requirements when terminating pregnancy; makes editorial changes; expands exemption to include such information held by office of criminal conflict & civil regional counsel or Justice Administrative Commission; provides for future legislative review & repeal of expanded exemption; provides statement of public necessity. Effective Date: upon becoming a law

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7117	**Relating to OGSR/Board of Funeral, Cemetery, & Consumer Services**	Governmental Affairs Policy Committee	04/30/10

OGSR/Board of Funeral, Cemetery, & Consumer Services: Removes scheduled repeal under Open Government Sunset Review Act of exemptions from public meetings & public records requirements for Board of Funeral, Cemetery, & Consumer Services within DFS & for certain information held by DFS; requires recording of closed meetings wherein licensure examination questions or answers are discussed; creates public record exemption for recordings of closed meetings; provides for future legislative review & repeal of exemption; requires recording of closed meetings of probable cause panel of board; provides statement of public necessity. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7119	**Relating to OGSR/Florida Commission on Hurricane Loss Projection Methodology**	Governmental Affairs Policy Committee	04/30/10

OGSR/Florida Commission on Hurricane Loss Projection Methodology: Requires recording of closed meeting of Florida Commission on Hurricane Loss Projection Methodology or of rate proceeding on insurer's rate filing at which confidential & exempt trade secrets are discussed; creates public records exemption for recording of closed meeting; provides for future legislative review & repeal of exemption; provides statement of public necessity; clarifies public records exemption for trade secret used in designing & constructing hurricane loss model & provided by private company to Florida Commission on Hurricane Loss Projection Methodology, Office of Insurance Regulation, or appointed consumer advocate to specify that exemption applies to trade secrets as defined in

Uniform Trade Secrets Act. Effective Date: October 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7121	**Relating to OGSR/Hurricane Loss and Exposure Data**	Governmental Affairs Policy Committee	04/29/10

OGSR/Hurricane Loss and Exposure Data: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for specified reports of hurricane loss data & associated exposure data that are specific to particular insurance company; requires specified FIU center to publish annual report summarizing loss data & associated exposure data collected from residential property insurers & licensed rating & advisory organizations; provides for submission of report to Governor & Legislature. Effective Date: October 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7123	**Relating to OGSR/Address Confidentiality Program for Victims of Domestic Violence**	Governmental Affairs Policy Committee	04/30/10

OGSR/Address Confidentiality Program for Victims of Domestic Violence: Saves from scheduled repeal under Open Government Sunset Review Act exemptions from public records requirements for identifying information of participants in Address Confidentiality Program for Victims of Domestic Violence held by OAG & contained in voter registration & voting records held by supervisor of elections & DOS. Effective Date: October 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7129	**Relating to Military Support**	Military & Local Affairs Policy Committee	04/30/10

Military Support: Provides applicability of provisions governing compatibility of land development with military installations under Local Government Comprehensive Planning & Land Development Regulation Act to specified local governments & associated military installations; provides that valid military orders transferring military servicemember are sufficient to maintain permanent residence status of servicemember & spouse for purposes of such determination by property appraiser; authorizes temporary professional licensure by DBPR of spouses of certain active duty members of Armed Forces; authorizes Adjutant General to employ second Assistant Adjutant General for Army; revises accreditation standards for educational institutions with respect to Educational Dollars for Duty education assistance program. Effective Date: July 1, 2010
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7131	**Relating to Criminal Justice**	Public Safety & Domestic Security Policy Committee	04/29/10

Criminal Justice: Revises cross-references; clarifies references to repealed sections; removes outdated references; clarifies classification of certain violations; corrects grammatical errors; reenacts provisions; removes obsolete language; replaces outdated terminology; removes outdated statutory citation relating to definition of term "public utility" for certain purposes & defines term "public utility"; clarifies legislative intent; replaces obsolete references to state agencies. Effective Date: July 1, 2010
04/29/10 - HOUSE Enrolled Text (ER) Filed

HB 7157	**Relating to Taxation**	Finance & Tax Council	04/30/10

Taxation: Revises & creates various provisions of law relating to DOR's authority & duty to collect state taxes & administer & enforce state's tax laws; revises provisions excluding certain sales of tangible personal property to contractors from application of exemption for sales made to governmental entities under certain circumstances; repeals provisions relating to monitoring & reporting on use of tax deduction claimed by international banking institutions. Effective Date: upon becoming a law
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7165	**Relating to OGSR/Domestic Violence Fatality Review Teams**	Governmental Affairs Policy Committee	04/30/10

OGSR/Domestic Violence Fatality Review Teams: Removes scheduled repeal under Open Government Sunset Review Act of exemption from public records requirements for specified identifying information in records created by domestic violence fatality review team & exemption from public meetings requirements for specified meetings of domestic violence fatality review team. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7167	**Relating to OGSR/Commission for Independent Education**	Governmental Affairs Policy Committee	04/30/10

OGSR/Commission for Independent Education: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for investigatory records held by Commission for Independent Education & exemption from public meetings requirements for probable cause panel wherein exempt information is discussed; reorganizes exemption; requires recording for any portion of closed meeting of probable cause panel; provides public records exemption for recording of closed meeting of probable cause panel & minutes & findings of meeting; provides for limited duration of exemption; provides for future legislative review & repeal of such exemptions; provides statement of public necessity. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7179	**Relating to Qualifying Improvements to Real Property**	Energy & Utilities Policy Committee	04/30/10

Qualifying Improvements to Real Property: Authorizes local government to levy non-ad valorem assessments to fund specified improvements to real property; authorizes property owners to enter into financing agreement with local government to finance specified improvements; authorizes local government to collect moneys for improvement purposes through non-ad valorem assessments; authorizes local governments to partner with other local governments to provide & finance specified improvements; authorizes qualifying improvement program to be administered by for-profit entity or not-for-profit organization; authorizes local governments to incur debt payable from revenues received from improved property; requires financial agreement to be recorded; requires qualifying improvements to be affixed to building or facility on property & be performed by properly certified or registered contractor; limits amount of non-ad valorem assessment to percentage of just value of property; prohibits acceleration of mortgage under specified circumstances; provides assessment disclosure requirements; provides construction preserving local government's home rule authority. Effective Date: upon becoming a law

04/30/10 - HOUSE Received from Messages; Concurred with Amendment (525388); Passed (Vote: 119 Yeas / 0 Nays); Ordered engrossed, then enrolled

HB 7193	**Relating to OGSR/Voluntary Prekindergarten Education Program**	Governmental Affairs Policy Committee	04/30/10

OGSR/Voluntary Prekindergarten Education Program: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for records of children in Voluntary Prekindergarten Education Program. Effective Date: October 1, 2010

04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7203	**Relating to Community Development Districts**	Finance & Tax Council	04/30/10

Community Development Districts: Authorizes specified community development districts to levy tax on rental or license fee for use of real property; requires approval by district board of supervisors & district landowners; provides procedure to enact tax; provides for effective date of tax; provides for expiration of tax under specified circumstances; specifies uses of tax proceeds; requires prior approval by district board for expenditures of tax

proceeds; specifies tax charging & collection requirements; provides for exempting specified transactions; requires local administration of tax; requires adoption of resolution; specifies requirements for local administration; specifies that tax constitutes lien for specified purposes. Effective Date: July 1, 2010
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7205	**Relating to Professional Sports Franchises**	Governmental Affairs Policy Committee	04/30/10

Professional Sports Franchises: Amends specified provisions relating to OTTED, distribution of certain tax proceeds, & allocation of portion of local government half-cent sales tax; authorizes certain units of local government to apply for certification to receive state funding for facilities for spring training franchises; provides that OTTED may authorize direct-support organization to assist in retention of professional sports franchises, etc. Effective Date: upon becoming a law
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7217	**Relating to Florida Hurricane Catastrophe Fund Emergency Assessments**	General Government Policy Council	04/30/10

Florida Hurricane Catastrophe Fund Emergency Assessments: Delays repeal of exemption from specified emergency assessments provided for medical malpractice insurance premiums & subjection of such premiums to emergency assessments. Effective Date: upon becoming a law
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7219	**Relating to Corporate Income Tax**	Finance & Tax Council	04/30/10

Corporate Income Tax: Provides for adoption of 2010 version of Internal Revenue Code; provides for retroactive operation. Effective Date: upon becoming a law and shall operate retroactively to January 1, 2010
04/30/10 - HOUSE Enrolled Text (ER) Text

HB 7231	**Relating to Standards for Establishing Legislative and Congressional District Boundaries**	Select Policy Council on Strategic & Economic Planning	04/30/10

Standards for Establishing Legislative and Congressional District Boundaries: Proposes creation of s. 20, Art. III of State Constitution to provide standards for establishing legislative & congressional district boundaries. Effective Date: Not Specified
04/30/10 - HOUSE Enrolled Text (ER) Filed

HB 7237	**Relating to Postsecondary Education**	Education Policy Council	04/30/10

Postsecondary Education: Revises provisions relating to responsibility for State University System under State Constitution; revises powers & duties of Board of Governors; provides that board has authority to regulate State University System & may adopt regulation development procedure for board & university boards of trustees to use in implementing constitutional duties & responsibilities; creates Higher Education Coordinating Council; revises provisions for approval of new programs at state universities; authorizes board to approve proposal from university board of trustees to establish new student fee, increase cap for existing fee, or implement flexible tuition policies; requires board & university boards of trustees to adopt regulations rather than rules for implementation of various provisions of law; repeals various provisions of law; provides for removal of certain rules from Florida Administrative Code. Effective Date: July 1, 2010
04/30/10 - Signed by Officers and presented to Governor (Governor must act on this bill by 05/15/10)

HB 7243	**Relating to Environmental Control**	General Government Policy Council	04/30/10

Environmental Control: Requires Enterprise Florida, Inc., to provide technical assistance to DEP in creation of Recycling Business Assistance Center; provides that financial responsibility for mitigation for wetlands & other surface waters required by permit for

activities associated with extraction of limestone are subject to approval by DEP as part of permit application review; provides for creation of voluntary recyclers certification program, etc. Effective Date: July 1, 2010
04/30/10 - HOUSE Engrossed Text (E3) Filed

Final Legislative Report 2010 Regular Legislative Session By the Wren Group

FINAL LEGISLATIVE REPORT

2010 REGULAR LEGISLATIVE SESSION

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END OF SESSION LEGISLATIVE REPORT
2010 Regular Legislative Session

INTRODUCTION

This session, perhaps even more than last session, was dominated by budget issues. How to make the state budget work in light of budget shortfalls overshadowed much of the Legislature's time in Tallahassee. Economic development and regulatory streamlining also were major buzzwords for legislative initiatives.

At the close of the session, significant legislation was adopted to attempt to promote jobs and economic activity, revisions to state water policy were discussed, debated, and ultimately passed, and policy regarding recycling was adopted.

Offshore energy exploration was debated and discussed, but ultimately no action was taken this session. Most thought that this issue would come back next session, but the explosion, fire and sinking of the offshore drilling rig in the Gulf of Mexico and the resultant oil leak has probably significantly changed the discussion of this issue moving forward.

Major growth management legislation was not adopted, although the Legislature did adopt provisions to extend permits and approvals for projects, and to resolve pending legal challenges to last year's SB 360.

The reauthorization of the Department of Community Affairs as part of the agency sunset process also was a significant issue. The Senate was willing to reauthorize the agency; the House was not. The issue came down to the wire at the very end of session, but ultimately the agency was not reauthorized. Therefore, the statute provides that DCA is to submit its agency budget requests as it otherwise would, and the issue will be back for legislative consideration again next session.

This session, 2,225 general and local bills were filed. Of those, 253 general bills and 39 local bills passed both chambers. In addition, there were 2 concurrent resolutions, 3 joint resolutions, and 4 memorials that passed both chambers. Last session, 202 general bills passed both chambers.

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.

TABLE OF CONTENTS

Introduction…….…….. 2

Budget

SB 5001 - General Appropriations Act.…….…… 4

Substantive Legislation

HB 0053 - St. Johns River License Plate……..…….…….… 11

HB 0143 - Exemption for Aircraft Assembly and Manufacturing Hangars
From Comp Plan Transportation Concurrency Requirements …..…… 11

SB 0318 - Wildlife Management / Reptiles ….……. 11

HB 0431 - Peace Creek Drainage District ……..…… 12

SB 0550 - Environmental Protection …… 12

HB 0569 - Landfills ……..…… 17

HB 0843 - Rural Enterprise Zones …… 17

HB 0963 - Seaports …… 18

HB 0981 - Agriculture ……..……. 21

SB 0982 - Underground Facility Damage Prevention & Safety…… 21

SB 1118 - Docks ……..……. 22

HB 1271 - Transportation …….……. 23

HB 1385 - Petroleum Contamination Site Cleanup……..……..…….. 29

SB 1516 - State Owned Lands ……..…… 30

HB 1565 - Rulemaking …….……. 31

SB 1752 - Economic Development…… 32

SB 1842 - Public Roadways …….…… 35

SB 2470 - Northeast Florida Regional Transportation.……. 36

HB 7103 - Agriculture ……..……. 36

SB 7203 - Community Development Districts……..……. 37

HB 7243 - Environmental Control… ……. 37

BUDGET

HB 5001 – GENERAL APPROPRIATIONS ACT

The Legislature's top priority for the 2010 Session was "getting Floridians back to work and recharging Florida's economy." Despite facing a $3.2 billion dollar shortfall, legislators adopted a $70.4 billion dollar budget which included $507 million transferred from trust funds. Legislators increased funding of the state's traditional economic development tools to help Florida recover from the current slump, including the placement of an additional $1.5 billion into the 5-year work plan from the Transportation Trust Fund.

As a result of the budget conference process, an additional $305 million in PECO projects were funded for education. Conferees agreed not to reduce State employee salaries nor eliminate retirees' health insurance subsidies. Both the Seminole Gaming Compact ($433 million) and the Tax Amnesty program ($81.4 million) brought additional revenues into the budget for this fiscal year.

The major accomplishments in the various budget areas are summarized below. Greater detail is provided for the Transportations & Economic Development and Natural Resources budgets.

PRE K-12 EDUCATION

- The Legislature continued to place a top priority on education by providing an over $1 billion increase in general revenue funding for public schools.
- The FY 2010-11 budget for Pre K-12 is $14.0 billion, a 4.38% increase over last year.
- The budget contains a slight increase in per-student funding (0.02%), increasing the average funding levels to $6,843.51 per student. This is a $111 million increase over last year.
- The state share of the FEFP was increased by $848.9 million (10.51%) from the current budget to make up for the loss in local funding. The total FEFP is funded at $8.9 billion.

HIGHER EDUCATION

- The FY 2010-11 budget for State Universities and Private colleges is $7 billion, an increase of $314 million over the current fiscal year.
- Non-recurring Federal Stimulus Funds are restored for the second and final year at $403 million.
- The budget permanently extends the flat award policy of the Bright Futures program with slight changes to the eligibility requirements.

HEALTH AND HUMAN SERVICES

- Healthcare funding has increased by 9.35% in total spending, due in large part to increased Medicaid caseloads.

- The budget fully restores the $990.6 million in General Revenue lost due to the coming stimulus termination in December 2010.
- The Legislature gave the greatest weight to funding programs that provide services core to the missions of health and human services agencies and direct critical services to Florida's most vulnerable citizens.
- The healthcare budget:

  a) Fully restores funding to the Medically Needy and MEDS AD programs serving approximately 39,684 beneficiaries monthly.
  b) Held harmless from Medicaid rate reductions the Medicaid Institutional Care Facilities for the Developmentally Disabled.
  c) Exempted Miami Children's and All Children's Hospital from rate reductions in recognition of their high Medicaid volume. Rural hospitals were exempted from rate reductions in recognition of their unique financial status.
  d) Fully funded anticipated Kidcare program enrollment growth for an additional 22,374 children.
  e) Fully funds services for pregnant women between 150-185% of the poverty level.
  f) Fully funds community-based services for elders such as the Local Services Program, Community Care for the Elderly, Homecare for the Elderly, and Alzheimer's disease projects.

CRIMINAL AND CIVIL JUSTICE

The budget reflects a commitment by the Legislature to protect the health and safety of the citizens of the state, while making strategic reductions in administrative-level activities. Highlights in this area include:

- The criminal justice budget for Fiscal Year 2010-11 is $5.1 billion, including $3.5 billion in General Revenue and $1.6 billion in Trust Funds.
- The Conference Report does not result in the closing of any state prisons or the release of prisoners.
- Blackwater, the private 2,224 adult male correctional facility in Santa Rosa County, will be operational in November 2010. There will be a net savings to the state of $1.65 million.
- Approximately $10 million of federal stimulus dollars are dedicated to fund the second year of the drug court improvement program.

TRANSPORTATION & ECONOMIC DEVELOPMENT

The budget for Transportation and Economic Development (TED) is $9.9 billion, which is a 16% decrease from last year. The $11.1 million in recurring General Revenue reductions will provide funds for other critical state spending such as healthcare, education and public safety. No transportation projects currently underway will be impacted. Some examples of trust fund reductions in this general budget area include:

- Housing Trust Funds ($174.1 million). There is a non-recurring reduction of $85.5 million in affordable housing funding authority in the housing trust funds. The remaining funds come from increased revenue projections in both 2009-10 and 2010-11.
- Grants and Donations at DCA ($12 Million). There is a non-recurring transfer of $12 million from the Grants and Donations Trust Fund at DCA.
- Emergency Preparedness and Assistance Trust Fund ($2 Million). There is a non-recurring transfer of $2 million from the Emergency Preparedness and Assistance Trust Fund at DEM.
- State Transportation Trust Fund ($160 Million). There is a non-recurring transfer of $160 million from the State Transportation Trust Fund to General Revenue. This may have minimal impacts in future project commitments. In addition, the Legislature provided for $40 million in nonrecurring General Revenue to be deposited back into the State Transportation Trust Fund if the state receives FMAP funding this year.

Highlights of the agency budgets include:

Agency for Workforce Innovation (AWI)

- The funding for AWI is set at $1.6 billion.
- The School Readiness Program is funded at $615.5 million.
- Regional Workforce Boards are funded at $252.2 million.
- Funding is maintained at current year levels of $3.3 million for the Quick Response Training Program.
- The second year of implementation of the Unemployment Compensation Benefits System is continued at $26.3 million to assist in the agency workload to process unemployment claims.
- The Early Learning Information System is funded at $11 million to continue the second year of its implementation. The system streamlines the coordination between Voluntary Pre-Kindergarten and school readiness in an effort to improve efficiency.

Department of Community Affairs (DCA)

- The funding for DCA is set at $779.5 million with $9.8 million coming from General Revenue and $769.8 million from trust fund dollars.
- Regional Planning Councils are funded at $2.5 million from recurring General Revenue. This matches current year funding.
- Due to the overall decline in construction, the funding for the Building Code Commission is facing a reduction.
- The budget includes $17.5 million in non-recurring General Revenue for state matching funds for federal disaster funding.
- To use federal funds more efficiently, the Division of Emergency Management is being reorganized and streamlined from five budget entities to one.

- The First Time Homebuyer Program is funded at $37.5 million. This appropriation to the Florida Housing Finance Corporation provides down payment and cost assistance.

Office of Tourism, Trade, and Economic Development (OTTED)

- The funding for OTTED is set at $98.7 million with $47 million in General Revenue and $51.7 million coming from trust funds.
- Visit Florida is funded at $27 million, an increase in funding over the current year of $5.5 million.
- The Quick Action Closing Fund is a cash fund that helps OTTED close deals from "extraordinary economic opportunities" with companies that are being wooed by other states. The budget provides the Quick Action Closing Fund with $1 million.
- Due to cut-backs from the federal government for the space program, the budget provides $3.8 million in non-recurring General Revenue for Space Florida, Inc., and makes available $17.5 million in non-recurring trust funds for Launch Complexes 36 and 46. This will help fund necessary improvements for commercial launch capabilities for the two launch pads and other infrastructure improvements. This is an increase in funding over the current year of $7.5 million.

Department of State (DOS)

- DOS funding is set at $88.31 million, with $55.5 million in General Revenue and $32.9 million coming from trust funds.
- State Aid to Libraries is fully funded with $21.2 million in non-recurring General Revenue funds.
- There is also $1.2 million in non-recurring General Revenue for Multi-County Libraries.
- Cultural and historic operating grants will continue to be funded at reduced levels. The Legislature realizes that it is vital even in a difficult budget year to continue focusing at least some of the State’s efforts on Florida’s culture and history. Cultural and Museum Grants are being funded at $2 million, and Historic Preservation Grants are funded at $650,000.
- The budget funds $1.9 million in non-recurring General Revenue reimbursements to counties for Special Elections.
- The budget includes $360,000 in non-recurring General Revenue to the Florida Humanities Council. Approximately $210,000 is for the planning of the Quincentennial celebration efforts.
- To celebrate Florida’s 500 year anniversary, the budget provides $1.0 million in nonrecurring General Revenue for a permanent exhibit at the Museum of Florida History in Tallahassee.

Department of Highway Safety and Motor Vehicles (DHSMV)

- The budget funds DHSMV at $387 million. Of this amount, $15 million is funded from non-recurring General Revenue and $372 million in trust fund dollars.
- There will be no eliminations of Florida Highway Patrol Officers.
- A consolidation of ten drivers' license offices with low transaction volumes and locations in close proximity to other offices. In order to continue efficient service, county tax collectors will become licensing agents and employees in filled positions will either be employed by the Tax Collector's Office or placed in other agency vacancies.
- The ten drivers' license offices are located in Lake City, Cape Coral, Orange Park, North Melbourne, Crystal River, Lake Wales, Fort Walton Beach, Clewiston, Bradenton and Palatka.

Department of Military Affairs (DMA)

- Funding for DMA is $59.6 million with $16.1 million in General Revenue and $43.5 million coming from trust funds.
- Of this amount, $39.5 million is from the Federal Grants Trust Fund for 32 different cooperatives with the Department of Defense and for Fixed Capital Outlay at the Camp Blanding Joint Training Center.
- No positions are reduced in the Department of Military Affairs.
- The About Face and Forward March Programs are funded at $2.0 million in state trust funds. This maintains current year funding levels.
- The National Guard Tuition Assistance program is fully funded at $1.8 million in recurring General Revenue. This is the current year funding level.

Department of Transportation (DOT)

- Funding for DOT is $7.0 billion in trust funds.
- Of this amount, $5.8 billion is included for the first year of the 5-year Work Program.
- The budget requires the Tampa-Hillsborough Expressway Authority to pay $19 million to DOT in order to reduce the authority's operation and maintenance liability that is currently owed to DOT.

NATURAL RESOURCES

The Natural Resources budget maintains priorities of the Legislature (i.e., Everglades Restoration, Florida Forever, the Petroleum Tanks Cleanup program, and Beach Restoration), while continuing to make the reductions necessary to balance the state's revenue with its expenditures. The budget also avoids the loss of vital law enforcement personnel. Key programs are funded as follows,

Florida Forever	15,000,000
Everglades Restoration	50,000,000*
Drinking Water Revolving Loans	88,454,969
Wastewater Treatment Construction Facility Construction	157,780,534
Beach Restoration	15,536,535
Underground Petroleum Tank Clean-up	120,000,000
Mosquito Control	1,293,368
Total Maximum Daily Loads	10,250,000
Water Management District Trust Fund	18,300,000

*Note: $40 million is contingent on the receipt of federal FMAP funds.

***Pursuant to proviso, these funds are "provided for the design, engineering, and construction of the Comprehensive Everglades Restoration Plan, Lake Okeechobee Protection Plan, the Caloosahatchee and St. Lucie River Watershed Protection Plan Components, and for the acquisition of lands for projects included in the plans."*

Department of Agriculture and Consumer Services (DACS)

- The Department's operating budget is funded at $337 million, consisting of $103.5 million General Revenue and $234 million Trust Funds.
- The Florida Agricultural Promotion Campaign is fully funded, although $1.8 million is with nonrecurring dollars.
- The budget maintains our ability to provide a vital service to needy Floridians by funding Farm Share and Food Banks at $400,000.
- The budget also includes funding to maintain the aquaculture research facility in Ruskin for the next fiscal year.
- The proposed budget also includes $1.4 million to hire additional staff to help manage the backlog of concealed weapons permit applications. This will help ensure appropriate and timely processing and delivery of concealed weapon or firearm licenses.
- The budget also includes $1 million to fund wildfire equipment which will allow the department to protect Florida's forests, homes, and businesses.
- The budget provides $1 million for the research of citrus canker and greening.
- Funding of $3 million for statewide Best Management Practices (BMPs) is included, as well as an additional $3 million for BMP projects within the Northern Everglades Estuaries Protection Program.

Department of Citrus

- The agency's operating budget is funded at $66.8 million in Trust Funds. This represents a continuation of the base budget with 68 FTE positions.

Department of Environmental Protection (DEP)

- The Department's total proposed budget is $1.44 billion, consisting of $40.8 million in General Revenue and $1.4 billion in Trust Funds.
- The budget eliminates 14 vacant FTE positions, which provides a savings of $900,000.
- The budget includes $15 million in funding for the Florida Forever land acquisition program.
- The budget also includes $50 million for Everglades restoration, though $40 million of it is contingent on the receipt of federal FMAP funds.
- The State Revolving Fund Program is used to help plan, design and construct drinking water, wastewater and storm water projects throughout the state. The total funding for both programs will be $271.2 million.
- The Small County Wastewater Treatment Grant Program will be maintained at the current level of $13.6 million.
- Beach Restoration projects throughout Florida are also funded at $15.5 million.
- Total Maximum Daily Load (TMDL) programs help to improve water quality in Florida's lakes, rivers, and estuaries. The budget includes $10.25 million for these programs within the department.*

**In response to the recent Nutrient Criteria rule being proposed by the U.S. Environmental Protection Agency, the legislature included proviso directing that "the department shall, by October 31, 2010, expend the funds necessary to propose for adoption by rule, pursuant to section 120.54, new designated use classifications or sub-classifications for waters, including manmade lakes; canals or ditches; or streams converted to canals before 1975, that will recognize the limited aquatic life support and habitat limitations of these waters based upon their physical and hydrologic characteristics and water management uses for which they were constructed or modified."*

- Funding in the Inland Protection Trust Fund used to pay for the Petroleum Tank Cleanup Program will experience a significant increase in the next Fiscal Year. Total funding for the program is budgeted at $120 million. Last year the program received $90 million in borrowed funds.
- The budget also increased funding of the Nonpoint Source Management Planning Grants at $17.4 million.

Fish and Wildlife Conservation Commission

- The agency operating budget will be $296 million including $28.8 million in General Revenue and $267 million in Trust Funds.
- The budget repealed the fee for the Shoreline Fishing License.
- The budget also includes an increase in the Invasive Plant Control Program for one year by $3.6 million.
- Funding for Marine Mammal Care (Manatees) programs is fully funded at a total of $1.9 million.

SUBSTANTIVE LEGISLATION

HB 53 – St. Johns River License Plate

This bill provides for the creation of a "St. Johns River" specialty license plate. The annual use fee of $25 per tag shall be distributed to the St. Johns River Alliance, Inc. to support activities contributing to education, outreach, and springs conservation. Up to 10 percent of the revenue may be used for promotion, marketing, and administrative costs.

Effective Date July 1, 2010.

CS/HB 143 – Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements

Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include: airport passenger terminals and concourses; air cargo facilities; and hangars for aircraft storage or maintenance.
This bill amends s. 163.3180(4)(b), F.S., to exempt hangers for the assembly or manufacture of aircraft from transportation concurrency requirements.

Effective Date: July 1, 2010.

CS/SB 318 - Wildlife Management / Reptiles

This bill prohibits any person from possessing, importing, selling, trading, or breeding certain reptile species, including any reptile species designated as a reptile of concern by the Florida Fish and Wildlife Conservation Commission (commission). As of December 31, 2007 in addition to the venomous reptiles referenced in s.379.372, F.S., these species are:

- Indian or Burmese python (Python molurus)
- Reticulated python (Python reticulatus)
- African rock python (Python sebae)
- Amethystine or Scrub python (Morelia amethystinus)
- Green anacondas (Eunectes murinus)
- Nile monitor (Varanus niloticus)

The bill provides that persons licensed to possess a reptile of concern as of July 1, 2010, or by October 1, 2010, for anacondas other than green anacondas, may continue to possess the individual reptile for the remainder of that reptile's life.

Effective Date: July 1, 2010.

HB 431 – Peace Creek Drainage District

The Peace Creek Drainage District (PCDD), located in Polk County, was established pursuant to ch. 6458, Laws of Florida (L.O.F.), in 1913, which provides the statutory framework for creating drainage districts. The jurisdiction of the PCDD covers approximately 45,000 total acres that are used primarily for agricultural purposes, and includes the Peace Creek Drainage Canal (Canal).

The 34-mile long Canal was constructed by the PCDD around 1915 for the purpose of draining land for agricultural use. Construction of the Canal was funded by assessments levied against property owners in the PCDD. The PCDD has not levied any assessment or tax in decades or performed any canal maintenance. The PCDD is governed by a three-member board elected by the landowners within the PCDD. The PCDD currently possesses the powers of a drainage district under ch. 298, F.S.

The PCDD has no outstanding financial liabilities other than legal, accounting and secretary/treasurer billing for which it has not received a recent statement. This bill dissolves the Peace Creek Drainage District and transfers all assets and indebtedness of the district, if any, to the Southwest Florida Water Management District.

Effective Date: July 1, 2010.

CS/CS/CS/SB 550 - Environmental Protection

This is the comprehensive (171 page) bill dealing with a wide-ranging series of issues related to water and environmental protection. In addition to conforming and cross-reference changes, some of the highlights of the bill are as follows:

<u>Section 1 - Part VII of Chapter 373, F.S.</u>

- Reorganizes certain provisions of Ch. 373, F.S. relating to water supply policy, planning and production into a new part VII.

<u>Section 29 – § 373.1961, F.S., Water Production</u>

- Adds “conservation projects that result in quantifiable water savings” to alternative water supply development for which the water management districts and the state shall share a percentage of revenues to supplement other funding sources.
- Adds the fact that a municipality or county has implemented a high-water recharge protection tax assessment program to those factors that governing boards must give significant weight in determining project funding.

<u>Section 31 - § 378.901, F.S. – Limestone Mining</u>

- Contains provisions regarding life-of-the-mine permits for limestone mining.

- Provides that this does not limit the authority of a local government to approve, approve with conditions, deny, or impose a permit duration that is different from the duration issued by the bureau.

Section 32 – § 373.41492, F.S. – Lake Belt

- Adds a mitigation amount of 45 cents per ton beginning close of business December 31, 2011 for the Miami-Dade County Lake Belt Area.

Section 33 – § 215.619 F.S. - Bonds for Everglades Restoration

- Directs that $200 million in bonds may be issued for sewage collection, treatment and disposal in the Florida Keys Area of Critical State Concern.

Section 34 – § 380.0552 F.S. - Florida Keys Area

- Provides procedures for removal of the designation of the Florida Keys Area of Critical State Concern once all requirements of the Administration Commission are met.

Section 35 – § 381.0065 F.S. - Onsite sewage treatment and disposal systems

- Provides specific standards that central wastewater facilities and onsite sewage treatment and disposal systems (septic systems) in the Florida Keys Area of Critical State Concern must meet.
- Provides that onsite sewage treatment and disposal systems in Monroe County must cease discharge by December 31, 2015, or must comply with department rules and provide specified levels of treatment.
- Beginning January 1, 2011, the DEP shall administer an onsite sewage treatment and disposal system evaluation program to assess the operational condition and identify any failures. The DEP must adopt rules implementing program standards, procedures, and requirements, including, but not limited to, a schedule for a 5-year evaluation cycle, requirements for the pump-out of a system or repair of a failing system, and enforcement procedures.
- Bans the land application of septage after January 1, 2016, and requires a report to be prepared by DOH and DEP by February 2011 recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems. The report shall include, but is not limited to, a schedule for the reduction in land application, appropriate treatment levels, alternative methods for treatment and disposal, enhanced application site permitting requirements including any requirements for nutrient management plans, and the range of costs to local governments, affected businesses and individuals for alternative treatment and disposal methods. The report shall also include any recommendations for legislation or rule authority needed to reduce land application of septage.

- Establishes a grant program effective January 1, 2012 to assist owners of onsite sewage treatment and disposal systems identified pursuant to s. 381.0065 or the rules adopted thereunder. A grant under the program may be awarded to an owner only for the purpose of inspecting, pumping, repairing, or replacing a system serving a single-family residence occupied by an owner with a family income of less than or equal to 133 percent of the federal poverty level at the time of application. The grant program will be funded by a fee a fee not less than $15, or more than $30 for a required five-year evaluation report of onsite systems. At least $1 and no more than $5 collected pursuant to this paragraph shall be used to fund a grant program established under s. 381.00656.

Section 38 – §403.086 F.S. - Sewage disposal facilities; advanced and secondary waste treatment

- Clarifies that wastewater facilities contributing flow to another wastewater facility that discharges to an ocean outfall must meet the 60-percent reuse requirement for any diverted quantity of wastewater flow. The percentage of the diverted flow processed as reuse will be applied to the facility discharging to an ocean outfall.
- Directs the DEP to submit a report to the Governor and Legislature on the effects of reclaimed water use by February 1, 2012.
- Legislative findings and requirements for septic systems, injection wells and backup wells in Monroe County.

Section 40 - § 403.1835 F.S. - Water pollution control financial assistance

- Clarifies the duties of the Florida Water Pollution Control Financing Corporation.

Section 43 - § 403.8533 F.S. - Drinking Water Revolving Loan Trust Fund

- Provides that the Drinking Water Revolving Loan Trust Fund is exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Section 44 - § 369.317 F.S. - Wekiva Parkway

- Amends the mitigation restrictions contained in section 369.317, Florida Statutes, to provide that, if certain lands within the Wekiva Study Area or the Wekiva Parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact surface water and wetlands requirements contained in section 373.414(8)(a), Florida Statutes.

Section 45 - § 215.47 F.S. - Investments; authorized securities; loan of securities

- Permits funding for alternative water supply projects through the State Board of Administration (SBA).

Section 51 - § 373.079, F.S. - Members of governing board; oath of office; staff

- Removes the delegation of Part II (consumptive use) permit reviews from the governing board to the executive director and staff. Now, only environmental resource permits under Part IV shall be delegated.
- Expressly prohibits governing board members from "individually" intervening in any manner during the review of an application prior to referral to the board for final action. This provision does not prohibit the board from acting as a collegial body in supervising, overseeing, or directing the activities of district staff. This provision expires June 1, 2011, unless reenacted by the Legislature.

Section 53 – § 373.085 F.S. - Use of works or land by other districts or private persons

- In order to promote water quantity and water resource development, projects that improve flood control, and conservation of lands, the district and other governmental agencies shall encourage public-private partnerships by collaborating, when possible, with those partnerships when procuring materials for infrastructure and restoration work projects.

Section 54 – 373.118 F.S. - General permits; delegation

- Governing boards may delegate powers and duties pertaining to general permits to the executive director and staff, however, when delegating the authority to take final action on part II permits (consumptive use) or petitions for variances or waivers under part II, the board must provide a process for referring a denial to the governing board for final action. These delegations are not subject to the rulemaking requirements of chapter 120.

Section 55 - § 373.236 F.S - Duration of permits; compliance reports

- Compliance reports for 20-year consumptive use permits are changed from every 5 years to every 10 years. The Suwannee River Water Management District may continue to require a compliance report every 5 years through 2015, and thereafter every 10 years.

Section 56 - § 373.250 - Reuse of reclaimed water

Adds rules that must be adopted by the water management district in consultation with DEP, such as:

- Provisions to require permit applicants to provide, as part of their reclaimed water feasibility evaluation for a nonpotable use, written documentation from a reuse utility addressing the availability of reclaimed water. This requirement applies when the applicant's proposed use is within an area that is or may be served with reclaimed water by a reuse utility within a 5-year horizon.

- Provisions specifying the content of the documentation required above, including sufficient information regarding the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant's reclaimed water feasibility evaluation.
- Adds that reuse utilities and the applicable water management district or districts are encouraged to periodically coordinate and share information concerning the status of reclaimed water distribution system construction, the availability of reclaimed water supplies, and existing consumptive use permits in areas served by the reuse utility.

Section 58 - Nutrient Water Quality Standards

- The bill provides legislative findings with respect to nutrient water quality standards and the United States EPA's proposed numeric nutrient criteria, including: i) proposed standards fail to take into account the unique characteristics of the state's many thousands of rivers, streams, and canals; ii) standards fail to incorporate, and may undermine, the state's science-based total maximum daily loads program; iii) standards will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

Section 59 - § 220.1845 F.S. - Contaminated site rehabilitation tax credit

- The bill adds language regarding contaminated site rehabilitation tax credits (*See* HB 773).

Section 62 - § 403.973 Expedited permitting; comprehensive plan amendments

- Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.
- Provides for expedited review of permit applications and local comprehensive plan amendments for businesses creating at least 50 (from 100) jobs or businesses creating at least 25 (from 50) jobs if the project is located in an enterprise zone, or in a county having a population of fewer than 75,000 or in a county having a population of fewer than 125,000 (from 100,000) which is contiguous to a county having a population of fewer than 75,000, as determined by the most recent decennial census.

Effective Date: July 1, 2010.

CS/HB 569 – Landfills

This bill amends s. 403.708, F. S., to allow the disposal of yard trash in Class I landfills that use an active landfill gas collection system and provide or arrange for beneficial reuse of the gas.
The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and using the yard trash to provide landfill cover for municipal solid waste disposed at the landfill. The bill also provides that the DEP shall, by rule, develop and adopt a methodology to award recycling credit. The permittee must certify that gas collection and beneficial use will continue after closure of the disposal facility that is accepting yard trash. Further, if the landfill is located in a county that owns and operates a compost facility, waste-to-energy facility, or biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the department shall provide the county with notice of, and opportunity to comment on, the application for permit modification.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area if separate composting facilities are provided and maintained, and provides that this limited exception applies to all units of local government, including municipalities, counties, and special districts with the exception of Miami-Dade County.

Effective Date: July 1, 2010.

CS/HB 843 – Rural Enterprise Zones

The Florida Enterprise Zone Program was created to provide financial incentives and to induce private investment. Specifically, businesses and individuals located within enterprise zones qualify for various state and local tax incentives, among other benefits.

The bill provides that any catalyst site that was approved prior to January 1, 2010 which is not located in a rural enterprise zone must be designated as a rural enterprise zone by the Office of Tourism, Trade, and Economic Development (OTTED) upon request from the site's host county. "Catalyst site" is defined in s. 288.0656, F.S., as 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.

There are currently four Rural Catalyst Sites, with two, Highlands and Calhoun Counties, already located in rural enterprise zones. Suwannee County and Columbia County are not currently located in a Rural Enterprise Zone. The bill provides that upon request from the host county of a catalyst site that is not located in an enterprise zone for rural enterprise zone designation, OTTED must provide such designation. The two catalyst sites will be granted access to the incentives provided by the Florida Enterprise Zone Program, once they acquire the Rural Enterprise Zone designation.

Effective Date: July 1, 2010.

CS/CS/CS/HB 963 - Seaports

This bill provides legislative findings that seaport facilities are critical infrastructure facilities that significantly support the economic development of the state, and it creates a framework in s. 373.4133, F.S. to allow DEP to issue port conceptual permits to seaports.

The bill would allow any of the state's 14 ports to apply to DEP for a port conceptual permit, including applicable authorization to use sovereign submerged lands either under a joint coastal permit or the environmental resource permit, for all or a portion of the port. Private entities with a controlling interest in property used for industrial marine activity in the immediate vicinity of any of the ports may also apply for a port conceptual permit. Permits could be for a period of up to 20 years and could be extended once for an additional 10 years. The port conceptual permit would be considered the state's conceptual water quality compliance certification and determination of consistency with the state's federally-approved coastal zone management program. The application for a port conceptual permit would be required to contain sufficient information to provide reasonable assurance that the designs are based upon engineering and environmental concepts that are likely to meet applicable rules for issuing construction permits for subsequent phases of the project. At a minimum, the application must include:

- Identification of proposed construction areas and areas where construction will not occur;
- Estimated or maximum anticipated impacts to wetlands and other surface waters and any proposed mitigation for those impacts;
- Estimated or maximum amount of anticipated impervious surface and the nature of the stormwater treatment system for those areas; and
- The general location and types of activities on sovereignty submerged lands.

Except when the seaport requests construction approval as part of a port conceptual permit application, the application is not expected to include final design specifications and drawings. DEP is required to include in its port conceptual permit conditions specifying the information the port needs to submit as part of a request for a subsequent construction permit or authorization. In determining whether to approve or deny the port conceptual permit application, DEP is required to reasonably balance the potential benefits of the facility and the impacts on water quality, fish and wildlife, water resources and the state's other natural resources.

The port conceptual permit would give the permitholder assurance, during the duration of the permit, that the engineering and environmental concepts upon which its designs are based are likely to meet applicable rules for issuing construction permits for subsequent phases of the project, provided:

- The rules governing the conditions for issuing permits for future phases do not change, and the conceptual approval permit is not inconsistent with the Total Maximum Daily Load or Basin Management Action Plan adopted for the waterbody into which the system discharges or is located.
- Applications for proposed future phase activities under the port conceptual approval permit are consistent with the design and conditions of the issued port

conceptual approval permit. The primary areas for consistency comparison include:

a) The size, location, and extent of the system;
b) Type of activity;
c) Percent imperviousness;
d) Allowable discharge and points of discharge;
e) Location and extent of wetland and other surface water impacts and proposed mitigation plan (if required);
f) Control elevations;
g) Extent of stormwater reuse; and
h) Detention/retention volumes.

If an application for a subsequent phase activity is not consistent with the terms and conditions of the port conceptual approval permit, the applicant may request a modification of the port conceptual permit to resolve the inconsistency or may request that the application be processed independently of the port conceptual permit.

Notwithstanding any other provision of law, a port conceptual permit or associated construction permit, including any applicable sovereignty submerged lands authorization, may authorize advance mitigation for impacts expected as a result of the activities described in the port conceptual permit. Any advance mitigation shall be credited to offset the impacts of such activities, to the extent that the advance mitigation is successful.

DEP's final agency action of a sovereignty submerged land authorization associated with a port conceptual permit may not be delegated by the Board of Trustees of the Internal Improvement Trust Fund (Board). However, the Board's approval of an authorization constitutes a delegation to DEP of authority to take final action on behalf of the Board on any sovereignty submerged lands authorizations needed to construct facilities included in the port conceptual sovereignty submerged lands authorization (unless a Board member specifically requests that it brought before the Board). Any delegation to DEP concerning a private project does not exempt the project from the Board's applicable rules including lease and easement fees.

The following procedures apply to the approval or denial of an application for a port conceptual permit or a final permit or authorization:

- Applications for a port conceptual permit, including any request for the conceptual approval of the use of sovereign submerged lands, are to be processed in accordance with provisions in ss. 373.427 and 120.60, F.S. However, if the applicant believes that any request for additional information is not authorized by law or agency rule, the applicant may request an informal hearing pursuant to s. 120.57(2), F.S., before the secretary of DEP to determine if the application is complete.
- Upon issuance of DEP's notice of intent to issue or deny a port conceptual permit, the applicant is required to publish a one-time notice of such intent, prepared by DEP, in the newspaper with the largest circulation in the county or counties where the port is located.

- Final agency action on a port conceptual permit is subject to challenge pursuant to ss. 120.569 and 120.57, F.S. However, final agency action to authorize subsequent construction of facilities contained in a port conceptual permit may only be challenged by a third party for its consistency with a port conceptual permit.
- Anyone who will be substantially affected by a final agency action must initiate administrative proceedings pursuant to ss. 120.56920 and 120.57, F.S., within 21 days after the publication of the notice of the proposed action. If administrative proceedings are requested, the proceedings are subject to the summary hearing provisions of s. 120.574, F.S. However, an administrative law judge's decision will be a recommended order, rather than a final order. A summary proceeding must be conducted within 90 days after a party files for a motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

Notwithstanding any other provision of law, DEP and the Board are authorized to issue permits and authorizations provided for in the Federal Endangered Species Act and its implementing regulations. DEP is required to unilaterally modify any permit or authorization consistent with any subsequently issued incidental take authorization. Such a unilateral modification does not create a point of entry for any substantially affected person to request administrative proceedings under ss. 120.567 and 120.57, F.S.

DEP and the Board may adopt rules to implement the new permit under the joint coastal permit provisions of ch. 161, F.S., the sovereign lands provisions of ch. 253, F.S., and the environmental resource provisions of part IV of ch. 373, F.S. The adoption of these rules would not be subject to any rule-making requirements related to small business. Notwithstanding the grant of rulemaking authority, the port conceptual permit statute is intended to be available for use upon becoming law, and its implementation is not to be delayed by any rulemaking.

The bill provides that in lieu of meeting generally applicable stormwater design standards that create a presumption that stormwater discharged from the system will meet applicable state water quality standards in the receiving waters, any of the 14 ports may propose alternative stormwater treatment and design criteria for constructing, operating, and maintaining stormwater management systems serving overwater piers. This proposal is to include structural components and best management practices to address stormwater discharge, including consideration of activities conducted on the pier, in order to provide reasonable assurance that the stormwater discharge will meet the applicable state water quality standards into receiving waters.

In addition, the bill:

- Allows seaport projects for rehabilitation of certain wharves, docks, berths, bulkheads, or similar structures to only need a 25 percent match to be eligible for matching funds under s. 311.07, F.S.
- Requires the Florida Seaport Transportation and Economic Development (FSTED) Council to provide the Florida Department of Transportation (DOT) with a list of port projects that can be made production-ready within the next 5 years.

- Requires certain projects and seaport funding to be included in DOT's tentative work program.
- Provides a time frame for DOT to process certain work program amendments related to seaports and allows transfer of unexpended balances for seaport projects through adopted work program amendments.
- Deletes references to memoranda of agreement between DEP and the Florida Ports Council for a supplemental permitting process for seaports. Instead, DEP is empowered to directly provide a supplemental permitting process.
- Conforms statutes related to concurrent permit processing and agency duties with respect to state lands to incorporate port conceptual permits.
- Authorizes ports to enter into public-private partnerships for infrastructure projects.

Effective Date: Except as otherwise provided, July 1, 2010.

CS/CS/CS/HB 981 – Agriculture

This bill prohibits the denial of an agricultural classification on land if the only changed circumstance is that the land has been offered for sale, and applies this prohibition retroactively to all parcels for which a final court order has not been entered. The bill specifies an assessment methodology for agricultural improvements, structures, and equipment on agricultural land which are used as a natural resource conservation practice or to implement best management practices.

The bill provides that the Citrus and Research Development Foundation shall serve as the advisory council for a citrus research marketing order and the box assessment for citrus fruit shall not exceed the amount included in the order. The bill requires the assessment placed on agricultural commodities be deposited into the appropriate trust fund rather than the General Inspection Trust Fund within DACS.

The bill changes the location of the executive offices of the Department of Citrus from Lakeland to Bartow. The bill also provides that structures or improvements used for horticultural production, which are for frost and freeze protection and consistent with DACS interim measures or best management practices must be assessed pursuant to methodology provided.

Effective Date: July 1, 2010.

CS/CS/SB 982 - Underground Facility Damage Prevention & Safety

This bill revises provisions of the Underground Facility Damage Prevention and Safety Act (Act), which currently creates a system by which persons intending to engage in excavation or demolition activities can provide notice of this intent, to allow operators of underground facilities the opportunity to identify and locate their underground facilities.

Among other changes, the bill:

- Prohibits local governments from enacting ordinances or rules that conflict with the act;
- Establishes a program through the Division of Administrative Hearings for evaluating allegations of damage caused to high-priority subsurface installations;
- Provides for low-impact marking of underground facilities;
- Increases the amount of the civil penalty that may be imposed for a noncriminal infraction to $500 from the current level of $250;
- Requires the clerk of court to report annually on infractions under the act; and
- Requires Sunshine State One-Call of Florida, Inc., to establish a voluntary alternative dispute resolution program to resolve disputes arising from excavation activities.

With respect to incidents involving high-priority subsurface installations, the bill provides:

- Definitions of the terms "high-priority subsurface installation" and "incident;"
- Notice responsibilities of both excavators and operators;
- Procedures for reporting an alleged incident;
- A hearing and determination process related to the allegations, to be conducted by the Division of Administrative Hearings pursuant to a contract between the system and the division;
- Penalties and procedures.

Effective Date: October 1, 2010.

CS/SB 1118 – Docks

This bill:

- Amends s. 258.42, F.S., regarding aquatic preserves, to provide that slips in those preserves at private residential single-family docks which contain boat lifts or davits that do not float in the water when loaded may not, in whole or in part, be enclosed by walls, but may be roofed if the roof does not overhang more than one foot beyond the footprint of the lift and the boat stored in the lift. Such roofs are not included in the square-footage calculation of a terminal platform. The bill also provides that structures permitted under this section of law or chapter 253 may not be prohibited solely because a local government fails to adopt a marina plan or other policies dealing with the siting of structures in its local comprehensive plan.

- Amends s. 403.061(29) to provide that the DEP may adopt special criteria to protect Class III shellfish harvesting waters, in addition to the Department's existing powers to do so for Class II shellfish waters. Rules adopted may include special criteria for approving docking facilities that have 10 or fewer slips if the construction and operation of such facilities will not result in the closure of shellfish waters.

- Amends s. 403.061(40) to provide that DEP may maintain a list of projects or activities, including mitigation banks, which applicants may consider when developing proposals in order to meet the mitigation or public interest requirements of chapter 403, chapter 253, or chapter 373, F.S. The bill provides that the contents of any such list are not a rule as defined in chapter 120, and listing a specific project or activity does not imply department approval for such project or activity. The bill provides that each county government is encouraged to develop an inventory of projects or activities for inclusion on the list by obtaining input from local stakeholders in the public, private, and nonprofit sectors, including local governments, port authorities, marine contractors, other representatives of the marine construction industry, environmental or conservation organizations, and other interested parties. The bill also provides that a county may establish dedicated trust funds for depositing public interest donations to be used for future public interest projects, including improving on-water law enforcement capabilities.

- Amends s. 403.061(41) to provide that DEP may expand the use of online self-certification and other forms of online authorization for appropriate exemptions, general permits, and individual permits by the department and the water management districts if such expansion is economically feasible. DEP is required to report on the progress of these activities to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Committee on Intergovernmental Relations by February 15, 2011.

- Amends s. 403.813, regarding issuance of permits at district centers, to provide that limitations currently in law regarding replacement of existing docks and piers do not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

Effective Date: July 1, 2010.

HB 1271 – Transportation

This bill contains numerous provisions relating to the Department of Transportation (DOT) and other transportation related issues. For the purposes of this report we have included only those provisions relating to growth and environmental resource management.

<u>Section 1 - Charter County Transportation System Surtax</u>

The Charter County Transportation System Surtax, provided in s. 212.055 (1), F.S. allows certain charter counties, as well as a county that is consolidated with one or more municipalities, to levy a maximum 1 percent sales surtax to finance the development, construction, and operation of fixed guideway rapid transit systems, bus systems, and roads and bridges. The

proposal to levy the surtax and create a trust fund for surtax proceeds must appear on a ballot and receive the approval of a majority of the county electorate.

The bill expands amends the program to facilitate the use of the revenues for the implementation of regional transportation systems. It specifically amends the eligibility to include "each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349, F.S." Further it amends s. 212.055(1), F.S. to permit the Charter County Transportation System Surtax to be used for on-demand transportation services. The bill defines "on-demand transportation services" as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

Section 22 - Utilities on Right-of-Way

In 2008 amended s. 337.401(1), F.S. to provide that for transmission lines that operate more than 69 kilovolts, and where there is no practical alternative available, DOT rules must provide for placement of, and access to, transmission lines within the right-of-way of any DOT-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, providing that compliance with minimum clear zone and other safety standards established by rules or regulations is achieved. Current law requires compensation to DOT for the use of the right-of-way in a limited-access facility.

The bill amends s. 337.401, F.S., to provide that compensation to DOT by an electric utility for the use of the right-of-way only applies to the longitudinal placement of electric utility transmission lines on limited access facilities. It also changes DOT's rulemaking authority on non-limited access right-of-way with respect to 69 or more kilovolts aerial and underground electric utility transmission lines. Lastly, the bill eliminates DOT's authority to require that these lines be removed from the right-of-way in order to accommodate the expansion or improvement of transportation facilities.

Section 23 - Camping on Right-of-Way

In 2009 the State was witness to extraordinary events which resulted in the establishment of an encampment of dozens of homeless individuals under the Julia Tuttle Causeway in Miami-Dade County, raising numerous public safety and sanitation concerns. In response to that occurrence the Legislature included a provision in this bill which amends s.337.406, F.S. to prohibit camping on any portion of the right-of-way of the State Highway System within 100 feet of a bridge, causeway, overpass, or ramp.

Section 27 - Central Florida Regional Transportation Authority (LYNX)

The Central Florida Regional Transportation Authority (also known as LYNX) services Orange, Osceola and Seminole Counties, an area of over 2,500 square miles. LYNX operates fixed-route and paratransit services in its service area. Individual buses can accrue over 500,000 miles in less than seven years, the life span of a bus. According to LYNX, consistently leasing buses (as

opposed to purchasing) would significantly reduce current financing terms and eliminate required insurance premiums. However, unlike other authorities, LYNX does not have authorization to independently enter into capital leases.

The bill amends s. 343.64, F.S., to authorize LYNX to borrow up to $10 million annually for the costs and obligations of the authority. This would allow the authority to more easily lease rather than purchase buses.

Section 29-35 Expressway Authorities

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

- Tampa Hillsborough County Expressway Authority (THCEA)

The THCEA was established in 1963 to build, operate, and maintain toll-financed expressways in Hillsborough County. Pursuant to State law the THCEA is subject to the State Bond Act through which the Division of Bond Finance (DBF) issues revenue bonds for THCEA's projects on behalf of the authority. The State Bond Act includes a number of requirements to ensure the integrity and fiscal sufficiency of bonds issued on behalf of the state. The revenue bonds issued by the DBF, on behalf of THCEA, pledge the toll revenues generated by THCEA's expressway system as repayment. These revenue bonds are not backed by the full faith and credit of the state. Some local-government transportation entities, such as the Miami-Dade County Expressway Authority, the Orlando-Orange County Expressway Authority and the Mid Bay Bridge Authority, have specific authority to issue their own revenue bonds, independent of the DBF.

The bill amends various sections of the State statutes to clarify the THCEA's authority to issue its own bonds, without having to seek the state's review and approval as required under the State Bond Act. The cumulative effect of the bill would shift the final decision from the state-wide perspective of the Governor and Cabinet to a local perspective. THCEA would retain the option of going through the Division of Bond Finance. The THCEA does not have the power to pledge the credit or taxing power of the state, the City of Tampa, or Hillsborough County, meaning none of these entities would be legally liable for repaying the bonds.

- Osceola County Expressway Authority

The bill creates "Osceola County Expressway Authority Law" in part IX of ch. 348, F.S. as an agency of the state. Its governing body will consist of six members, five of whom must be residents of Osceola County. Three members will be appointed by the governing body of the county and two members appointed by the Governor. The sixth member will be the district secretary of DOT serving the district that includes Osceola County, who serves as an ex officio, nonvoting member. The bill declares that the authority is not eligible for voting membership in

metropolitan planning organizations "within which Osceola County, or any of the municipalities therein, are also voting members."

The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, engineers, and other employees; may determine the qualifications and fix the compensation of such persons, firms, or corporations; and may employ a fiscal agent or agents. The authority is required to cooperate with and participate in any efforts to establish a regional expressway authority.

The bill specifies that the purposes and powers shall be those identified in the Florida Expressway Authority Act. It further:

1. Requires the authority to develop procedures to encourage the awarding of professional services and construction contracts to certified minority businesses;
2. Authorizes the authority to issue bonds to pay or secure certain obligations and to enter into lease-purchase agreements with the DOT;
3. Authorizes DOT to act as the authority's appointed agent for construction as provided in the Florida Expressway Authority Act;
4. Authorizes the authority to acquire certain lands and property;
5. Authorizes the authority to exercise eminent domain;
6. Provides legislative intent and a pledge of the state to bondholders;
7. Exempts the authority from taxation;
8. Provides an exemption from taxes for bonds issued by or on behalf of the authority and the income therefrom; and
9. Provides for dissolution of the authority if before January 1, 2020, the authority has not encumbered any funds to further its purposes and powers.

<u>Section 35 -Wekiva Parkway</u>

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River and their tributaries along with associated lands in Central Florida, is part of a large wildlife corridor that connects northwest Orange County with the Ocala National Forest.

In 2004, the Legislature enacted the Wekiva Parkway and Protection Act, implementing the recommendations of the Wekiva River Basin Coordinating Committee's Final Report of March 16, 2004. The act directed that funds expended by DOT and Orlando-Orange County Expressway Authority to purchase interests in certain lands shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. The act specifies the offset of road construction impacts as the only use of mitigation credits. Currently, there is a surplus of mitigation credits available to mitigate the Wekiva parkway expansion that cannot be used for other mitigation purposes within either the Wekiva Study Area or the Wekiva parkway alignment corridor.

The bill amends s. 369.317, F.S., providing that if certain lands within the Wekiva Study Area or the Wekiva parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact upon surface water and

wetlands requirements in s. 373.414(8)(a), F.S. This change will allow the use of mitigation credits for other projects or developments within the study area or expansion corridor.

Section 36 - Lake Belt Mitigation

Part IV of ch. 373, F.S. codifies the Lake Belt Plan which guides limestone operations in the Lake Belt Area of Miami-Dade County. Under this plan, the Lake Belt mining companies pay a "mitigation" fee of 24 cents per ton of mined material to acquire, restore, and preserve environmentally sensitive lands and fund other environmental projects. These funds are deposited in the Lake Belt Mitigation Trust Fund which is administered by the South Florida Water Management District. This fee is currently indexed pursuant to s. 373.41492(5), F.S.

This bill amends s. 373.41492, F.S., to increase the lake belt mitigation fee to 45 cents per ton, beginning on December 31, 2011. The bill also adds a sunset date of December 31, 2011 to the annual increase of 2.1 percent plus a cost growth index, in the per-ton mitigation fee. The bill also changes the frequency from five years to two years the length of time the interagency committee is to report to the Legislature any needed adjustments in the Lake Belt Mitigation Fee, including the annual price escalator, to ensure that the revenue the fee brings in reflects the actual cost of mitigation.

Sections 38-43 Outdoor Advertising

Chapter 479, F.S., relating to outdoor advertising, provides for the control and permitting of signs adjacent to the highways of the state. This chapter allows DOT to recoup the costs incurred in removing illegal or unpermitted signs by assessing the owner of the sign. In many instances, an illegal or unpermitted sign does not display the name of the sign owner and DOT is unable to make identification resulting in a negative fiscal impact to the department.

- Definitions

Federal law only allows signs such as billboards to be permitted by DOT in areas zoned for commercial or industrial use. The bill amends some definitions relating to ch. 479, F.S., regarding outdoor advertising to address issues related to zoning. The bill amends the definition of "commercial or industrial zone" and creates definitions for "allowable uses," "commercial use," "industrial use," and "zoning category." The effect of these changes is to clarify where these signs may be located.

- Pilot Program

DOT has a pilot program in Orange, Hillsborough, and Osceola Counties and in the City of Miami under which the distance between permitted signs on the same side of the interstate highway may be reduced to 1,000 feet if:

a) The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides

for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area has been removed;

b) The sign owner and the local government mutually agree to the terms of the removal and replacement; and the local government notifies DOT of its intention to allow such removal and replacement as agreed upon.

The bill amends the program rules to provide that the new or replacement sign to be erected on an interstate highway within the area of the pilot program that is to be located on a parcel specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations. Also, the parcel shall not be subject to an evaluation to determine whether or not it is in an unzoned or commercial or industrial area pursuant to the criteria set forth in statute.

- Logo Signs

Section 479.261(1), F.S., requires DOT to establish a Logo Sign Program which provides information to motorists about available gas, food, lodging, camping, and attraction services at interstate interchanges. The bill amends s. 479.261, F.S. to provide for the maximum the annual permit fees for logo signs. These permit fees not exceed $3,500 inside an urban area and $2,000 for locations outside an urban area. The bill also removes DOT's authorization to implement a 3-year rotation for the removal and addition of participating businesses.

- Removal of Unpermitted and Illegal Signs

The bill creates part III of chapter 479 to provide liability and jurisdiction related to the removal of unpermitted and illegal signs located within the right-of-way of and controlled areas adjacent to the State Highway System (SHS), interstate highway system, and federal-aid highway system. This intent is to relieve DOT of the financial burden related to the removal of these signs and place the financial burden on those benefitting from location and operation of these signs. This gives DOT the authority to recover its costs associated with removing these signs. The bill creates s. 479.312, F.S., to provide that all costs that DOT incurs in removing an unpermitted sign is to be assessed against and collected from the sign's owner, the advertiser on the sign, or the owner of the property where the sign is located. For a sign that does not display the name of the sign's owner, the sign is presumed to be owned by the owner of the property where the sign is located.

The bill creates s. 479.313, relating to the cost of removing signs if a permit is revoked. In that case, the cost of removing the sign will be assessed and collected from the permittee. The bill creates s. 479.315, F.S., to provide that costs in connection with removing sighs on the right-of-way are to be assessed and collected from the owner of the sign and the advertiser displayed on the sign.

Effective Date: July 1, 2010

CS/CS/HB 1385 - Petroleum Contamination Site Cleanup

The bill allows the Department of Environmental Protection (DEP) to establish a long-term "natural attenuation monitoring" category for sites in the Petroleum Cleanup Program. The DEP is required to utilize natural attenuation monitoring strategies and, when cost-effective, transition sites eligible for restoration funding assistance to long-term natural attenuation monitoring where a site meets certain criteria. The bill requires DEP to evaluate whether higher natural attenuation default concentrations for natural attenuation monitoring or long-term natural attenuation monitoring are cost-effective and will adequately protect public health and the environment. DEP must also evaluate site-specific characteristics that will allow for higher natural attenuation or long-term natural attenuation concentration levels.

Further, the bill provides that a local government may not deny a building permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activities - if the facility was fully operational before the building permit was requested and if the construction, repair, or renovation is performed by a licensed contractor.

The bill establishes a low-scored site initiative for those sites with a priority ranking score of 10 points or less and provides conditions for voluntary participation. If these conditions are met, DEP must issue a No Further Action (NFA) order, which means minimal contamination exists onsite which is not a threat to human health or the environment. If no contamination is detected, DEP may issue a site rehabilitation completion order (SRCO).

Sites that are eligible will be initiated by the source property owner or responsible party and are strictly voluntarily. DEP may pre-approve the cost of the assessment pursuant to s. 376.30711, F.S., including 6 months of groundwater monitoring, not to exceed $30,000 for each site. DEP may not pay the costs associated with the establishment of institutional or engineering controls. Assessment work must be completed no later than 6 months after DEP issues its approval.

The bill authorizes DEP to spend no more than $10 million per fiscal year from the funds currently authorized from the Inland Protection Trust Fund in DEP to assess low scored sites. Funds will be made available on a first-come, first-served basis and will be limited to 10 sites in each fiscal year for each responsible party or property owner. The bill deletes the provisions relating to funding for limited interim soil-source removals, which sunsets June 30, 2010.

Finally, for fuel service station facilities that have orders issued by the DEP before July 1, 2010, granting an extension to upgrade to secondary containment systems, the bill requires DEP to extend the deadline to September 30, 2011. The facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.

Effective Date: July 1, 2010.

CS/CS/SB 1516 – State-owned lands

This bill clarifies certain provisions regarding state-owned lands. Among other provisions, the bill provides:

- Clarification regarding how local governments provide notification to property appraisers regarding publicly-owned property.
- That facilities owned, leased, rented, or otherwise occupied by a water management district are to be included in the inventory of maintained by the Department of State, and clarifies the duties of the Department of State in that regard.
- A legislative finding that it is in the best interest of the state to identify surplus property and dispose of such property that is unnecessary to achieving the state's responsibilities, that may cost more to maintain than the revenue generated, that does not serve any public purpose, or that from which the state may derive a substantially similar public purpose under private ownership.
- That DEP will create, administer, and maintain a comprehensive system for all state lands and real property leased, owned, rented, and otherwise occupied by any state agency, by the judicial branch, and by any water management district. The bill also provides a list of what the comprehensive, state-owned system must contain; that the Division of State Lands at DEP will be the custodian of the system, and the objectives that the system must accomplish. The system must:

  a) Eliminate the need for redundant state real property information collection processes and state agency information systems.
  b) Reduce the need to lease or acquire additional real property as a result of an annual surplus valuation, utilization, and disposition analysis.
  c) Enable regional planning as a tool for cost-effective buy, sell, and lease decisions.
  d) Increase state revenues and maximize operational efficiencies by annually identifying those state-owned real properties that are the best candidates for surplus or disposition.
  e) Ensure all state real property is identified by collaborating and integrating with the Department of Revenue data as submitted by the county property appraisers.
  f) Implement required functionality and processes for state agencies to electronically submit all applicable real property information using a web browser application.

- By October 1, 2010, and annually thereafter, the Division of State Lands at DEP must submit to the Governor, the President of the Senate, and the Speaker of the House a report that lists the state-owned property recommended for disposition, including a report by the Department of Management Services of surplus buildings recommended for disposition. The report is to include specific

information that documents the valuation and analysis process used to identify the specific state-owned real property recommended for disposition.

- The Board of Trustees of the Internal Improvement Trust Fund would be required to use tax roll data, which shall be provided by the Department of Revenue, to assist in the identification and confirmation of publicly held lands. Lands that are held by the state or a water management district and lands that are purchased by the state, a state agency, or a water management district and that are deemed not essential or necessary for conservation purposes would be subject to review for surplus sale.

The bill contains an extensive timeline and list of deliverables for development of the state-owned lands tracking system.

Effective Date: Upon becoming law.

CS/CS/HB 1565 – Rulemaking

This bill addresses rulemaking under chapter 120 of the Florida Statutes. Under the provisions of the bill:

- A statement of estimated regulatory costs will be required for any rulemaking subject to s. 120.54(3), F.S., where the proposed rule will have an "adverse" impact on small business, or "[t]he proposed rule is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in this state within 1 year after the implementation of the rule."
- Existing law provides that emergency rules adopted under s. 120.54(4) are not effective for more than 90 days and are not renewable except during the pendency of any challenge to the emergency rule; the bill adds an exception for when the proposed rule is awaiting ratification by the Legislature pursuant to s. 120.541(3).
- Section 120.541, F.S., currently allows a substantially affected party to submit to an agency a good faith written proposal for a lower cost regulatory alternative which substantially accomplishes the objectives of the law being implemented. The bill also requires a statement of estimated regulatory costs be prepared by an agency as provided earlier in the bill; and to:

  a) Require the agency to revise a statement of estimated regulatory costs if any change to the rule increases the regulatory costs of the rule; to require the agency to provide at least 45 days notice on its website, and directly to a person submitting a lower cost regulatory alternative before filing the rule for adoption;
  b) Clarify the law that the failure of an agency to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow rulemaking procedures; clarifying how a failure to prepare the statement or respond to a written lower cost regulatory alternative must be challenged in a proceeding challenging the validity of a rule under s.

120.58(8)(a); and providing limitations on how a rule can be declared invalid for failure to comply.

The bill also adds to existing requirements of what a statement of estimated regulatory costs must include, to require an economic analysis showing whether the rule directly or indirectly:

- Is likely to have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule;
- Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within 5 years after the implementation of the rule; or
- Is likely to increase regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within 5 years after the implementation of the rule.

Also added to existing requirements under the statute, an agency would now be required to take into account "any other costs necessary to comply with the rule;" and with regard to small businesses, an impact analysis would be required to include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. If the adverse impact or regulatory costs of the rule exceed any of the criteria established in the bill, the rule would be required to be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

Effective Date: Upon becoming a law.

CS/SB 1752 – Economic Development

This comprehensive bill (162-pages, 57 sections) addresses a wide range of economic development issues. Among the many issues addressed are (section numbers listed are general references, and do not necessarily represent all sections or all changes within the bill):

- New requirements that contracts between counties, municipalities or other bodies engaged in economic development on their behalf and economic development agencies must require the entity receiving funds to submit a report to the county detailing how the funds were spent and detailing the results of the entity's efforts on behalf of the county or municipality. By January 15, 2011, and annually thereafter, the county is required to file a copy of the report with the Legislative Committee on Intergovernmental Relations (LCIR) or any successor agency and post a copy on the county or municipality's website. (Sections 1 and 2).
- A new requirement that by January 15, 2011, and annually thereafter, each county and municipality must report to the LCIR the economic development incentives (defined therein) in excess of $25,000 given to any business during the previous fiscal year. LCIR is to provide the report to the Office of Tourism, Trade, and Economic Development (OTTED). (Sections 1 and 2).

- Allowing economic development ad valorem tax exemptions to be extended in 10 year increments if approved by referendum. Current law limits such exemptions to an initial 10-year period and one extension of 10 years. (Section 3).
- Establishing a definition of a "fractional aircraft ownership program." (Section 4).
- Clarifying amendments to s. 212.031 regarding taxes on rental or license fees for the use of real property rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or internet services at convention centers or meeting halls. (Section 5).
- Additional tax exemptions for certain sporting event admissions. (Section 6).
- A cap on the maximum taxes to be assessed on boats and on fractional aircraft ownership interests. (Sections 7 and 8).
- Changes to s. 212.08, F.S. regarding machinery used to increase productive output; entertainment industry tax credits; and taxes on aircraft temporarily in this state. (Sections 9, 10, and 14).
- Changes to definitions in the Jobs for the Unemployed Tax Credit Program under s. 220.1896, F.S. (Section 13).
- Changes to s. 288.018, F.S., regarding the Regional Rural Development Grants Program. (Section 15).
- Creating s. 288.0659, F.S., establishing the Local Government Distressed Area Matching Grant Program within OTTED, "to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain business in this state" and establishing the parameters of the program. (Section 16).
- Changing the definition of "jobs" in s. 288.1045, F.S., regarding the qualified defense contractor and space flight business tax refund program to include jobs obtained from a temporary employment agency or employee leasing agency, through a union agreement or co-employment under a professional employer organization agreement. (Section 17).
- Requiring that special consideration under the qualified target industry program should be given to businesses that export goods or services, or replace domestic or international imports of goods and services in future growth forecasts; giving special consideration to Florida-based renewable energy businesses and development of strong industrial clusters which include defense and homeland security businesses; and specifying qualified target industry business tax refund payments and calculations. (Section 18).
- Making changes to the definition of "jobs" regarding the brownfield redevelopment bonus refund program under s. 288.107, F.S. (Section 19).
- Making changes to the "high impact business" provisions of s. 288.108, F.S. (Section 20).
- Creating s. 288.1083, which establishes the "Manufacturing and Spaceport Incentive Program," to encourage capital investment and job creation in manufacturing and spaceport activities in Florida (Section 21).
- Making changes to s. 288.1088, F.S., regarding the Quick Action Closing Fund; primarily regarding review of a project by the Legislative Budget Commission, and renegotiation of contracts under certain circumstances (Section 22).

- Making changes to the definition of "jobs" in the Innovation Incentive Program under s. 288.1089, F.S. (Section 23).
- Including "digital media projects" in the definition of "entertainment industry" under s. 288.125, F.S. (Section 24).
- Modifying provisions of s. 288.1251, F.S. regarding the office of the Commissioner of Film and Entertainment (Sections 25 and 27) and the Florida Film and Entertainment Advisory Council under s. 288.1252 (Section 26); substantially rewording provisions regarding the Entertainment Industry Financial Incentive Program (Section 28); and revising provisions regarding tax exemptions and incentives to the entertainment industry (Section 29).
- Creating s. 288.9552, F.S., establishing the Florida Research Commercialization Matching Grant Program, "to increase the amount of federal funding to this state which will produce the kind of distinctive technologies that drive today's knowledge-based economy" (Section 30).
- Making administrative changes to s. 288.9625, F.S., regarding the Institute for the Commercialization of Public Research (Section 31).
- Making changes regarding sports franchises and creating s. 288.11621, F.S., regarding spring training franchises. (Sections 33, 34, 35, 36, 37, and 38).
- Amending s. 288.9313, F.S., regarding the definition of "qualified low-income community business" (Section 39).
- Making changes to section 373.441, F.S., regarding the role of counties, municipalities, and local pollution control programs in permit processing, to require the DEP to establish a process for a local government to petition the Governor and Cabinet for a review of a request for a delegation of authority that is not approved or denied within 1 year after being initiated; requiring that any denial by DEP must provide specific detail of those rule or statutory provisions that were not satisfied; and requiring delegation of authority be approved if the requirements of rule 62-334, F.A.C., are met (Section 41).
- Requiring DEP to expand the role of online self-certification for appropriate exemptions and general permits issued by DEP or the water management districts if such an expansion is economically feasible. This section also provides that "[n]otwithstanding any other provision of law, a local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chapter 161, chapter 253, chapter 373, or this chapter. This limitation of local government authority extends to Internet-based department programs that provide for self-certification." (Section 42).
- Amends part of last year's (2009-2010) General Appropriations Act regarding the federal first-time homebuyer tax credit created through the American Recovery and Reinvestment Act of 2009 by extending the expiration date of implementing language for another year, through July 1, 2011. (Section 43).
- Requiring OPPAGA to review and evaluate the Florida Enterprise Zone Program (Section 44); and the Florida Research Commercialization Matching Grant Program (Section 45) and to provide reports.
- Providing extensions to development orders issued local governments, building permits, and permits issued by DEP or a water management district; providing

extensions of commencement and completion dates for any required mitigation associated with a phased construction project; providing for notifying the authorizing agency of the intention to utilize the extension; and reauthorizing exemptions granted last year in SB 360 that are currently under court challenge. (Sections 46 and 47).

- Making changes to requirements for installation of fuel tank upgrades to secondary containment systems, granting extensions to certain fuel service station facilities. (Section 49).
- Establishing a preference for state residents in contracts for construction that are funded by state funds, under certain circumstances where state residents have substantially equal qualifications to those of nonresidents. (Section 50).
- Providing a finding that the act fulfills an important state interest, and providing a severability clause in the event part of the act is found invalid. (Sections 51 and 52).
- Providing appropriations to OTTED for Space Florida; for local government distressed area matching grants; for the Economic Gardening Program; the Defense Infrastructure Grant Program; the Florida Export Finance Corporation; to DEP for beach restoration; to the Board of Governors of the State University System for the State University Research Commercialization Assistance Grant Program; for the Quick Action Closing Fund; for the Florida Export Finance Corporation; and for the Commercialization of Public Research. Some of the appropriations provided by the bill are contingent upon enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage Rate (FMAP funding). (Sections 53, 54, 55, and 56).

Effective Date: Upon becoming a law.

CS/CS/SB 1842 – Public Roadways

This bill requires the Florida Department of Transportation (FDOT) to notify affected local governments of proposed changes to state highways when the project: divides a state highway; erects a barrier median modifying vehicle turning movements; or has the effect of closing or modifying existing access to adjacent property.

The notification must occur at least 180 days before the project design is finalized. The bill also allows the local government to present alternatives which would relieve the impacts to the business properties. The bill also requires FDOT to hold at least one public hearing in the jurisdiction where the project is located and receive public input.

Effective Date: July 1, 2010.

SB 2470 - Northeast Florida Regional Transportation

This bill creates the Northeast Florida Regional Transportation Study Commission comprising representatives of Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns counties to make specific legislative recommendations relating to regional transportation. Such recommendations may include an implementation plan for the establishment of a regional transportation authority and draft legislation.

An amendment adopted on Second Reading last week provides that a county's membership and participation in the commission, is not intended to constitute the consent of the county to inclusion within the jurisdiction of a regional transportation authority. The study shall be funded by the Northwest Florida Regional Transportation Planning Organization from its existing resources and by such other funds that may be provided from its constituent counties. This section expires and the commission terminates upon delivery of the final report.

Effective Date: July 1, 2010.

CS/HB 7103 – Agriculture

This bill provides comprehensive revisions to existing law related to agriculture. Specifically, the bill:

- Prohibits counties from enforcing regulations on land classified as agricultural if the activity is regulated by best management practices, interim measures, or regulations adopted by rule;
- Prohibits counties from imposing an assessment or fee for stormwater management on land classified as agricultural if the operation has a National Pollutant Discharge Elimination System (NPDES) permit, an environmental resource permit, a works-of-the-district permit, or implements best management practices;
- Allows a county to enforce its wetland protection acts adopted before July 1, 2003;
- Creates the Agricultural Land Acknowledgement Act to ensure that agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land;
- Requires an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits;
- Expands eligibility for exemption from a local business tax for persons who sell farm, aquacultural, grove, horticultural, floricultural, or tropical fish farm products;
- Expands the definition of “farm tractor” to include any motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated incidentally;

- Reverses 2005 legislation to return tropical foliage to exempt status from the provisions of the License and Bond law;
- Exempts farm fences from the Florida Building Code and expands the definition of nonresidential farm buildings that are exempt from county or municipal codes and fees;
- Allows additional fiscally sound multi-peril crop insurers to sell crop insurance in Florida; and
- Makes section 823.145, Florida Statutes, consistent with section 403.707, Florida Statutes, relating to the disposal of certain materials used in agricultural operations.

Effective Date: July 1, 2010.

CS/HB 7203 – Community Development Districts

This bill addresses several aspects of the law regarding Community Development Districts (CDDs). The bill amends s. 212.0315, F.S., allowing CDDs without qualified electors to levy an optional tax of up to one percent on all commercial rental transactions occurring in the district that are subject to sales tax under s. 212.031, F.S. Approval to levy such a tax requires the affirmative vote of four of the five members of the elected board of supervisors (board) of the CDD and at least two-thirds of the landowners within the CDD.

The bill provides that the proceeds of the tax may only be used to: i) promote and support commercial activity within the district; ii) promote and support those festivals, special events, and other activities within the district that enhance commercial activity; and iii) provide public services as deemed necessary by the board to support such festivals, special events, and other activities. The term "public services" for purposes of the tax, includes, but is not limited to, law enforcement, fire protection, emergency services, and sanitation services, and are limited to services authorized by chapter 190, F.S.

Among other provisions regarding approval and implementation of the tax, the bill provides that expenditures of the proceeds must first be approved by the CDD's board of supervisors; that the tax is to be administered locally, and that if the board determines that a CDD has qualified electors, the CDD's authority to levy the tax authorized by this bill expires.

Effective Date: July 1, 2010.

HB 7243 - Environmental Control

This is essentially the recycling bill that was near death in the House Agriculture and Natural Resources Committee, and brought back to life as a Council bill from General Government Policy Council. Among the highlights, the bill now provides the following:

Section 1 - § 288.9015 Enterprise Florida

- Enterprise Florida shall provide technical assistance to the DEP in the creation of the Recycling Business Assistance Center, which is tasked with enhancing and expanding existing markets for recyclable materials in this state, other states, and foreign countries.

Section 2 - § 403.44 Florida Climate Protection Act

- Deletes provisions related to The Climate Registry

Section 3 - § 403.7032 Recycling

- Requires all state agencies, public schools, community college, and state universities, including all buildings that are occupied by public employees to annually report all recycled materials to the county. Private businesses, other than certified recovered materials dealers, are encouraged to report the amount of recycled materials to the county annually beginning January 1, 2011.
- Cities with populations of less than 2,500 and per capita taxable value less than $48,000 and cities with a per capita taxable value less than $30,000 are exempt from these reporting requirements.
- Sets out the duties of the Recycling Business Assistance Center, including but not limited to:

    a. Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.
    b. Pursuing expanded end uses for recycled materials.
    c. Targeting materials for concentrated market-development efforts.
    d. Developing proposals for new incentives for market development, particularly focusing on targeted materials.
    e. Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.
    f. Coordinating the efforts of various governmental entities having market-development responsibilities in order to optimize supply and demand for recyclable materials.
    g. Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include the environmental and economic impact of source reduced product purchases to the state.
    h. Providing evaluation of solid waste management grants to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.
    i. Providing below-market financing for companies that manufacture products from recycled materials or convert recyclables into raw materials for use in manufacturing pursuant to the Florida Recycling

Loan Program as administered by the Florida First Capital Finance Corporation.

j. Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.
k. Coordinating with the Agency for Workforce Innovation to provide job-placement and job-training services to job seekers.

Section 6 - § 403.705 State solid waste management program

- The DEP shall evaluate and report biennially to the President of the Senate and the Speaker of the House of Representatives on the state's success in meeting the solid waste recycling goals.
- The DEP shall adopt rules creating a voluntary certification program for materials recovery facilities, with criteria based upon the amount and type of materials recycled and the compliance record of the facility and may vary depending on the location and available markets. Any materials recovery facility seeking certification shall apply to modify its permit, or as part of its original permit without additional fee.

Section 7 - § 403.706 Local government solid waste responsibilities

- Each county shall implement a materials recycling program that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020.
- Newly developed multifamily residential or commercial property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, must provide adequate space and receptacles for recycling by tenants and owners. This provision is limited to counties and municipalities that have an established residential, multifamily, or commercial recycling program and regular pick-up services.
- If the state's recycling rate for the 2013 calendar year is below 40 percent, below 50 percent by January 1, 2015, below 60 percent by January 1, 2017, below 70 percent by January 1, 2019, or below 75 percent by January 1, 2021, the DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives identifying additional programs or statutory changes needed to achieve the goals.
- Each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 2 tons of recycled material for each megawatt-hour produced.
- If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit.

Any county that has a debt service payment related to its waste-to-energy facility shall receive 1 ton of recycled materials credit for each ton of solid waste processed at the facility.

- Any byproduct resulting from the creation of renewable energy does not count as waste.
- Beginning with the data for the 2012 calendar year, the DEP shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

Section 9 - § 403.707 Permits

- By January 1, 2012, the amount of construction and demolition (C&D) debris processed and recycled prior to disposal at a permitted materials recovery facility or other permitted facility shall be reported by the county of origin to the DEP and to the county on an annual basis.

- Rules shall establish criteria to ensure accurate and consistent reporting for purposes of determining the recycling rate in s. 403.706 and shall also require that, to the extent economically feasible, all C&D debris must be processed prior to disposal, either at a permitted materials recovery facility or other permitted disposal facility. This paragraph does not apply to: i) recovered materials, ii) any materials that have been source separated and offered for recycling, or iii) materials that have been previously processed.

Section 11 - § 403.7095 Solid waste management grant program

- Eliminates the requirement that the DEP develop a competitive and innovative grant program for the provision of solid waste management services., and applicant requirements.
- Adds distributions to other funding made available

Section 12 – § 403.7145 Recycling

- The Capitol Building's recycling rates shall be posted on the website of the Department of Management Services and shall include the details of the recycling rates for each DMS pool facility. The DEP shall post recycling rates of each state-owned facility reported to the DMS.
- The DEP shall develop and contract for an innovative recycling pilot project for the Capitol recycling area, designed to increase convenience, incentivize and measure participation, reduce material volume, and assist in achieving the recycling goals.

Effective date: July 1, 2010.

1000 Friends of Florida Preliminary Legislative Wrap Up

Ken Heatherington

From: 1000 Friends of Florida [friends@1000fof.org]
Sent: Monday, May 03, 2010 2:32 PM
To: Ken Heatherington
Subject: Preliminary Legislative Wrap Up

Monday, May 3, 2010
Preliminary Legislative Wrap Up

As is often the case, the just completed session proved to be a mixed bag for Florida's growth management advocates. The legislature failed to reauthorize the Florida Department of Community Affairs, leaving it in a state of "limbo" for another year. In the final hours of the session, legislation failed that would have removed the artificial cap from the allocation of affordable housing dollars in the state. And 1000 Friends could not find sponsors for its "citizen bill of rights" amendments.

There were a few positive notes. In these challenging economic times, the final budget included $15 million for Florida Forever and at least another $10 million for Everglades restoration. The budget also included the same funding for DCA as in 2009 which, given the current economy, is a positive note. 1000 Friends, DCA and others successfully held off a number of damaging bills and amendments that among other things would have promoted inappropriate exemptions from transportation concurrency and weakened urban service boundaries.

As always, your calls made a difference, helping to secure funding for Florida Forever and halting numerous damaging planning amendments. We sincerely appreciate your support and will provide a more detailed update on the 2010 session shortly.

DCA Reauthorization and Funding--Despite many calls, letters and editorials calling for it, the Florida Department of Community Affairs was not reauthorized this session, leaving it in a state of "limbo" for another year and making it more vulnerable to elimination, dismantlement, funding cutbacks and/or excessive political pressure over the coming year. While the Senate passed SB 282 reauthorizing the agency, the House refused to take this bill up. However, the agency's budget was kept at the same level as last year.

Concurrency Exemptions--This damaging legislation failed to pass. Intended to address some problems associated with 2009's SB 360, SB 1742 would have created an exemption from concurrency for "transit oriented development," even when the development had no provisions for transit. 1000 Friends opposed these provisions and we also worked with DCA to make sure they were not added to a permitting bill, SB 1126, in the final hours of the session.

Callery Judge--1000 Friends helped block a number of damaging amendments that were proposed in the final days of the session. These included amendments to HB 7099 to weaken Palm Beach County's urban service boundary and require local governments to create "transportation backlog authorities" to exempt development from transportation concurrency with the intent of benefitting the Callery Judge property in Palm Beach County.

Citizen Planning Bill of Rights--1000 Friends offered amendment language but were unable to secure a sponsor. The Florida League of Cities did have a bill that included the mandatory neighborhood planning meeting requirement, but HB 733 never got out of its first committee meeting.

Florida Forever--The Florida Forever Coalition's hard work resulted in the approved budget including $15 million for Florida Forever, and another $10 million for Everglades restoration. An additional $40 million is possible for Everglades restoration if Congress awards Florida some additional Medicaid dollars which would allow for a budget shift of other monies.

Affordable Housing-- HB 665 did not pass, at least in part because of an attempt to put the damaging Callery Judge amendments there as well. HB 665 included provisions to end the artificial cap on distributions of the fund. This was a major setback, as the legislation seemed likely to pass until the final hours of the session.

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FL Chamber of Commerce Legislative Summary

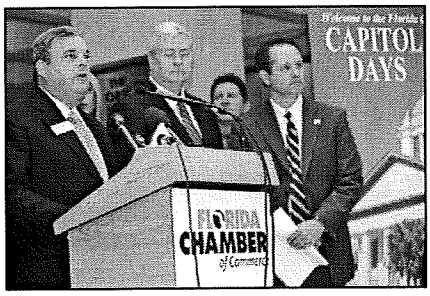
FLORIDA CHAMBER of Commerce

2010 Florida Business Agenda LEGISLATIVE SUMMARY

Friday, April 30, 2010 • Sine Die: 8:48 p.m.

What Passed, What Didn't and What it Means

While lawmakers were busy filing more than 2,400 bills with thousands of amendments and passing more than 250 bills during the 2010 Legislative Session, the Florida Chamber was making sure Floridians saw no new taxes, no new union mandates and no increased litigation. In a win for all Floridians, the Legislature listened to our pro-jobs priorities and made them priorities for the state.



"The Florida Chamber thanks our members, local chambers of commerce, association partners and the legislative leadership for making this session a success for Florida's business climate and job creation."

– STEVE HALVERSON
Florida Chamber Board of Directors Chairman
President of The Haskell Company

Bill Name	Pro-Biz or No-Biz	Summary of Bill and What it Means to Your Business	Outcome
TALENT AND EDUCATION PILLAR			
CLASS SIZE AMENDMENT SB 2 (Sen. Gaetz) (Rep. Weatherford)	Pro-Biz	Allows for more resources to go directly into the classroom by "right-sizing" the current class size mandate to allow flexibility for each school. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Will appear on the November ballot**
RAISE GRADUATION STANDARDS SB 4 (Sen. Detert) (Rep. Legg)	Pro-Biz	Ensures our students are prepared to compete in a global marketplace by raising graduation standards in the state of Florida. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 4/20/10**
PERFORMANCE PAY FOR QUALITY TEACHERS SB 6 (Sen. Thrasher) (Rep. Legg)	Pro-Biz	Modernizes the teaching profession by rewarding quality teachers with higher pay. This bill was originally supported by Governor Crist. **FLORIDA CHAMBER SUPPORTED**	**VETOED** **Passed the House and Senate, vetoed by Governor Crist on 4/15/10**
INSTRUCTIONAL MATERIALS SB 1124 (Sen. Altman) HB 623 (Rep. Burgin)	Pro-Biz	Increases learning opportunities for students by allowing district school boards to purchase educational technology with state allocated funds. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Language included in budget implementing bill (HB 5101)**

* Many of the bills marked "PASSED" are still awaiting the Governor's signature.

FLORIDA CHAMBER of Commerce

2010 Florida Business Agenda
LEGISLATIVE SUMMARY

Friday, April 30, 2010 • Sine Die: 8:48 p.m.

TAX CREDIT SCHOLARSHIP SB 2126 (Sen. Negron) (Rep. Weatherford)		Provides more students with the opportunity to attend a school that meets their learning needs. This scholarship program is a partnership with the business community and participating businesses receive a corporate tax credit. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 4/22/10**
ONLINE LEARNING SB 2262 (Sen. Thrasher) HB 1173 (Rep. Fresen)		Expands educational opportunities by providing more online learning options for students. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **Legislation not passed by House or Senate**
HIGH-PERFORMING TEACHER BONUSES SB 1970 (Sen. Detert) HB 1287 (Rep. Grady)		Rewards teachers for getting the most out of our students by removing the cap on bonuses for teachers whose students pass difficult, advanced courses. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **No action taken by Legislature**
CHOICES FOR DISABLED STUDENTS (MCKAY) VPK HB 1505 (Rep. Flores) (Sen. Gardiner)		Increases educational opportunities for disabled students by expanding eligibility in the John M. McKay Scholarships for Students with Disabilities Program. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
POST SECONDARY EDUCATION FEE WAIVER HB 723 (Rep. Sachs) (Sen. Wise)		Supports Florida's teachers by authorizing state universities and community colleges to waive tuition and fees for eligible public school teachers enrolled in certain courses. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
INNOVATION AND ECONOMIC DEVELOPMENT PILLAR			
JOBS FOR FLORIDA SB 1752 (Sen. Gaetz) (Rep. Weatherford) (Rep. Bogdanoff)		Helps further diversify Florida's economy by encouraging creation of high-wage jobs by removing barriers to economic growth and providing incentives to Florida businesses. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
FILM & ENTERTAINMENT TAX CREDIT (Sen. Haridopolos) (Rep. Precourt)		Keeps entertainment industry jobs in Florida by revising the industry financial incentive to provide a tax credit for the film and digital media industry. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Contained in SB 1752**
INVESTING IN FLORIDA SEAPORTS AND INTERNATIONAL TRADE HB 0963 (Rep. Ray) (Sen. Ring)		The Florida Ports Council led the charge on this bill, which helps level the playing field with other states by implementing significant regulatory changes that will allow Florida's seaports to attract additional business and jobs. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**

* Many of the bills marked "PASSED" are still awaiting the Governor's signature.

FLORIDA CHAMBER of Commerce

2010 Florida Business Agenda LEGISLATIVE SUMMARY

Friday, April 30, 2010 • Sine Die: 8:48 p.m.

COMMERCIALIZATION MATCHING GRANT PROGRAM (Sen. Detert) (Rep. Hudson)		Helps small businesses capitalize on commercialization opportunities by increasing the amount of research dollars available. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Contained in SB 1752**
SPACE & AEROSPACE INFRASTRUCTURE HB 969 (Rep. Crisafulli) (Sen. Altman)		In partnership with Space Florida, this legislation passed and will allow for flexibility with funds previously appropriated to Space Florida to attract new high-tech aerospace business to our state. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
COMMERCIAL LAUNCH ZONE TAX INCENTIVES SB 1188 (Sen. Altman) HB 0133 (Rep. Poppell)		Helps attract high-tech jobs and positions Florida as an even stronger competitor in the aerospace industry by creating a commercial launch zone in our state. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **No action taken by Legislature**
RESEARCH & DEVELOPMENT TAX CREDIT SB 1184 (Sen. Thrasher) HB 607 (Rep. Plakon)		Encourages research and development activity and stimulates the economy by attracting high-wage, professional research jobs to Florida. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **No action taken by Legislature**
INFRASTRUCTURE AND GROWTH LEADERSHIP PILLAR			
SUN RAIL HB 1B (Rep. Aubuchon)		Improves mobility and provides additional transportation options by creating the Florida Rail Enterprise to coordinate statewide passage rail services. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 12/16/09**
RULEMAKING HB 1565 (Rep. Dorworth) (Sen. Bennett)		Protects small businesses by requiring an enhanced analysis and legislative ratification of any state agency rule that will adversely impact job creation and regulatory costs. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
GROWTH MANAGEMENT HB 7099 (Rep. Hukill) (Sen. Bennett)		Protects businesses, investors and property owners who acted in reliance on the terms of previous legislation, for whom many projects, and the jobs and time invested in them, could be in jeopardy if the law is struck down. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Contained in SB 1752**
ENVIRONMENTAL RESOURCE BILL SB 550 (Sen. Constantine)		Streamlines environmental permitting, addresses water supply issues and clarifies Florida policy on numeric nutrient criteria. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
BUSINESS CLIMATE AND COMPETITIVENESS PILLAR			

* Many of the bills marked "PASSED" are still awaiting the Governor's signature.

FLORIDA CHAMBER of Commerce

2010 Florida Business Agenda
LEGISLATIVE SUMMARY

Friday, April 30, 2010 • Sine Die: 8:48 p.m.

UNEMPLOYMENT COMPENSATION TAX INCREASE DELAY HB 7033 (Rep. Murzin/ Rep. Carroll) (Sen. Garcia)	Pro-Biz	Temporarily reduces the impact of a steep unemployment compensation tax increase on Florida's employers, saving nearly $1 billion in new unemployment tax increases in 2010. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 3/2/10**
PROPERTY INSURANCE REFORM SB 2044 (Sen. Richter) (Rep. Proctor)	Pro-Biz	Increases solvency requirements for some insurance companies, limits the ability of Citizens policyholders to avoid their assessments, works to reduce public adjuster fraud and allows greater transparency to insurance consumers. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
CONSUMER CHOICE IN INSURANCE SB 876 (Sen. Bennett) HB 447 (Rep. Proctor)	Pro-Biz	Increases consumer choice, reduces potential assessments and limits taxpayer exposure to loss in property insurance. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **Legislation not passed by House or Senate**
BURDEN OF PROOF IN SLIP & FALL LAWSUITS HB 689 (Rep. Aubuchon) (Sen. Gardiner)	Pro-Biz	Restores justice and fairness in slip and fall lawsuits and protects employers from being held liable for an injury when they are not responsible. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 4/8/10**
CORPORATE AND INTANGIBLES TAX INCREASES SB 1406 (Sen. Lawson) HB 675 (Rep. Rehwinkel Vasilinda)	No-Biz	Increases corporate income taxes, mandates combined reporting, reinstates annual tax on intangible personal property, excludes intercompany sales from the sales factor for apportionment purposes and includes a throw-out rule. **FLORIDA CHAMBER OPPOSED**	**DEFEATED**
PROPERTY TAX - CHANGE OF OWNERSHIP HB 927 (Rep. Kiar) (Sen. Altman)	Pro-Biz	Clarifies that the non-homestead assessment cap currently in the constitution does not reset based on purchasing and selling of stock in a publically traded company. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
AUTOMOBILE LAWSUITS ON CRASHWORTHINESS SB 744 (Sen. Richter) HB 733 (Rep. O'Toole)	Pro-Biz	Allows juries to hear all the facts of an accident in automobile product liability cases. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **No action taken by Legislature**
STREAMLINE SALES TAX AGREEMENT SB 94 (Sen. Lynn) HB 1083 (Rep. Rehwinkel Vasilinda)	Pro-Biz	Urges U.S. Congress to enact legislation giving states that have complied with Streamlined Sales & Use Tax Agreement the authority to require out-of-state sellers to collect each such state's sales and use tax. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **No action taken by Legislature**

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2010 Florida Business Agenda
LEGISLATIVE SUMMARY

Friday, April 30, 2010 • Sine Die: 8:48 p.m.

INCREASING CORPORATE INCOME TAXES SB 2502 (Sen. Gelber) HB 1333 (Rep. Kriseman)		Severely limits the ability of a Florida corporate income taxpayer to deduct certain expenses paid to related companies. **FLORIDA CHAMBER OPPOSED**	**DEFEATED**
CIVIC AND GOVERNANCE SYSTEMS PILLAR			
COST BENEFIT ANALYSIS OF LEGISLATION SB 1178 (Sen. Haridopolos) (Rep. Poppell)		Allows legislators to take into account not only the cost, but also the return on investment, when considering legislation. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Awaiting governor's signature**
TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTING HB 437 (Rep. Eisnaugle) (Sen. Thrasher)		Provides for transparency and accountability in state contracts with private attorneys and limits plaintiff trial lawyers' profit to $50 million. **FLORIDA CHAMBER SUPPORTED**	**PASSED** **Signed by governor on 4/8/10**
FIXING FLORIDA'S PENDING PENSION CRISIS HB 1319 (Rep. Grady)		Begins to modernize and stabilize Florida's multi-billion dollar retirement system. Increasingly unfunded pension liabilities put Florida's financial viability in peril. **FLORIDA CHAMBER SUPPORTED**	**DID NOT PASS** **Legislation not passed by House or Senate**

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Agenda Item

7

PUBLIC COMMENTS

7

7

Agenda Item

8

DIRECTOR'S COMMENTS

8

8

Southwest Florida Sustainability Outlook Forum

May 8th, 2010

9:00 am to 3:00 pm

1st Floor Conference Room

Free Event
Dress Code: Business Causal

Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901
(239) 338-2550
www.swfrpc.org

For more information contact:
Nichole Gwinnett
ngwinnett@swfrpc.org
(239) 338-2550 x232

9:00 am	**Welcome and Introductions**			
	Jennifer Pellechio, Senior Planner Southwest Florida Regional Planning Council			
9:15 am	**"Overview of Economic Development District and what is the Comprehensive Economic Development Strategy (CEDS)"**			
	Jennifer Pellechio, Senior Planner Southwest Florida Regional Planning Council			
9:30 am	*" The Regional Energy and Climate Communications Presentation "*			
	Ken Sneeden, President Ken Sneeden & Associates, LLC			
10:00 am	*"Business Growth Generation: A Model for Southwest Florida"*			
	Dr. Joseph Heinzman, Jr. DBA Hodges University			
10:30 am	**"What Are the Next Steps?"**			
	Group Discussion			
11:45 am	**Lunch Break**			
	Lunch will be provided			
12:15 pm	**Breakout Sessions'**			
	Communication Dr. Joseph Heinzman, Jr. DBA, Hodges University	**Innovation** Dr. Gary Jackson, FGCU	**Regional Strategies** Tammie Nemecek, Economic Development Council of Collier County	**Sustainability** Mr. Allan Lane, Economic Development Division of North Port
1:45 pm	**Breakout Session Summaries**			
2:30 pm	**Ranking of Projects/Funding/Grants – Group Discussion**			
3:00 pm	**Concluding Statements and Adjourn**			

Limited Spaces Available - RSVP Required by April 30th, 2010