



# SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

**Thursday, December 16, 2010**

**From 9:00 am to 11:30 a.m.**

**Southwest Florida Regional Planning Council**

**1<sup>st</sup> Floor Conference Room**

**1926 Victoria Avenue**

**Fort Myers, FL 33901**

## **AGENDA**

### **Mission Statement**

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

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### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**ROLL CALL – Ms. Nichole Gwinnett**

### **INTRODUCTION OF NEW MEMBERS:**

- **Commissioner Frank Mann, Lee County BOCC**
- **Commissioner Brian Bigelow, Lee County BOCC**

<b>1. AGENDA</b>	<b>Page 1</b>
<b>2. MINUTES OF NOVEMBER 18, 2010</b>	<b>Page 7</b>
<b>3. CONSENT AGENDA</b>	<b>Page 18</b>
a) Intergovernmental Coordination and Review	<b>Page 20</b>
b) Financial Statement for November 30, 2010 & Grant Activity Status Sheet	<b>Page 25</b>
c) Fountains DRI – Request for Sufficiency Response Extension	<b>Page 43</b>
<b>4. ADMINISTRATIVE ISSUES (Presentations from 9:15 to 10:00 am)</b>	
a) Lower West Coast Watersheds Implementation Committee Report – <b>Mr. James Beever</b>	<b>Page 48</b>
b) Elections of 2011 Officers – <b>Mr. Ken Heatherington</b>	<b>Page 49</b>
c) Lee County MPO Staff Services Agreement – <b>Counsel Liz Donley</b>	<b>Page 51</b>
<b>5. REGIONAL ISSUES (10:00 to 11:15 a.m.)</b>	
a) Amendment 4 Presentation – <b>Mr. Ken Heatherington</b>	<b>Page 63</b>
b) SWFRPC Strategic Regional Policy Plan (SRPP) EAR – <b>Mr. David Crawford</b>	<b>Page 77</b>
c) Community Collaborative Initiative – <b>Mr. Ken Heatherington</b>	<b>Page 90</b>
d) Florida Legislative Summary Report – <b>Mr. Dave Hutchinson</b>	<b>Page 126</b>

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](mailto:dkooi@swfrpc.org).

6. PUBLIC COMMENTS

7. DIRECTOR'S COMMENTS

- Glades County BOCC Resolution – Creating a Regional Transportation Authority in the Heartland of Florida

8. STATE AGENCIES COMMENTS/REPORTS

9. COUNCIL ATTORNEY'S COMMENTS

10. COUNCIL MEMBERS' COMMENTS

11. ADJOURN

**NEXT SWFRPC MEETING DATE: January 20, 2011**

**NOTE: The City/County Administrators & Planning Directors will be meeting immediately following the Council meeting.**

**HAPPY HOLIDAYS**



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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

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

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

**EDA - Economic Development Administration**

**EDC - Economic Development Coalition**

**EDD - Economic Development District**

**EPA – Environmental Protection Agency**

**FAC - Florida Association of Counties**

**FACTS - Florida Association of CTCs**

**FAW - Florida Administrative Weekly**

**FCTS - Florida Coordinated Transportation System**

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

**FDEA - Florida Department of Elder Affairs**

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

**FDOT - Florida Department of Transportation**

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

**FIAM – Fiscal Impact Analysis Model**

**FLC - Florida League of Cities**

**FQD - Florida Quality Development**

**FRCA -Florida Regional Planning Councils Association**

**FTA - Florida Transit Association**

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

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

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

**JPA - Joint Participation Agreement**

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

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

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

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

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

\_\_\_\_\_ Agenda  
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Minutes

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**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
NOVEMBER 18, 2010**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **November 18, 2010** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> 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:** Councilwoman Rachel Keesling, Commissioner Robert Skidmore, Commissioner Tricia Duffy, Mr. Michael Grant

**Collier County:** Mr. Bob Mulhere, Ms. Pat Carroll

**Glades County:** Commissioner Kenneth “Butch” Jones, Ms. Shannon Hall

**Hendry County:** Commissioner Tristan Chapman, Mayor Paul Puletti, Mr. Melvin Karau

**Lee County:** Councilman Mick Denham, Mayor John Sullivan, Commissioner Ray Judah, Ms. Laura Holquist, Councilman Tom Babcock

**Sarasota County:** Commissioner Carolyn Mason, Commissioner Jim Blucher for Commissioner Tom Jones, Mr. Felipe Colón

**Ex-Officio Members:** Mr. Jon Iglehart - FDEP, Ms. Dianne Davies - SWFWMD, Mr. Phil Flood - SFWMD, Ms. Tammie Nemecek - EDC of Collier County

**MEMBERS ABSENT**

**Charlotte County:** Ms. Andrea Messina

**Collier County:** Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann

**Glades County:** Commissioner Paul Beck, Councilwoman Pat Lucas

**Hendry County:** Commissioner Karson Turner, Mayor Mali Chamness

**Lee County:** Councilman Forrest Banks, Councilman John Spear, Mr. Paul Pass, Commissioner Tammy Hall

**Sarasota County:** Commissioner Jon Thaxton, Mr. George Mazzarantani

**Ex-Officio Membership:** Mr. Johnny Limbaugh - FDOT

### **INTRODUCTION OF NEW MEMBERS**

Chair Denham introduced the following new members:

- Mr. Michael Grant, Charlotte County Governor Appointee
- Ms. Pat Carroll, Collier County Governor Appointee
- Councilwoman Pat Lucas, City of Moore Haven
- Ms. Shannon Hall, Glades County Governor Appointee
- Mr. Felipe Colón, Sarasota County Governor Appointee
- Councilwoman Rachel Keesling, City of Punta Gorda

#### **AGENDA ITEM #1 AGENDA**

Chair Denham stated that the agenda was approved as presented.

#### **AGENDA ITEM #2 MINUTES OF OCTOBER 21, 2010**

Commissioner Judah moved and Commissioner Duffy seconded to approve the minutes of October 21, 2010 as presented. The motion carried unanimously.

#### **AGENDA ITEM #3 CONSENT AGENDA**

Commissioner Skidmore moved and Commissioner Judah seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for October 31, 2010 & Grant Activity Status Sheet; Agenda Item #3(c) Hazardous Materials Emergency Preparedness (HMEP) Planning & Training Contract; and Agenda Item #3(d) Review of Revised Glades-Hendry Joint Local Coordinating Board Bylaws. The motion carried unanimously.

#### **AGENDA ITEM #4(d) Budget Committee Report - Ms. Laura Holquist**

Ms. Holquist reviewed the item as presented.

Mr. Mulhere moved and Ms. Carroll seconded to approve the Budget Committee's recommendation. To proceed with the transfer of the Council's promissory note from Bank of America to Iberia Bank including the checking account.

Chair Denham explained that during the last Budget Committee meeting there was discussion to consider community banks and staff did contact local community banks and they were not able to either meet Iberia's current proposal or the public funds requirements.

Ms. Holquist also noted that Iberia Bank has also been able to lower the interest rate on the loan from the original 5% to 4.5% which will save approximately \$5-6,000 per year.

Chair Denham noted that Iberia Bank has also been able to reduce the legal fees in the closing costs.

**The motion carried unanimously.**

**AGENDA ITEM #4(c)  
Nominating Committee Report - Commissioner Jim Coletta**

Commissioner Judah explained that in the absence of Commissioner Coletta he will be presenting the item. He then stated that the Nominations Committee had met on Monday, November 15<sup>th</sup> and recommended the following slate of nominees for 2011:

- ✓ Chairman: Councilman Charles "Chuck" Kiester, City of Marco Island
- ✓ Vice Chairman: Commissioner Karson Turner, Hendry County BOCC
- ✓ Secretary: Councilwoman Teresa Heitmann, City of Naples
- ✓ Treasurer: Commissioner Carolyn Mason, Sarasota County BOCC

**Commissioner Judah moved and Commissioner Skidmore seconded to approve the Nominations Committee recommendation. The motion carried unanimously.**

Counsel Donley explained that the new officers will take their seats at the end of the December meeting.

**AGENDA ITEM #4(a)  
Harborview Substantial Deviation DRI - Charlotte County Development Order Review  
- Mr. Dan Trescott**

Mr. Trescott reviewed the item as presented.

Chair Denham asked if the recommendations that are being presented today are the same recommendations that were presented on May 20<sup>th</sup>. Mr. Trescott replied no, on May 20<sup>th</sup> the conditions that are listed within Attachment I, which is the Staff Assessment Report, staff made recommendations that Charlotte County incorporate those conditions into the development order. Now we are in the process to review the development order to discuss what is missing and how to resolve those issues.

Chair Denham asked Mr. Trescott what are staff recommendations. Mr. Trescott explained that staff is recommending that DCA appeal the development order in order to incorporate the conditions listed in Attachment III which are missing from the Council's Staff Assessment Report.

The second recommendation is to have Charlotte County rescind the development order to try to work out the issues.

**Commissioner Skidmore moved and Commissioner Duffy seconded to oppose staff's recommendations.**

Commissioner Skidmore stated that this project is within the geographical borders of Charlotte County and was recently approved by the Charlotte County BOCC. He then said that basically what this is boiling down to is a disagreement on what the SWFRPC wants and what local control wants. With all of the talks about Home Rule Charter and the ability to be able to do things at home, we don't want Tallahassee telling us what to do and Charlotte County doesn't want to have the SWFRPC telling them that they can't have a marina. He stated that he feels that this is a good project for the community, creating new jobs, and the sensitivity of the environment has been taken under advisement several times by the applicant. He then urged the members of the Council in honor of local decision making to deny staff's recommendations.

Chair Denham reminded Commissioner Skidmore that the SWFRPC is an advisory board and the Council is very familiar with the applicant and he appreciates Council's staff and their efforts. Commissioner Skidmore stated that since the SWFRPC is an advisory board that Charlotte County does not have to accept the SWFRPC's advise.

Commissioner Judah stated that he respects and appreciates local government authority; but the whole reason for the RPC is to ensure that the decision made by local authorities don't impede, impair or underline public resources within the region. Which is what is happening through the current proposal, particularly with the dredging. There was a lengthy discussion when this project was first brought before the Council, we are trying to provide for consistency and continuity in that we as a Council support staff's recommendations with regards to the conditions that were listed within the staff assessment report and where disregarded. In order to remain consistent and current in our beliefs in protecting our public resources he would not support the current motion, but recommend that the Council support staff's recommendation to have DCA appeal the current development order.

Mr. Mulhere asked Mr. Trescott what he perceives DCA's action to be assuming that there was a recommended action for DCA to appeal the development order. Mr. Trescott explained that staff has been working with DCA over the last couple of weeks and from the discussions his feeling is that they will appeal the development order.

Commissioner Duffy clarified that from the discussions at the May 20<sup>th</sup> meeting the issue was about the marina and it came down to that the development was approved without the marina. She stated that she feels that many of the recommendations that the Council had recommended were implemented into the development order prior to the vote by the Charlotte County BOCC. Water quality is a regional issue and the developer has agreed to a buffer, a bio swale and a lift. She believes that the applicant has tried to accommodate the recommendations of the RPC, as well as those on the Charlotte County BOCC. She noted that Charlotte County staff doesn't feel that it is inconsistent with the county's comprehensive plan and that DCA won't appeal the development order.

Mr. Jeffrey Jerry, Director of Charlotte County's Growth Management Department stated that in Charlotte County's opinion our staff has addressed every issue that was put forth by Council staff. Many of the concerns with the marina and stormwater issues are handled through other permitting agencies. Charlotte County doesn't have the staff to deal with environmental permitting; we are allowed to participate in the review which is included in the development order. Charlotte County will work hand-in-hand with the applicant, but relies upon the other permitting agencies, such as FDEP and the SWFWMD, to monitor water quality. Charlotte County has placed as many stop gaps as possible in the development order in order to make sure that the project does maintain the highest quality of water quality within the marina and south. Any failure to maintain that standard that has been set forth in the development order will result in a violation of the development order and they will not be allowed to submit for any building permits. He then asked for clarification on what are the issues that have not been addressed specifically.

Chair Denham asked Mr. Trescott to go through the conditions that are of major importance that have not been addressed within the county's development order.

Mr. Trescott explained that staff did not recommend denial of the marina. He clarified that staff recommended denial of the original location of the marina and then gave the alternate location. The law states that if staff recommends denial of something that staff must state what is approvable. Staff recommended a dry storage marina contingent upon the permitting process over in the eastern portion of the project along an existing canal. The current proposal will be cutting across a portion of freshwater wetland area and then come down and cut through 1.7 acres of wetlands, although the staff assessment states that approximately 4 acres of saltwater wetlands are going to be impacted. The big issue of concern for Council staff is the proposed lift, because staff doesn't believe that the lift will stay in place forever. It has been seen in Cape Coral where all it takes is various individuals/agencies to decide that they don't want it anymore and then it is eventually removed. He explained that with the proposed marina it will impact the habitats of the manatee, small tooth sawfish; which ground zero for the highest number of sightings for the small tooth sawfish is just south of the project on the Peace River.

Mr. Trescott noted that there were approximately four pages of public transportation conditions that were not addressed within the development order.

Commissioner Skidmore stated that Charlotte County doesn't have public transit. Mr. Trescott explained that public transportation facilities are roadways and infrastructure.

Commissioner Duffy stated that she doesn't understand the reasoning for the relocation of the marina and having it become a dry storage marina instead of a wet slip marina. She then asked if staff has ever made those recommendations to the City of Cape Coral for a proposed marina. Mr. Trescott replied if it needed to be done yes; however, the City of Cape Coral is a vested DRI that was approved before this process was put in place in 1972. He then stated that in the history of the SWFRPC, the Council has never approved any dredging for a marina through pristine saltwater wetlands.

Commissioner Duffy noted that the applicant has agreed to place the land where the lift is located and present it to a non-profit organization that will be forever in control, so the lift will never be removed. Their sole purpose of that non-profit organization will be for the improvement of water

quality. Staff's recommendation was for the land to be given to the State of Florida, but Charlotte County felt that it should be given to a local non-profit organization that will be in control. She also noted that Charlotte County is in the process of developing a new Manatee Plan and a recent survey was completed on the small tooth sawfish and found three fish. Also, the small tooth sawfish is newly endangered species, but there are no guidelines or rules in terms of how to mitigate for the small tooth sawfish.

Commissioner Duffy explained that the area of discussion if filled with Brazilian Pepper trees it is not the type of habitat that the small tooth sawfish like to live in. We are only talking about 1.7 acres of land and it is not a canal, but a ditch that is being proposed for widening. The wetlands are going to be in preservation, approximately 150 acres of wetlands.

Mayor Sullivan noted that the City of Cape Coral did not want the lift removed, but the science told us that the pressure from the lift was causing a lot of damage also people were destroying mangroves by taking their boats and going around the lift.

Commissioner Blucher asked staff if they felt confident that the lift was going to remain in-place for eternity then would they change their minds. Mr. Trescott explained that he feels that people change their minds all the time and if they want to remove the lift then it will be removed. Commissioner Blucher also questioned the dredging portion.

Mr. Beever of staff explained that the dredging portion consists of the drainage ditch which is essential a drainage feature. He then explained that only a portion of the site is covered in Brazilian Pepper, most of the site covered is Black Rush Marsh and mangroves. He explained that where that the proposed location for the marina is a borrow pit from the I-75 on-ramps to the Peace River Bridge, so it wasn't designed for a marina. The concept for a lift for waterways or lock systems was developed in the 1970s and is an old design. All of the lifts that have been installed within Southwest Florida have been since removed and in Charlotte County they went through a whole process to remove this system on the Manchester waterway, which is to the west of the project.

Attorney Jerry Waxler representing Benderson Development presented a document which she indicated included 99.5% of Council staff's conditions. Chair Denham asked if Council staff and DCA had a chance to review the document. Ms. Waxler replied no because the document was completed yesterday, but the document refers to the provisions of the adopted development order. She explained that there have been two main issues with the project and which are the consistency with the Charlotte County Comprehensive Plan and the location of the marina along with water quality and the impacts to protected species.

Attorney Waxler explained that consistency was addressed in the application materials that were provided. A 30 page analysis was provided to the Charlotte County BOCC when they adopted the development order. Charlotte County staff also provided Charlotte County BOCC a report on how it was consistent with their comprehensive plan.

Attorney Waxler explained the reasoning behind the removal of the lock system throughout Charlotte County. She noted that they were built back in the 1960s and the houses along those canals were on septic systems which makes a big difference. The Harborview project will be on

central sewer. Also, the other weirs and locks systems were public facilities and the lift within the project will be privately owned and it has been stated within the development order that the lift has to remain in perpetuity. She also noted that in addition to that condition, the weir, uplands and lift system into a conservation easement which will be granted to an independent, non-for-profit, third party entity whose purpose is water quality. She then explained that there will be a 100' buffer around the entire wetland system with bioswales.

Commissioner Mason stated that this project is of a regional nature and everyone needs to work the issues out together. She also stated that she respects local government's authority.

Commissioner Judah asked for Mr. Beever to give clarification on some issues. Mr. Beever referred to FDEP's letter dated November 8<sup>th</sup>, which was included in the packet. He then explained that there was concern about the possible upset of the hydrology of the tidal creek.

Commissioner Duffy stated that Charlotte County has been working on their Habitat Conservation Plan for the past five years.

Commissioner Judah expressed his concerns for the potential environmental impacts.

**The motion passed with an 11 to 7 vote.**

#### **AGENDA ITEM #4(b)**

##### **Lower West Coast Watersheds Implementation Committee Report - Mr. David Crawford & Mr. James Beever**

Chair Denham reviewed the first letter of consideration which was addressed to Dr. Mike Thomas at FDEP regarding the 2010 FDEP Model Ordinance for Florida-Friendly use of Fertilizer on Urban Landscapes.

**Commissioner Judah moved and Commissioner Mason seconded to approve the letter to FDEP regarding the 2010 FDEP Model Ordinance for Florida-Friendly use of Fertilizer on Urban Landscapes. The motion carried unanimously.**

Chair Denham reviewed the second letter of consideration which was addressed to the RPC Executive Directors and local governments regarding the Benefits of Local Government Fertilizer Ordinances.

**Commissioner Mason moved and Commissioner Blucher seconded to approve the letter to the RPC Executive Directors and local governments regarding the Benefits of Local Government Fertilizer Ordinances. The motion carried unanimously.**

Ms. Whitney Grey of staff announced the staff had completed a vulnerability assessment for climate change and resiliency plan that was under contract with Lee County's Sustainability Office and she was notified yesterday that Lee County was awarded one of eight technical assistance grants from ICLEI to prepare climate change adaptation.

**AGENDA ITEM #5(b)**  
**Sustainability through Growing Biofuel Crops Presentation – Mr. Bill Vasden, President of USCJO, Inc.**

Mr. Vasden gave a PowerPoint presentation on the Sustainability through Growing Biofuel Crops.

Chair Denham asked how the biofuel crops will benefit Hendry County. Mr. Vasden explained that a biofuel plant will be built in Hendry County which will produce jobs.

Mr. Mulhere asked if the money from USDA is designed to flow through the land owners or local governments. Mr. Vasden explained that the money is going to flow through the farmers and facilities.

Mayor Sullivan asked if there is a big investment for the farmers to rotate crops. Mr. Vasden replied that it is an estimated \$400 per acre annually for a cover crop.

Ms. Carroll asked if biofuel has a shelf life. They are treated just like a petroleum based product.

**AGENDA ITEM #5(a)**  
**Hendry County’s Economic Strategy and Land Use Plan – Commissioner Tristan Chapman**

Commissioner Chapman gave a PowerPoint presentation on Hendry County. He then introduced Mr. Roger Harrison, President and CEO of Hendry County Economic Development.

Mr. Harrison gave a PowerPoint presentation on what has been done to improve Hendry County’s economy. He explained that there are currently nine prospects ongoing in Hendry County.

Mr. Heatherington explained that due to the time constraints that he would like to invite the representatives from Hendry County back at a later date to continue their presentations when there is more adequate time.

Commissioner Chapman introduced Dr. Fritz Roka of IFAS and asked Dr. Roka to reply to Chair Denham’s questions of how much food and seafood is imported into the United States.

Dr. Roka explained that from 1980 to 2000 per capita food consumption it was approximately 200 lbs per person, per year. What has been imported overall went from 8% to 11% over that period. He then noted that approximately 66% of the seafood is imported.

Chair Denham stated that it is very disturbing to him to know that the United States imports 66% of its seafood knowing how other countries harvest their seafood products it is horrific.

Mayor Puletti explained that Hendry County has tremendous challenges and he doesn’t feel that the Council did the Hendry County representatives fair service today.

**AGENDA ITEM #5(c)**  
**Legislative Issues and Priorities Report – Mr. David Hutchinson**

Mr. Hutchinson reviewed the item as presented and distributed handout.

Chair Denham briefly reviewed the legislative priorities and also announced that there will be also a 3x5 card for a quick reference.

Commissioner Duffy thanked staff for including her concerns. She then asked if the local legislative delegation has been invited to the Council meetings.

Commissioner Judah stated that he agrees with Commissioner Duffy and feels that staff needs to put an effort towards inviting the local legislative delegation to the Council meetings.

Mr. Heatherington replied that staff has invited the local legislative delegation to the meetings and also he has invited Governor Elect Rick Scott to the December Council meeting but has received a response from his transition team.

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

No public comments were made at this time.

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

Mr. Heatherington announced that the Council received a NADO Award for the Transportation Oriented Program.

Mr. Heatherington announced that the CHNEP will be hosting their Nature Festival this month.

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

No State agencies made comments at this time.

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

Ms. Donley announced that the Lee County MPO Staff Services Agreement between the SWFRPC and the Lee County MPO will be brought before the Lee County MPO at their December meeting and then it will be brought to the Council for consideration.

Ms. Donley noted the 2011 CHNEP Calendar which was distributed.

**AGENDA ITEM #10  
COUNCILMEMBERS' COMMENTS**

No comments were made at this time.

**AGENDA ITEM #11  
ADJOURN**

The meeting adjourned at 11:45 a.m.

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Commissioner Karson Turner, Secretary

The meeting was duly advertised in the November 5, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 44.

\_\_\_\_\_ Agenda  
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Consent Agenda

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## **CONSENT AGENDA**

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

Approval of the administrative action on Clearinghouse Review items.

### **Agenda Item #3(b) – Financial Statement for November 30, 2010 & Grant Activity Sheet**

Approve the financial statement for November 30, 2010 and the grant activity sheet as presented.

### **Agenda Item #3 (c) – Fountains DRI – Request for Sufficiency Response Extension**

Staff recommends approval of the requests for extension.

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

12/2010

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Intergovernmental  
Coordination & Review

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## **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 November 1, 2010 and ending November 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.

12/2010



# ICR Council - 2010

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2010-41	Mr. Rich Weingarten	Charlotte County Transit Department	Collier County	Charlotte County Transit Department - Section 5310 FY 2011/12 Grant Application.			Regionally Significant and Consistent
2010-42	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - Section 5311 FY 2011/12 Grant Application.			Regionally Significant and Consistent
2010-43	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - Section 5316 FY 2011/12 Grant Application.			Regionally Significant and Consistent
2010-44	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - Section 5317 FY 2011/12 Grant Application.			Regionally Significant and Consistent
2010-45	Ms. Carmen Monroy	Lee County Transit (LeeTran)	Lee County	Lee County Transit (LeeTran) - Federal Transit administration Section 5307.			Regionally Significant and Consistent
2010-46	Ms. Glama Carter	Collier Area Transit	Collier County	Collier Area Transit - Federal Transit Administration (FTA) 5310 Grant Application.			Regionally Significant and Consistent
2010-47	Ms. Glama Carter	Collier Area Transit	Collier County	Collier Area Transit - Federal Transit Administration (FTA) 5311 Grant Application.			Regionally Significant and Consistent

## *Review in Progress*

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2010-49			Collier County	Big Cypress National Preserve- Addition – Final General Management Plan			Review in Progress

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

3b

Financial Statement

For November 30, 2010 and

Grant Activity Sheet

3b

**MONTHLY FINANCIAL CONTENTS**  
**For the month ending November 30, 2010**

	<b>Pages</b>
<b>Financial Reports:</b>	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
<p style="margin-left: 40px;">This page is a comparison of the budget and actual for the current month as well as the year to date figures. It also includes the net income for both the month and the year to date. The last column of the report reflects the percentage spent of the budget in each expense line as well as the overall total.</p>	
Income statement - Comparison of current year vs. prior year	4
<p style="margin-left: 40px;">This page is a comparison of the actual figures for the current month and year to date to the previous year's figures. It also includes the net income for both years.</p>	
Explanation of Council's Financial at current month end including:	5
<ul style="list-style-type: none"> <li>- Percentage of Budget Spent for RPC, MPO, and NEP</li> <li>- Net income at current month end</li> <li>- Graphs showing the distribution of revenues and expenses</li> <li>- Any other notes felt needed at this time</li> </ul>	
Breakdown of actual expenses for the RPC, MPO, NEP including	
<ul style="list-style-type: none"> <li>- percentages and any amendments requested.</li> <li>- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.</li> </ul>	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10-11
<b>Grant Activity</b>	
Net Income Statement with a breakdown of monthly recognized revenue	12
Overall view of all Grants (RPC-MPO-NEP)	13

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.

There are three CDs through Iberia Bank. They are as follows:

10 months	\$50,000	1.75%
15 months	\$100,000	2.00%
30 months	\$300,000	2.00%
Interest earned to date	\$2,221	

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
COMBINED BALANCE SHEET -  
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS  
November-10**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
<b>ASSETS AND OTHER DEBIT</b>					
Cash and cash equivalents	\$ 20,553	\$ -	\$ -	\$ -	\$ 20,553
Investments	518,222	-	-	-	518,222
Receivables - grants and contracts	-	518,183	-	-	518,183
Receivables - other	-	-	-	-	-
Due from other funds	-	(290,085)	-	-	(290,085)
Other assets	1,389	-	-	-	1,389
Property and equipment, net	-	-	1,588,012	-	1,588,012
Amount to be provided for retirement of general long-term debt	-	-	-	1,314,917	1,314,917
<b>TOTAL ASSETS AND OTHER DEBIT</b>	<b>\$ 540,165</b>	<b>\$ 228,098</b>	<b>\$ 1,588,012</b>	<b>\$ 1,314,917</b>	<b>\$ 3,671,191</b>
<b>LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>					
<b>LIABILITIES</b>					
Accounts payable and accrued expenses	\$ 25,914	\$ -	\$ -	\$ -	\$ 25,914
Retainage payable	49,098	-	-	-	49,098
Due to other governments	-	-	-	-	-
Due to other funds	(290,085)	-	-	-	(290,085)
Deferred revenue - grants and contracts	-	228,098	-	-	228,098
Accrued compensated absences	-	-	-	107,458	107,458
Notes payable	-	-	-	1,207,459	1,207,459
<b>TOTAL LIABILITIES</b>	<b>(215,074)</b>	<b>228,098</b>	<b>-</b>	<b>1,314,917</b>	<b>1,327,941</b>
<b>FUND EQUITY AND OTHER CREDIT</b>					
Investment in general fixed assets	-	-	1,588,012	-	1,588,012
Fund balance					
Reserved, designated	644,000	-	-	-	644,000
Unreserved, undesignated	111,238	-	-	-	111,238
<b>TOTAL FUND EQUITY AND OTHER CREDIT</b>	<b>755,238</b>	<b>-</b>	<b>1,588,012</b>	<b>-</b>	<b>2,343,250</b>
<b>TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>	<b>\$ 540,165</b>	<b>\$ 228,098</b>	<b>\$ 1,588,012</b>	<b>\$ 1,314,917</b>	<b>\$ 3,671,191</b>

SWFRPC  
Balance Sheet  
November 30, 2010

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	20,353.26
Cash - Iberia		452,220.97
Cash - FL Local Gov't Pool		55,770.29
Cash - FL Gov't Pool-Fund B		10,230.76
Petty Cash		200.00
Accounts Receivable		348,019.84
Accounts Receivable-Assessment		25,017.06
Accounts Receivable-MPO		145,146.42
Bulk Mail Prepaid Postage		1,389.35
Amount t.b.p. for L.T.L.-Leave		79,125.53
Amt t.b.p. for L.T.Debt-OPEP		28,332.00
Amount t.b.p. for L.T.Debt		1,207,459.32
		<hr/>
Total Current Assets		2,373,264.80
Property and Equipment		
Property, Furniture & Equip	2,029,003.19	
Accumulated Depreciation	(440,991.63)	
		<hr/>
Total Property and Equipment		1,588,011.56
		<hr/>
Total Assets	\$	<u>3,961,276.36</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	29,183.74
Reimbursible Event		(400.00)
Retainage Payable		49,097.89
Deferred Income		228,097.86
FSA Payable		(3,200.00)
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		28,332.00
Long Term Debt - Bank of Am.		1,207,459.32
LEPC Contingency Fund		330.25
		<hr/>
Total Current Liabilities		1,618,026.59
		<hr/>
Total Liabilities		1,618,026.59
Capital		
Fund Balance-Unrestricted		36,091.62
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assets		1,588,011.56
Net Income		75,146.59
		<hr/>
Total Capital		2,343,249.77
		<hr/>
Total Liabilities & Capital	\$	<u>3,961,276.36</u>

SWFRPC  
Income Statement  
Compared with Budget  
For the Two Months Ending November 30, 2010

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
<b>Revenues</b>					
Total Revenues	290,660.44	352,610	485,935.33	4,231,316	11.48
<b>Expenses</b>					
Salaries Expense	130,795.40	142,167	216,224.98	1,706,000	12.67
FICA Expense	9,346.80	10,833	15,582.90	130,000	11.99
Retirement Expense	15,151.39	15,108	10,302.71	181,300	5.68
Health Insurance Expense	15,246.56	15,000	44,760.54	180,000	24.87
Unemployment Comp. Expense	0.00	417	195.11	5,000	3.90
Workers Comp. Expense	359.00	417	718.00	5,000	14.36
Grant/Consulting Expense	526.00	3,333	981.92	40,000	2.45
NEP-Contractual	9,060.24	14,500	(19,354.32)	174,000	(11.12)
MPO-Contractual	0.00	37,667	(18,229.40)	452,000	(4.03)
Audit Services Expense	10,000.00	3,917	13,000.00	47,000	27.66
Travel Expense	2,839.73	6,250	5,242.75	75,000	6.99
Telephone Expense	926.72	729	2,312.61	8,750	26.43
Postage / Shipping Expense	7,043.29	2,333	11,096.12	28,000	39.63
Equipment Rental Expense	5,618.18	2,683	8,610.08	32,200	26.74
Insurance Expense	3,884.75	2,767	16,327.58	33,200	49.18
Repair/Maint. Expense	3,124.12	2,083	4,678.42	25,000	18.71
Printing/Reproduction Expense	20,680.90	7,792	21,794.24	93,500	23.31
Utilities (Elec, Water, Gar)	2,411.83	2,333	3,887.15	28,000	13.88
Advertising/Legal Notices Exp	2,347.59	1,088	2,517.47	13,050	19.29
Other Misc. Expense	0.00	375	692.50	4,500	15.39
Office Supplies Expense	1,927.66	1,542	3,212.58	18,500	17.37
Computer Related Expense	2,961.31	3,250	4,136.31	39,000	10.61
Publication Expense	183.34	317	531.15	3,800	13.98
Prof. Develop./Dues Expense	1,250.00	2,833	23,754.50	34,000	69.87
Meetings/Events Expense	10,422.79	4,650	16,521.00	55,800	29.61
Capital Outlay Expense	0.00	2,083	0.00	25,000	0.00
Capital Outlay - Building	0.00	833	0.00	10,000	0.00
Long Term Debt	10,645.92	10,667	21,291.84	128,000	16.63
Reserve for Operations Expense	0.00	54,643	0.00	655,716	0.00
Total Expenses	266,753.52	352,610	410,788.74	4,231,316	9.71
Net Income	\$ 23,906.92	0	\$ 75,146.59	\$ 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

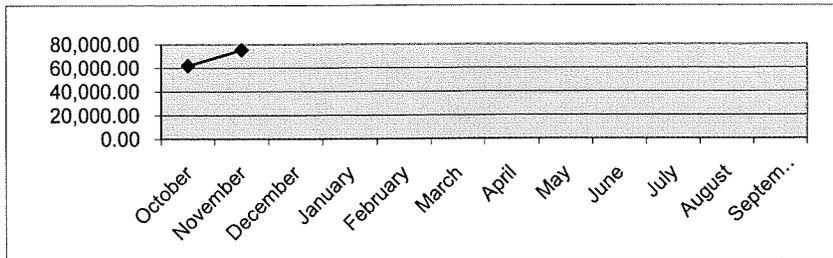
SWFRPC  
Income Statement - Two Years  
For the Two Months Ending November 30, 2010

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
<b>Revenues</b>				
Total Revenues	290,660.44	229,341.16	485,935.33	545,472.29
<b>Expenses</b>				
Salaries Expense	130,795.40	129,392.94	216,224.98	221,186.90
FICA Expense	9,346.80	9,272.42	15,582.90	16,125.99
Retirement Expense	15,151.39	13,485.36	10,302.71	9,777.75
Health Insurance Expense	15,246.56	13,469.74	44,760.54	30,656.98
Unemployment Comp. Expe	0.00	0.00	195.11	0.00
Workers Comp. Expense	359.00	424.00	718.00	848.00
Grant/Consulting Expense	526.00	600.60	981.92	600.60
NEP-Contractual	9,060.24	0.00	(19,354.32)	(11,310.00)
MPO-Contractual	0.00	21,893.53	(18,229.40)	695.21
Audit Services Expense	10,000.00	5,000.00	13,000.00	8,916.00
Travel Expense	2,839.73	820.91	5,242.75	3,750.08
Telephone Expense	926.72	355.36	2,312.61	972.26
Postage / Shipping Expense	7,043.29	4,079.97	11,096.12	4,136.35
Storage Unit Rental	0.00	0.00	0.00	224.00
Equipment Rental Expense	5,618.18	2,651.00	8,610.08	5,577.95
Insurance Expense	3,884.75	550.66	16,327.58	14,543.64
Repair/Maint. Expense	3,124.12	1,509.00	4,678.42	2,391.47
Printing/Reproduction Expen	20,680.90	18,135.50	21,794.24	22,228.35
Utilities (Elec, Water, Gar)	2,411.83	2,748.54	3,887.15	2,748.54
Advertising/Legal Notices Ex	2,347.59	1,032.30	2,517.47	1,156.25
Other Misc. Expense	0.00	32.05	692.50	67.05
Office Supplies Expense	1,927.66	948.59	3,212.58	1,823.24
Computer Related Expense	2,961.31	0.00	4,136.31	8,400.00
Publication Expense	183.34	0.00	531.15	32.96
Prof. Develop./Dues Expens	1,250.00	2,607.00	23,754.50	23,553.00
Meetings/Events Expense	10,422.79	9,978.25	16,521.00	13,935.17
Capital Outlay Expense	0.00	0.00	0.00	2,542.02
Long Term Debt	10,645.92	10,645.92	21,291.84	21,291.84
Total Expenses	266,753.52	249,633.64	410,788.74	406,871.60
Net Income	\$ 23,906.92	\$ (20,292.48)	\$ 75,146.59	\$ 138,600.69

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 9.70%  
 The percentage of the RPC Budget spent is 12.22%  
 The percentage of the MPO Budget spent is 5.39%  
 The percentage of the NEP Budget spent is 9.27%

For the month ending November 30, 2010 **\$75,472** is our net income.

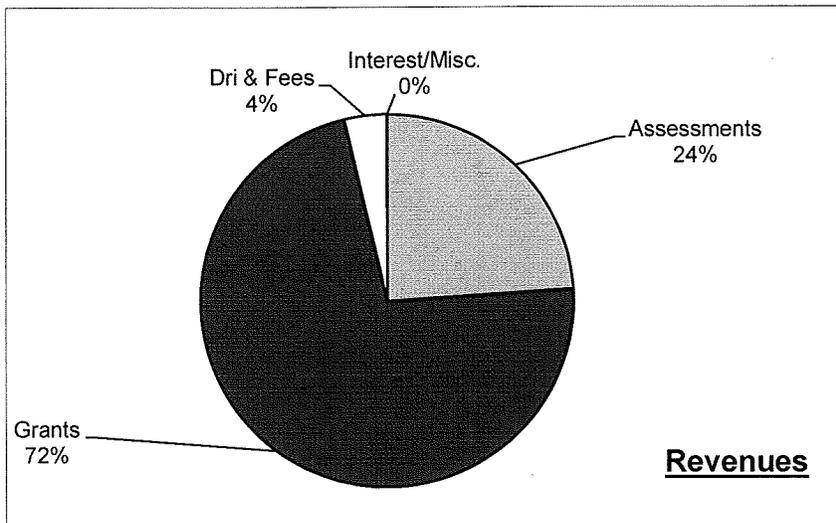


Net Income (unaudited)

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

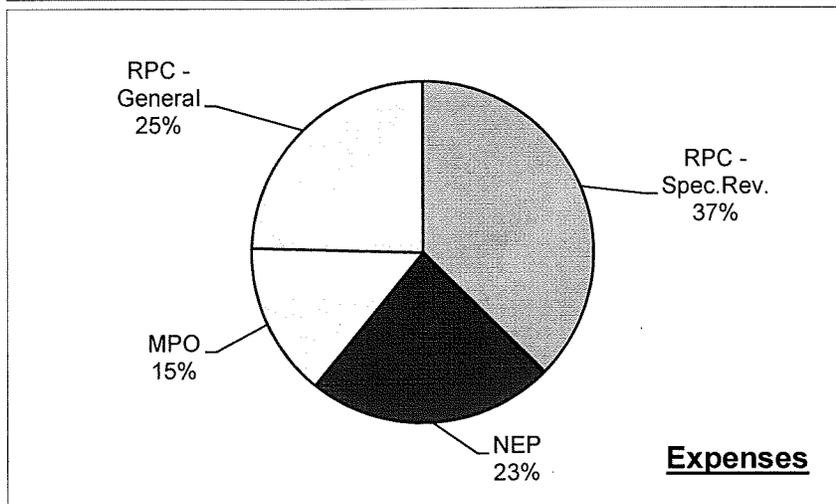
For the month ending November 30, 2010

Total Revenues	485,935
Total Expenses	410,464
Net Income	<u>75,472</u>



Revenues

Assessments	116,667
Grants	351,872
Dri & Fees	17,674
Interest/Misc.	-278
	<u>485,935</u>



Expenses

RPC - Spec.Rev.	153,650
NEP	96,145
MPO	60,004
RPC - General	100,664
	<u>410,464</u>

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

	Combined Actual	Combined Adopted Budget	Combined Total YTD Amendments	Combined Amended Budget	Combined VARIABLE	91.67%
<b>Revenues</b>						
Membership Dues	116,667	466,669	0	466,669	350,002	25.00%
Federal/State/Local Grants	351,872	2,878,931	0	2,878,931	2,527,059	12.22%
Dri/Monitoring Fees	17,674	200,000	0	200,000	182,326	8.84%
Interest And Miscellaneous	-278	30,000	0	30,000	30,278	-0.93%
Carry Over Fund Balance		655,716	0	655,716		
<b>Total Income</b>	<b>485,935</b>	<b>4,231,316</b>	<b>0</b>	<b>4,231,316</b>	<b>3,089,665</b>	<b>11.48%</b>
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries	216,225	1,706,000	0	1,706,000	1,489,775	12.67%
FICA	15,583	130,000	0	130,000	114,417	11.99%
Retirement	10,303	181,300	0	181,300	170,997	5.68%
Health Insurance	44,761	180,000	0	180,000	135,239	24.87%
Workers Compensation	913	10,000	0	10,000	9,087	9.13%
<b>Total Personnel</b>	<b>287,784</b>	<b>2,207,300</b>	<b>0</b>	<b>2,207,300</b>	<b>1,919,516</b>	<b>13.04%</b>
Consultant Fees	781	40,000	0	40,000	39,219	1.95%
NEP Contractual	-19,354	174,000	0	174,000	193,354	-11.12%
MPO Contractual	-18,229	452,000	0	452,000	470,229	-4.03%
Audit Fees	13,000	47,000	0	47,000	34,000	27.66%
Travel	5,243	75,000	0	75,000	69,757	6.99%
Telephone	2,313	8,750	0	8,750	6,437	26.43%
Postage	11,297	28,000	0	28,000	16,703	40.35%
Equipment Rental	8,610	32,200	0	32,200	23,590	26.74%
Insurance	16,328	33,200	0	33,200	16,872	49.18%
Repair/Maintenance	4,678	25,000	0	25,000	20,322	18.71%
Printing/Reproduction	21,794	93,500	0	93,500	71,706	23.31%
Utilities (Elec, Gas, Water)	3,887	28,000	0	28,000	24,113	13.88%
Advertising	2,517	13,050	0	13,050	10,533	19.29%
Other Miscellaneous	693	4,500	0	4,500	3,808	15.39%
Office Supplies	3,213	18,500	0	18,500	15,287	17.37%
Computer Related Expenses	4,136	39,000	0	39,000	34,864	10.61%
Publications	531	3,800	0	3,800	3,269	13.98%
Professional Development	23,755	34,000	0	34,000	10,246	69.87%
Meetings/Events	16,196	55,800	0	55,800	39,604	29.03%
Capital Outlay-Operations	0	25,000	0	25,000	25,000	0.00%
Capital Outlay-Building	0	10,000	0	10,000	10,000	0.00%
Long Term Debt	21,292	128,000	0	128,000	106,708	16.63%
Allocation of Fringe/Indirect		0	0	0	0	
Reserve for Operation Expense		655,716	0	655,716	655,716	
<b>Total Cash Outlays</b>	<b>410,464</b>	<b>4,231,316</b>	<b>0</b>	<b>4,231,316</b>	<b>3,820,852</b>	<b>9.70%</b>
<b>Net Income/(Loss)</b>	<b>75,472</b>	<b>0</b>	<b>0</b>	<b>0</b>		

CHNEP  
Budget vs. Actual  
For the month ending November 30, 2010

	CHNEP Actual	CHNEP Adopted Budget	CHNEP YTD Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	91.67%
<b>Revenues</b>						
Membership Dues		0		0	0	
Federal/State/Local Grants	96,145	1,036,700		1,036,700	940,555	9.27%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
<b>Total Income</b>	<b>96,145</b>	<b>1,036,700</b>	<b>0</b>	<b>1,036,700</b>	<b>940,555</b>	
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
<b>Total Personnel</b>						
Consultant Fees	0			0	0	
NEP Contractual	-19,354	174,000		174,000	193,354	-11.12%
MPO Contractual	0			0	0	
Audit Fees	0			0	0	
Travel	1,455	21,000		21,000	19,545	6.93%
Telephone	143	650		650	507	21.95%
Postage	5,368	20,000		20,000	14,632	26.84%
Equipment Rental	0	200		200	200	0.00%
Insurance	0			0	0	
Repair/Maintenance	0			0	0	
Printing/Reproduction	21,015	85,000		85,000	63,986	24.72%
Utilities (Elec, Gas, Water)	0			0	0	
Advertising	0	550		550	550	0.00%
Other Miscellaneous	693	1,500		1,500	808	46.17%
Office Supplies	4	1,500		1,500	1,496	0.25%
Computer Related Expenses	0	6,000		6,000	6,000	0.00%
Publications	0	500		500	500	0.00%
Professional Development	140	7,000		7,000	6,860	2.00%
Meetings/Events	14,387	43,800		43,800	29,413	32.85%
Capital Outlay-Operations	0	4,000		4,000	4,000	0.00%
Capital Outlay-Building	0			0	0	
Long Term Debt				0	0	
Allocation of Fringe/Indirect	40,130	375,000		375,000	334,870	
Reserve for Operation Expense				0		
<b>Total Cash Outlays</b>	<b>96,145</b>	<b>1,036,700</b>	<b>0</b>	<b>1,036,700</b>	<b>940,555</b>	<b>9.27%</b>
<b>Net Income/(Loss)</b>						

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

	MPO Actual	MPO Adopted Budget	MPO YTD Requested Amendments	MPO Amended Budget	MPO VARIABLE	91.67%
<b>Revenues</b>						
Membership Dues		0		0	0	
Federal/State/Local Grants	60,004	1,114,038		1,114,038	1,054,034	5.39%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
Total Income	60,004	1,114,038	0	1,114,038	1,054,034	
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	0			0	0	
NEP Contractual	0			0	0	
MPO Contractual	-18,229	452,000		452,000	470,229	-4.03%
Audit Fees	0			0	0	
Travel	302	6,000		6,000	5,698	5.03%
Telephone	270	1,000		1,000	730	26.97%
Postage	428	5,000		5,000	4,572	8.56%
Equipment Rental	125			0	-125	
Insurance	0			0	0	
Repair/Maintenance	0			0	0	
Printing/Reproduction	94	6,500		6,500	6,406	1.45%
Utilities (Elec, Gas, Water)	0			0	0	
Advertising	2,071	10,000		10,000	7,929	20.71%
Other Miscellaneous	0	500		500	500	0.00%
Office Supplies	59	2,000		2,000	1,941	2.95%
Computer Related Expenses	0	3,000		3,000	3,000	0.00%
Publications	0	1,500		1,500	1,500	0.00%
Professional Development	325	2,000		2,000	1,675	16.25%
Meetings/Events	1,484	2,000		2,000	516	74.21%
Capital Outlay-Operations	0	6,000		6,000	6,000	0.00%
Capital Outlay-Building	0			0	0	
Long Term Debt	0			0	0	
Allocation of Fringe/Indirect	40,563	336,538		336,538	295,975	
Reserve for Operation Expense				0		
Total Cash Outlays	60,004	1,114,038	0	1,114,038	1,054,034	5.39%
Net Income/(Loss)						

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

	Total RPC Actual	RPC Adopted Budget	RPC YTD Requested Amendments	RPC Amended Budget	RPC VARIABLE	91.67%
<b>Revenues</b>						
Membership Dues	116,667	466,669		466,669	350,002	25.00%
Federal/State/Local Grants	195,723	728,193		728,193	532,470	26.88%
Dri/Monitoring Fees	17,674	200,000		200,000	182,326	8.84%
Interest And Miscellaneous	-278	30,000		30,000	30,278	-0.93%
Carry Over Fund Balance		655,716		655,716	655,716	0.00%
<b>Total Income</b>	<b>329,786</b>	<b>2,080,578</b>	<b>0</b>	<b>2,080,578</b>	<b>1,750,792</b>	<b>15.85%</b>
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	781	40,000		40,000	39,219	1.95%
NEP Contractual	0			0	0	
MPO Contractual	0			0	0	
Audit Fees	13,000	47,000		47,000	34,000	27.66%
Travel	3,486	48,000		48,000	44,514	7.26%
Telephone	1,900	7,100		7,100	5,200	26.76%
Postage	5,501	3,000		3,000	-2,501	183.37%
Equipment Rental	8,485	32,000		32,000	23,515	26.52%
Insurance	16,328	33,200		33,200	16,872	49.18%
Repair/Maintenance	4,678	25,000		25,000	20,322	18.71%
Printing/Reproduction	685	2,000		2,000	1,315	34.27%
Utilities (Elec, Gas, Water)	3,887	28,000		28,000	24,113	13.88%
Advertising	447	2,500		2,500	2,053	17.86%
Other Miscellaneous	0	2,500		2,500	2,500	0.00%
Office Supplies	3,150	15,000		15,000	11,850	21.00%
Computer Related Expenses	4,136	30,000		30,000	25,864	13.79%
Publications	531	1,800		1,800	1,269	29.51%
Professional Development	23,290	25,000		25,000	1,711	93.16%
Meetings/Events	325	10,000		10,000	9,675	3.25%
Capital Outlay-Operations	0	15,000		15,000	15,000	0.00%
Capital Outlay-Building	0	10,000		10,000	10,000	0.00%
Long Term Debt	21,292	128,000		128,000	106,708	16.63%
Allocation of Fringe/Indirect	-80,693	-711,538		-711,538	-630,845	11.34%
Reserve for Operation Expense		655,716		655,716	655,716	
<b>Total Cash Outlays</b>	<b>254,314</b>	<b>2,080,578</b>	<b>0</b>	<b>2,080,578</b>	<b>1,826,264</b>	<b>12.22%</b>
<b>Net Income/(Loss)</b>	<b>75,472</b>	<b>0</b>	<b>0</b>	<b>0</b>		

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

	DCA	HMEP/SQG EMERG	Economic Developmt.	Hurricane Evac/Sea Level Rise	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.
<b>Revenues</b>								
Membership Dues								0
Federal/State/Local Grants	19,807	56,046	0	0	53,691		66,178	195,723
Dri/Monitoring Fees						17,674		17,674
Interest And Miscellaneous								0
Carry Over Fund Balance								0
<b>Total Income</b>	<b>19,807</b>	<b>56,046</b>	<b>0</b>	<b>0</b>	<b>53,691</b>	<b>17,674</b>	<b>66,178</b>	<b>213,397</b>
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries								
FICA								
Retirement								
Health Insurance								
Workers Compensation								
<b>Total Personnel</b>								
Consultant Fees	0	456	0	0	0	0	325	781
NEP Contractual	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0
Travel	573	953	0	0	0	0	401	1,927
Telephone	0	0	0	0	0	0	0	0
Postage	0	0	0	19	0	0	0	19
Equipment Rental	0	0	0	0	0	0	0	0
Insurance	0	0	0	0	0	0	0	0
Repair/Maintenance	0	0	0	0	0	0	0	0
Printing/Reproduction	0	0	0	0	0	0	0	0
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0
Advertising	34	0	0	0	86	0	0	120
Other Miscelleanous	0	0	0	0	0	0	0	0
Office Supplies	0	0	0	0	0	0	0	0
Computer Related Expenses	0	0	0	0	0	0	0	0
Publications	0	0	0	0	0	0	312	312
Professional Development	335	0	2,000	0	0	0	0	2,335
Meetings/Events	0	0	13	0	0	0	191	204
Capital Outlay-Operations	0	0	0	0	0	0	0	0
Capital Outlay-Building	0	0	0	0	0	0	0	0
Long Term Debt							0	
Allocation of Fringe/Indirect	9,645	1,786	29,543	1,943	1,279	12,632	21,016	77,842
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>18,317</b>	<b>4,595</b>	<b>60,016</b>	<b>3,549</b>	<b>2,389</b>	<b>22,753</b>	<b>42,031</b>	<b>153,650</b>
<b>Net Income/(Loss)</b>								

Regional Planning Council  
Budget vs. Actual  
9 month ending November 30

	General	Empl.Bene.	Total RPC General	Total RPC Actual
<b>Revenues</b>				
Membership Dues	116,667		116,667	116,667
Federal/State/Local Grants			0	195,723
Dri/Monitoring Fees			0	17,674
Interest And Miscellaneous	-278		-278	-278
Carry Over Fund Balance			0	0
<b>Total Income</b>	<b>116,389</b>	<b>0</b>	<b>116,389</b>	<b>329,786</b>
<b>Expenditures</b>				
<u>Direct:</u>				
Salaries				
FICA				
Retirement				
Health Insurance				
Workers Compensation				
Total Personnel				
Consultant Fees	0	0	0	781
NEP Contractual	0	0	0	0
MPO Contractual	0	0	0	0
Audit Fees	13,000	0	13,000	13,000
Travel	1,559	0	1,559	3,486
Telephone	1,900	0	1,900	1,900
Postage	5,482	0	5,482	5,501
Equipment Rental	8,485	0	8,485	8,485
Insurance	16,328	0	16,328	16,328
Repair/Maintenance	4,678	0	4,678	4,678
Printing/Reproduction	685	0	685	685
Utilities (Elec, Gas, Water)	3,887	0	3,887	3,887
Advertising	326	0	326	447
Other Miscellaneous	0	0	0	0
Office Supplies	3,150	0	3,150	3,150
Computer Related Expenses	4,136	0	4,136	4,136
Publications	219	0	219	531
Professional Development	20,955	0	20,955	23,290
Meetings/Events	121	0	121	325
Capital Outlay-Operations	0	0	0	0
Capital Outlay-Building	0	0	0	0
Long Term Debt	21,292	0	21,292	21,292
Allocation of Fringe/Indirect	-158,535		-158,535	-80,693
Reserve for Operation Expense				
<b>Total Cash Outlays</b>	<b>-2,627</b>	<b>103,291</b>	<b>100,664</b>	<b>254,314</b>
<b>Net Income/(Loss)</b>				<b>75,472</b>

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

**Net Income/Loss Statement**

	Prior Period	Amended Budget	Current Period	Current Period as % of Rev/Exp	% Change from Prior Period	% of Budget
<b>Revenue</b>						
DCA - GENERAL	9,085		6,592			
DCA - TITLE III	13,215		13,215			
SALT MARSH LANDS	1,167		1,872			
WETLANDS	9,192		28,630			
ECONOMIC DEVELOP.	-1,842		0			
HMEP-PLANNING and TRAINING	1,392		52,546			
SQG	3,500		3,500			
TD GLADES/HENDRY	30		28,639			
TD LEE	123		25,052			
HURRICANE EVACUATION	0		0			
RTIC REVIEW & TEP	1,652		3,866			
COML-EDICS / FIN-MARC / RDSTF / W-S / EDWARDS	1,019		1,036			
TOD						
CLIMATE VULNERABILITY	2,741		5,546			
CLIMATE RESILIENCY						
PG EAR	3,232		20,229			
<b>TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)</b>	<b>44,508</b>	<b>728,193</b>	<b>190,723</b>	<b>39.2%</b>	<b>328.5%</b>	<b>26.2%</b>
DRIs/NOPCs - DRI MON.	7,382	200,000	17,674	3.6%	139.4%	8.8%
ASSESSMENTS & MISC INC.	119,167	496,669	121,389	25.0%	1.9%	24.4%
CHNEP	10,201	1,036,700	96,145	19.8%	842.5%	9.3%
MPO	12,204	1,114,038	60,004	12.3%	391.7%	5.4%
<b>Total Revenue</b>	<b>193,461</b>	<b>3,575,600</b>	<b>485,935</b>	<b>100.0%</b>	<b>151.2%</b>	<b>13.6%</b>

**Operating Expenses (all 3 entities-RPC,MPO,NEP)**

Salaries and Fringe (all personnel)	103,298	2,207,300	287,784	70.1%	178.6%	13.0%
Consultant Fees	456	40,000	781	0.2%	71.3%	2.0%
NEP Contractual	-28,415	174,000	-19,354	-4.7%	-31.9%	-11.1%
MPO Contractual	-18,229	452,000	-18,229	-4.4%	0.0%	-4.0%
Audit Fees	3,000	47,000	13,000	3.2%	333.3%	27.7%
Travel	2,403	75,000	5,243	1.3%	118.2%	7.0%
Telephone	1,386	8,750	2,313	0.6%	66.9%	26.4%
Postage	4,053	28,000	11,297	2.8%	178.7%	40.3%
Equipment Rental	2,992	32,200	8,610	2.1%	187.8%	26.7%
Insurance	12,443	33,200	16,328	4.0%	31.2%	49.2%
Repair/Maintenance	1,554	25,000	4,678	1.1%	201.0%	18.7%
Printing/Reproduction	1,113	93,500	21,794	5.3%	1857.6%	23.3%
Utilities (Gas,Water, Garb.)	1,475	28,000	3,887	0.9%	163.5%	13.9%
Advertising	170	13,050	2,517	0.6%	1381.9%	19.3%
Other Miscellaneous	693	4,500	693	0.2%	0.0%	15.4%
Office Supplies	1,285	18,500	3,213	0.8%	150.0%	17.4%
Computer Related Exps.	1,175	39,000	4,136	1.0%	252.0%	10.6%
Publications	348	3,800	531	0.1%	52.7%	14.0%
Professional Development	22,505	34,000	23,755	5.8%	5.6%	69.9%
Meetings/Events	6,098	55,800	16,196	3.9%	165.6%	29.0%
Capital Outlay-Operations	0	25,000	0	0.0%	-	-
Capital Outlay-Building	0	10,000	0	0.0%	-	-
Long Term Debt	10,646	128,000	21,292	5.2%	100.0%	16.6%
<b>Total Operating Expenses</b>	<b>130,448</b>	<b>3,575,600</b>	<b>410,464</b>	<b>100.0%</b>	<b>214.7%</b>	<b>11.5%</b>
<b>Net Income or (loss)</b>	<b>63,013</b>	<b>0</b>	<b>75,472</b>			

**OVERALL VIEW OF ESTABLISHED ACTIVE GRANTS INCLUDING MPO AND CHNEP**

Agency / Contract #	PROJECT NAME	CDFR/ CSFA	GRANT PERIOD	FEDERAL	STATE	OTHER or MATCH	TOTAL	TOTAL SPENT	BALANCE
DCA 11-DR-CC-13-00-21-009	DCA - GENERAL	52-006	7/1/10 - 6/30/11		221,341		221,341	62,330	159,011
DCA 11-CP-03-13-00-21-087	DCA - TITLE III	52-006	7/1/10 - 6/30/11		40,909		40,909	39,419	1,490
EPA CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	57,067	242,658
EPA CD96484907	WETLANDS	66-456	10/1/07 - 12/31/10	470,494			470,494	416,306	54,188
EDA 04-83-06028 (w/match)	ECONOMIC DEVELOP.	11-300	1/1/08 - 12/30/10	179,189		76,795	255,984	241,047	14,937
DEM 11-DT-83-13-00-21-210	HMEP-PLANNING	20-703	10/1/10 - 09/30/11	18,000			18,000	1,043	16,957
DEM 11-DT-83-13-00-21-210	HMEP-TRAINING	20-703	10/1/10 - 09/30/11	34,546			34,546	3,582	30,964
GLADES HW440	SQG	N/A	10/1/10 - 09/30/11			3,500	3,500	0	3,500
TD AQ064	TD GLADES/HENDRY	55-002	7/1/10 - 6/30/11		35,137		35,137	8,185	26,952
TD AQ055	TD LEE	55-002	7/1/10 - 6/30/11		29,702		29,702	4,948	24,754
07-HS-32-13-00-21-355	HURRICANE EVACUATION	97-039	3/07 - 12/10		264,225		264,225	279,615	-15,390
NERPC PO # 142/332	RTIC REVIEW & TEP	N/A	8/31/09 -			27,758	27,758	18,675	9,083
NERPC PO # 194/305/334	FIN-MARC / RDSTF / EDWARDS	N/A	11/09 -			151,200	151,200	1,381	149,820
LEE PO # 204716	CLIMATE RESILIENCY	N/A	01/10 - 10/10			30,000	30,000	21,625	8,375
PO 42845.	PG EAR	N/A	01/10 - 12/10			28,000	28,000	13,558	14,442
EPA CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/11	518,350			1,036,700	96,145	940,555
FHA/US DOT THRU FDOT 420869-1-14-01-0261 (47)	MPO	20-205	7/1/10 - 6/30/11	824,304		71,496	895,800	233,843	661,957
FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			17,674	17,674	22,753	-5,079

SWFRPC  
Account Reconciliation

As of Oct 31, 2010

101000 - Cash - Bank of America Oper.  
Bank Statement Date: October 31, 2010

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance		130,273.32
Add: Cash Receipts		146,895.61
Less: Cash Disbursements		(212,023.15)
Add (Less) Other		(60,542.08)
Ending GL Balance		<u>4,603.70</u>
Ending Bank Balance		14,211.42
Add back deposits in transit		
Total deposits in transit		
(Less) outstanding checks		
	Mar 1, 2010	41644 (44.50)
	Mar 1, 2010	41672 (55.18)
	Jun 1, 2010	41932 (133.20)
	Jun 30, 2010	42041 (18.69)
	Jul 29, 2010	42081 (250.00)
	Sep 30, 2010	42239 (19.58)
	Sep 30, 2010	42240 (261.24)
	Oct 1, 2010	42274 (2,000.00)
	Oct 7, 2010	42289 (255.00)
	Oct 21, 2010	42300 (500.68)
	Oct 21, 2010	42306 (195.11)
	Oct 21, 2010	42308 (96.00)
	Oct 21, 2010	42314 (5,378.54)
	Oct 21, 2010	42318 (400.00)
Total outstanding checks		<u>(9,607.72)</u>
Add (Less) Other		
Total other		
Unreconciled difference		<u>0.00</u>
Ending GL Balance		<u><u>4,603.70</u></u>

SWFRPC  
General Ledger

For the Period From Nov 1, 2010 to Nov 30, 2010

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

Account ID Account Description	Date	Trans Description	Debit Amt	Credit Amt	Balance
101000 Cash - Bank of America O	11/1/10	Beginning Balance			4,603.70
		Current Period Change	270,852.90	255,103.34	15,749.56
	11/30/10	Ending Balance			20,353.26
101002 Cash - Iberia CDs	11/1/10	Beginning Balance			452,220.97
	11/30/10	Ending Balance			452,220.97
101006 Cash - FL Local Gov't Pool	11/1/10	Beginning Balance			55,770.29
	11/30/10	Ending Balance			55,770.29
101006B Cash - FL Gov't Pool-Fund	11/1/10	Beginning Balance			10,230.76
	11/30/10	Ending Balance			10,230.76

<b>SWFRPC GRANTS SUBMITTED</b>									
--------------------------------	--	--	--	--	--	--	--	--	--

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
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
SWF Brownfields Program	SWFRPC	EPA		\$200,000	\$200,000	\$200,000	10/15/2010	3 yrs.	John Gibbons
Charlotte Harbor: Peer to Peer Experiential Learning through Social Media and Technology	CHNEP	NOAA	\$9,310	\$91,810	\$233,000	\$324,810	10/14/2010	3 yrs.	Maran

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

3c

Fountains DRI – Request for  
Sufficiency Response Extension

3c

3c

## 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 submitted a letter, dated November 30, 2010, requesting a 121-day extension to the sufficiency response period (please see Attachment I). The extension is necessary to deal with a Comprehensive Plan Chapter 120 F.S. administrative challenge. The Florida Administrative Code's DRI R 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 initial 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 a new extension on August 04, 2009. Subsequent sufficiency response extensions are shown below.

<u>Request Received</u>	<u>Prior Deadline</u>	<u>New Deadline</u>	<u>Meeting Date</u>	<u>Council Action</u>
August 04, 2009	Incomplete Submittal	December 03, 2009	October 21, 2009	Approved
November 10, 2009	December 03, 2009	March 10, 2010	November 19, 2009	Approved
January 29, 2010	March 10, 2010	June 08, 2010	February 18, 2010	Approved
April 23, 2010	June 08, 2010	September 26, 2010	May 20, 2010	Approved
July 1, 2010	September 26, 2010	December 15, 2010	September 16, 2010	Approved

The new proposed deadline for sufficiency responses would be April 15, 2010. The Florida Administrative Code's DRI R 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

Page 45 of 163  
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

November 30, 2010

Mr. Tony Palermo, Senior Planner  
Lee County Development Services  
1500 Monroe Street  
Fort Myers, FL 33901

VIA E-MAIL & U.S. MAIL

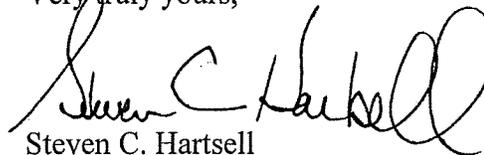
RE: The Fountains - DCI 2006-00029 (Major PD) & DRI2006-00001, CPA2006-0001

Dear Mr. Palermo:

On behalf of the owner/applicant for the above project, we hereby request an extension to April 15, 2011, to resubmit the requested additional information. The Chapter 120 administrative challenge which is now pending has been stayed, with a status update required to DOAH by February 28, 2011, so at this time it makes sense to postpone further action until then.

If you have any questions; please do not hesitate to contact me.

Very truly yours,



Steven C. Hartsell

SCH:llg

cc: Donna Marie Collins, Lee County Attorney's Office  
Matt Noble, Lee County Planning  
Dan Trescott, SWFRPC  
Jason Utley, SWFRPC  
William Keyes, Esquire,  
Ed Mace, Trustee

DEC - 1 2010

F:\WPDATA\SCH1-- CLIENTS\Bennett TR, Richard K 82464.001\DCI2006-0029 Major PD\Palermo ltr requesting continuance to April 2011.wpd

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

4

ADMINISTRATIVE  
ISSUES

4

4

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

4a

Lower West Coast Watersheds  
Implementation Committee  
Report

4a

4a

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

4b

Elections of 2011 Officers

4b

4b

## 2011 SLATE OF SWFRPC OFFICERS

This item has been placed on the agenda to provide the Council with the slate of 2011 SWFRPC officers.

Attached for your information are the 2011 SWFRPC Officers:

- ✓ Chairman: Councilman Charles "Chuck" Kiester, City of Marco Island
- ✓ Vice Chairman: Commissioner Karson Turner, Hendry County BOCC
- ✓ Secretary: Councilwoman Teresa Heitmann, City of Naples
- ✓ Treasurer: Commissioner Carolyn Mason, Sarasota County BOCC

Because Vice Mayor Denham will not be available for the January meeting, the exchange of the gavel between the 2010 and 2011 Chairs will be held at the end of the December 16<sup>th</sup> meeting.

**RECOMMENDED ACTION:** Approve the slate of SWFRPC Officers for 2011.

12/2010

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

4c

Lee County MPO Staff  
Services Agreement

4c

4c

## **STAFF SERVICES AGREEMENT BETWEEN THE SWFRPC AND LEE COUNTY MPO**

The Lee County Metropolitan Planning Organization (MPO) staff services agreement (SSA) with the Southwest Florida Regional Planning Council (RPC) was last executed in 1982. The MPO received a “corrective action” from the Federal Highway Administration (FHWA) August 2010 certification review directing the MPO to revise its SSA. FHWA has given the MPO until March 31, 2011, to revise and execute the SSA.

The proposed SSA incorporates state and federal statutory and regulatory changes since 1982. The proposed SSA has been reviewed by RPC staff and counsel, MPO counsel, and incorporates comments from the MPO and FDOT.

The MPO reviewed the attached SSA on December 8, 2010; it is being submitted to FHWA and FDOT for final review to ensure compliance with state and federal requirements. The MPO intends to execute the SSA at its January 21, 2011, meeting.

Execution and implementation of the SSA is fiscally neutral.

**RECOMMENDED ACTION:**        **Authorize the Chair to execute the Staff Services Agreement after FHWA review unless there are substantive revisions**

12/10



**INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BY AND BETWEEN SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL AND LEE COUNTY METROPOLITAN PLANNING ORGANIZATION**

**THIS AGREEMENT**, made and entered into on the date specified herein, by and between the Lee County Metropolitan Planning Organization (hereinafter called the "MPO"), and the Southwest Florida Regional Planning Council (hereinafter called the "RPC").

**WITNESSETH**

**WHEREAS**, Section 339.175(1), Florida Statutes, provides for the designation of a metropolitan planning organization for each urbanized area of the state and the creation and operation of such metropolitan planning organizations pursuant to an interlocal agreement entered into pursuant to Section 163.01, Florida Statutes; and

**WHEREAS**, Section 339.175, Florida Statutes, as amended by Florida House Bill 985, also known as Chapter 2007-196, Sections 6-10, Laws of Florida, specifies that the MPO shall be considered separate from the state or the governing body of the local government that is represented on the Governing Board of the MPO and that is a signatory to the interlocal agreement creating the MPO and shall have such powers and privileges that are provided under Sections 163.01 and 339.175, Florida Statutes; and

**WHEREAS**, on May 26, 2006, the Florida Department of Transportation, Lee County, and the Cities of Cape Coral, Fort Myers, Bonita Springs, and Sanibel, and the Town of Fort Myers Beach entered into an Interlocal Agreement entitled, "Interlocal Agreement for the Creation of the Lee County Metropolitan Planning Organization,"; and

**WHEREAS**, the MPO is a legally independent governmental entity distinct from RPC and has the authority to contract with the RPC for the provision of certain services; and

**WHEREAS**, the RPC was created by an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties in 1973, amended in 1980, and is designated in Section 186.504 Florida Statutes as the regional planning council for the comprehensive planning district ; and

**WHEREAS**, Section 186.505, Florida Statutes, authorizes regional planning councils to enter into contracts to provide services related to its responsibilities as requested by local governments, to make and enter into all contracts and agreements

necessary to the performance of its duties, and to accept and receive funds from agencies, and instrumentalities of state, municipal, or local government; and

**WHEREAS**, the Rule 29I-1.008, Florida Administrative Code, provides that the RPC may establish fees for its services reasonably related to the general cost of providing services; and

**WHEREAS**, the RPC has deemed entering into a Staff Services Agreement with the MPO is consistent with its mission 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,

**WHEREAS**, in 2007, the Florida Legislature's House Bill 985 amended 339.175, Florida Statutes, and other sections of law in an attempt to bring clarity and uniformity to MPO's administrative structures, powers and responsibilities, particularly amending Section 339.175(5), Florida Statutes, to clarify that an MPO's executive director reports directly to his or her MPO Governing Board; and

**WHEREAS**, the MPO wishes to obtain certain administrative support services from the RPC to assist the MPO in managing the continuing, cooperative and comprehensive transportation planning process mandated by state and federal law and is authorized by Sections 163.01 and 339.175, Florida Statutes, to contract with the RPC for same; and

**NOW, THEREFORE**, it is declared to be the purpose of this Agreement to define the services to be provided to the MPO by the RPC and to provide compensation to the RPC for such services and the parties agree as follows:

1. **MPO PERSONNEL**

a. **MPO Director:** The RPC will assist the MPO in securing an MPO Director to ensure the successful conduct of the work of the MPO on a day to day basis. Pursuant to Section 339.175(6)(g) Florida Statutes (F.S.), the MPO Director will report directly to the MPO Governing Board for administration and operation of the MPO. The MPO will develop the MPO Director's job description, participate in the hiring of the MPO Director, conduct annual performance reviews and determine the MPO Director's compensation and duties. The MPO Director will be an employee of the RPC subject to the same benefits package, policies, and procedures of all RPC employees. The MPO Director will be eligible for participation in the Senior Management Service Class for the purpose of

retirement benefits in the Florida Retirement System. For personnel policy and procedure matters the MPO Director will report to the RPC Executive Director. The RPC Executive Director will have the authority to place the MPO Director on 3-day paid administrative leave, pending personnel action by the MPO Governing Board or MPO designee, if such action is deemed necessary for the health, safety and welfare of RPC and MPO employees. The MPO Director will not be terminated prior to consultation and approval of the MPO Governing Board or its designee

The MPO Director will be responsible to the MPO for the conduct of the transportation planning process as detailed in the Unified Planning Work Program (UPWP). The MPO Director will develop an organizational structure to carry out the responsibilities set forth in the Agreement; and the development of procedures to monitor and coordinate the planning process, as well as the overall administration of MPO programs.

**b. MPO Staff:** The MPO staff is defined as the designated RPC employees necessary and authorized by the MPO in the approved in the UPWP. RPC staff assigned to the MPO will be supervised by and report to the MPO Director and will be subject to the same benefits package, policies and procedures of all RPC employees.

## 2. ADMINISTRATIVE SUPPORT SERVICES

The RPC will provide the following administrative support services to the MPO and the MPO staff to assist in managing the continuing, cooperative and comprehensive transportation planning:

**a. Accounts:** The RPC will establish a cost center within the budgetary system of the RPC for the MPO and provide financial management of federal, state and local monies granted to the MPO in accordance with accepted accounting procedures.

**b. Annual Funding and Audit:** The RPC will include MPO revenues and expenditures in its budget, and will pay MPO expenses from appropriated funds subject to reimbursement at the agreed rate. At least quarterly, the RPC will provide all expense documentation to the MPO to be included in reimbursement requests from grantor agencies. The RPC will include the MPO in the annual audit performed by its Auditor. The parties agree to provide to each other and any other third party all information necessary to complete said audit.

c. **Central Services:** The RPC will provide support services in the same manner as provided to RPC departments, including, but not limited to, procurement, technology support and communications, etc., as identified in the UPWP.

d. **Liability:** Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorneys' fees and costs and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. The indemnified party will have the right to approve counsel selected by the indemnifying party. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S. or extend either party's liability beyond the limits established in Section 768.28, F.S. Additionally, this provision will not be construed to impose contractual liability on either party for underlying tort claims as described above beyond the limits specified in Section 768.28, F.S.

e. **Facilities:** The RPC will provide office space and meeting facilities sufficient to perform adequately the functions of the MPO as mandated by federal and state law. Reasonable costs for use of such facilities will be paid by the MPO. In an effort to minimize disruption of the planning process, the MPO will be assigned specific office space within the RPC facility. With the exception of a casualty event that would make the building uninhabitable, if it becomes necessary for relocation of the MPO, the party requesting the relocation will be required to incur all reasonable relocation expenses. If sufficient space is not available at the RPC facility, the MPO may enter into a lease agreement with a separate entity.

f. **Information and Reports:** The RPC will provide all required information and reports and will permit access to its books, records, accounts and other sources of information, and its facilities as may be determined by Florida Department of Transportation (FDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Commission for the Transportation Disadvantaged (CTD) to be pertinent to ascertain compliance with such regulations, orders and instructions. Should any information required of the RPC be in the exclusive possession of another entity that fails or refuses to furnish this information, the RPC will certify to FDOT, FHWA, FTA or CTD as appropriate, and will delineate the efforts it has made to obtain the information.

### 3. MPO DUTIES

All administrative support of the MPO's functions, not delineated in Section 2 of this Agreement, will be provided by the MPO staff. Such duties include, but are not limited to:

- a. **Budget:** The Unified Planning Work Program (UPWP) will serve as the MPO's budget and be the guide for the MPO to annually prepare and submit, through the RPC's budgetary system, a budget necessary to perform adequately the functions of the MPO, as mandated by federal and state law. The UPWP will include sufficient funds to reimburse the costs incurred by the RPC to provide administrative support services to the MPO pursuant to this Agreement. The RPC will have no authority over the approval of the MPO UPWP, which is approved by the MPO Governing Board.

The MPO authorizes the MPO Director to secure FDOT approval for amendment of UPWP tasks which change the dollar value by an amount less than or equal to \$25,000, and which do not change the scope or the total approved funds for the UPWP. Any amendment of the UPWP greater than \$25,000 will require the approval of the MPO.

- b. **Commitment of Personnel:** Annually, the MPO Director will have prepared a detailed listing of all tasks necessary and incident to carrying out the planning process. The MPO staff will, at a minimum, have the following duties and functions:

- i. Carry out the tasks as defined in the UPWP and ensure the continued certification of the MPO;
- ii. Coordinating the activities of the various structures established by the Interlocal Agreement heretofore mentioned;
- iii. Preparing the agendas, scheduling, public notification, and minutes for meetings of all Boards and Committees under the MPO's control;
- iv. Preparing resolutions and appropriate documents;
- v. Directing the implementation of policies established by the MPO; and
- vi. Performing other duties as may be assigned by the MPO.

- c. **Invoices and Progress Reports:** The MPO staff in coordination with the RPC will provide to grantor agencies progress reports and invoices for reimbursement for all MPO funds. The progress reports and invoices will be in sufficient detail for audit purposes and grant and contract requirements.

d. **Reimbursement of Fund Advances:** The MPO in coordination with the RPC will calculate and submit bills to the appropriate federal, state and local grantors for program expenditures and forward reimbursement payments to the RPC, upon receipt from the federal, state and local grantors. The determination of eligible costs will be in accordance with the current Transportation Planning Funds Joint Participation Agreement and 23 Code of Federal Regulations (CFR) Section 420, as appropriate.

e. **Professional Services:** Contracts and bids for the purchase of materials and services will be in accordance with RPC procedures for the same purposes unless the MPO adopts and implements its own procurement policies. Action taken by the MPO relating to contracts and bids for the purchase of materials and services using MPO funds are independent of RPC approval, but subject to federal, state and local grantor restrictions and requirements.

f. **Equipment/Property Records:** All equipment necessary for the MPO operations will be purchased consistent with applicable RPC, state and federal requirements. The MPO will maintain property records for all property (capital, equipment, etc.) obtained through federal funding. A physical inventory of the property will be taken at least once every two years and the results reconciled with the property records. The MPO will have a control system in place to safeguard and maintain all equipment and property. The control system will meet the requirements of 49.CFR 18.32 (d)(3) and (4). Disposal of equipment or property purchased with federal funds will comply with state laws and procedures according to 49 CFR Part 18.32 (e). Upon request of the MPO, the RPC may assist with establishing and maintaining equipment and property records.

#### **4. COMPENSATION**

In consideration for the administrative support services, including the MPO staff, to be provided herein by the RPC, the MPO will budget a sum sufficient to reimburse the RPC for costs incurred by the RPC for administrative support, indirect and fringe costs. Actual cost estimates will be used with the exception of indirect costs, which will be calculated in accordance with Federal Office of Management and Budget (OMB) Circular A-87.

#### **5. TRAVEL AND TRAVEL EXPENSES**

All overnight travel by MPO personnel and Governing Board members will be approved by the MPO Director, and all overnight travel by the MPO Director will be approved by the MPO Chair or Vice-Chair. Travel expenses will be paid or reimbursed in accordance with Section 112.061, F.S., and the policies of the RPC and the FDOT. The rates for reimbursement will be according to the rates established by the FDOT, as adjusted from time to time, unless as allowed by Section 339.175, F.S., the MPO adopts its own travel reimbursement rates. All travel reimbursement requests will utilize the approved FDOT travel form.

## **6. AMENDMENT OF AGREEMENT**

The RPC and the MPO may, upon initiation of either party, amend this Agreement to cure any ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this Agreement through enactment of an instrument of equal formality.

## **7. SEVERABILITY**

Should any section, paragraph, sentence or clause of this Agreement be deemed unlawful by a Court of competent jurisdiction, no other provision hereof will be affected and all other provisions of this Agreement will continue in full force and effect.

## **8. DURATION AND TERMINATION**

This Agreement will be in effect for a period of five years unless the governing body of one of the parties rescinds or terminates this Agreement prior to October 1 of any year for which this Agreement renews. The parties may rescind or terminate this Agreement by:

- a. Obtaining approval from the governing body of the party wishing to terminate or rescind this Agreement; and
- b. Providing two hundred seventy (270) days' written notice to the other party to this Agreement.

## **9. GOVERNING LAW**

All aspects of this Agreement are governed by Florida law and venue will be in Lee County, Florida.

## **10. EFFECTIVE DATE**

Upon execution by both parties, this Agreement will supersede the prior MPO Staff Services Agreement dated [ENTER DATE], by and between the MPO and the RPC. This Agreement will be effective upon approval by the RPC and the MPO. A fully executed copy of this Agreement will be filed with the Clerk of Circuit Court of Lee County, Florida, pursuant to Section 163.01(11), Florida Statutes.

**IN WITNESS WHEREOF**, the undersigned parties have caused this Staff Services Agreement to be duly executed in their behalf this [ENTER DATE] day of [MONTH], [YEAR].

Southwest Florida Regional Planning Council

Lee County MPO

\_\_\_\_\_  
Chair, SWFRPC

\_\_\_\_\_  
Chair, Lee County MPO

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Attest

SWFRPC APPROVAL	INITIALS	DATE
LEGAL	_____	_____
FINANCE	_____	_____
ADMIN/HR	_____	_____
EXEC DIR	_____	_____
COUNCIL	_____	_____

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REGIONAL ISSUES

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Amendment 4 Presentation

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## **AMENDMENT FOUR**

This item has been placed on the agenda to provide the Council with a follow-up on the election results.

Attached for your review and information are several documents that explain Amendment Four and also address the need for citizen engagement.

**RECOMMENDED ACTION:** Information and discussion purposes only



## Amendment 4

Floridians for years studied and debated Amendment 4. Unlike other ballot initiatives, Floridians have been debating Amendment 4 for the better part of a decade- since it was first drafted in 2003. Since that time, an historic coalition was formed to oppose the measure, including planning groups, many elected officials, business interests, labor and civic groups as well as major newspapers and the candidates for Governor.

There was widespread opposition to change Florida's constitution by Amendment 4, which was soundly defeated on November 2<sup>nd</sup>. The proposed amendment, promoted by the Hometown Democracy movement, would have required voter referenda on any changes to local land use plans in Florida. Many in opposition to the amendment thought the requirements would have impeded real estate development and economic growth throughout the state.

By voting to defeat Amendment 4, voters handed slow (anti) growth interests a stunning, across the board defeat, decisively rejecting the anti-growth measure that would have required taxpayer-funded referenda for all changes to the local comprehensive land use plans.

It was also said that Amendment 4 would add paralyzing delays to important community projects that would otherwise bring jobs to Florida. Many believed that the measure was so extreme that it did not even contain exceptions for vital community needs such as schools, hospitals, police stations, fire stations or community centers.

It was also successfully argued that Amendment 4 would not really give people a say on growth in their community. Instead, Amendment 4 would empower those with the deepest pockets and the narrowest of special interests. With every planning change, it was argued Floridian's would see a stream of political advertisements aimed at securing a vote. It was said that in such a process, wealthier interests would wield greater influence while the average Floridian would be outgunned in a game that comes down to buying influence. Under Amendment 4 it was thought that ordinary citizens and neighborhood groups would have less power over their own communities.

It is the hope of many Floridians that by defeating Amendment 4 they have sent a resounding vote of confidence in the free enterprise system, not only by defeating Amendment 4, but by electing conservative pro-job, pro-business candidates that will turn Florida's economy around.





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## **APA Florida's Opposition to Amendment 4 (Proposed Constitutional Amendment)**

- [Watch Video by Florida APA President Kim Glas-Castro, AICP](#)
- [What is Amendment 4?](#)
- [Why does APA Florida Oppose Amendment 4?](#)
- [Recommendations for Action](#)
- [Learn More about Amendment 4 \(Hometown Democracy\)](#)
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The Florida Chapter of the American Planning Association (APA Florida) provides statewide leadership in the development of sustainable communities by advocating excellence in planning, and working to protect and enhance the natural and built environments. Our members come from both the public and private sectors, and include government planners, consultants, attorneys and interested citizens. Many belong to other organizations, ranging from environmental to economic development. APA Florida advocates for good planning and good communities, which includes meaningful citizen participation. Amendment 4 will not ensure good planning and will not ensure meaningful public participation.

Amendment 4 is presented as a single solution to shortcomings in Florida's growth management process. However, the proposed constitutional amendment is not the best or most effective solution to address these concerns, and will have numerous unintended consequences. As described in more detail below, APA Florida does not support the Amendment 4 and advocates that people do not vote for this constitutional amendment.

### **What is Amendment 4?**

Amendment 4 is a proposed amendment to the Florida Constitution that voters will consider in the general election to be held on November 2, 2010. The proposed amendment, sometimes known as "Hometown Democracy," will be listed as the fourth constitutional amendment on the ballot and will bear the title: "Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans." If Amendment 4 is approved, local government comprehensive plans and comprehensive plan amendments will be subject to approval by both the governing body and the voters of the local government having jurisdiction. The proposed amendment, Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans, can be viewed on the Department of State, Division of Elections website.

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### **Why does APA Florida Oppose Amendment 4?**

(see adopted APA Florida Position Paper)

It appears that Amendment 4 is a punitive reaction to rapid, statewide growth and a loss of trust in local government's ability to manage that

growth. Our population is aging, capital costs of infrastructure are increasing, and communities have expanded and grown together into continuous regions that are intrinsically connected. Amendment 4 will encourage parochial and potentially short-sighted decisions. Decisions should be made within the context of regional realities to best protect the environment and provide for the community's quality of life.

APA Florida recognizes that Amendment 4 is a reaction to the shortcomings of the current growth management planning process and a mistrust of local government. However, public referenda are not the best or proper solution to those problems. APA Florida believes that the proposed amendment will: (1) lead to decisions that impede the implementation of policies that were adopted by local governments to achieve the vision set forth in their comprehensive plans; (2) lead to plans that over-allocate development rights; (3) lead to an over-simplification of otherwise complex land use planning issues; and (4) result in the inability of a local government to provide essential community services. In other words, the proposed amendment would hinder good planning and increase community costs.

This approach is not the answer. Public referenda are not the best or proper solution to growth management problems. Amendment 4 proposes a single solution to a complex and important set of issues that face communities on a daily basis. This simplistic approach will have numerous unintended consequences.

- It will encourage parochial and potentially short-sighted decisions.
- It will lead to an over-simplification of otherwise complex land use planning issues, as they will necessarily have to be reduced to short statements on a ballot.
- It could actually increase the influence of special interests by encouraging aggressive public relations and media campaigns to sway the electorate.
- It could reduce the accountability of elected officials.
- It will cause growth issues to be addressed on a piecemeal basis, without consideration of the number of factors that go to supporting sustainable economies which conserve and enrich property values in the long term.
- It does nothing to protect Florida's scenic beauty or sensitive natural areas, despite its proposed placement in Article II, Section 7 of the Florida Constitution.
- It could inhibit a local government's ability to provide essential services and facilities through the addition of expense, delay and uncertainty associated with requiring a referendum.
- It cannot guarantee better land use planning.
- It may actually dismantle successful participation processes, as the use of referenda will not guarantee meaningful public participation in the comprehensive planning process.

Amendment 4 is not the answer. Local comprehensive plans are intended to evolve over time as a community grows and matures.

Amendment 4 encourages the status quo, which in many communities and counties may mean a low density, sprawling pattern of development. We need to make it easier to identify and give people what they really want -- environmental protection, open space, community amenities, neighborhood identity, and an advanced transportation network. Amendment 4 does the

opposite by making it nearly impossible to change plans to accommodate the features that people want most.  
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### **Recommendations for Action**

Citizens have the right and the responsibility to participate in their government. Florida's current laws allow and encourage citizen participation in the comprehensive planning process, including requirements for public notice and opportunities to speak at public hearings. Can public participation opportunities be improved? Of course -- no system is perfect and despite Florida's reputation for having some of the strongest open government and citizen participation laws in the U.S., there is always room for improvement.

APA Florida supports efforts to educate the public concerning the planning process and opportunities to participate in that process. APA Florida also supports developing more meaningful ways to ensure citizen participation and improve citizen involvement in the comprehensive planning process through local planning initiatives and legislative changes to Florida's growth management framework. APA recognizes that the growth management process is in many ways a "work in progress" that needs continual monitoring and adjustment for better effectiveness.

#### **Actions to Ensure Citizen Participation and Improve Citizen Involvement in the Comprehensive Planning Process**

To address the concerns that led to the Amendment 4 proposal, APA Florida recommends the following actions be taken by state and local government agencies:

- Public involvement processes should be strengthened through legislation and practice at the state and local levels.
- The State should appropriately fund the implementation and administration of Florida's growth management system.
- Since comprehensive plan amendments often have larger than local impacts, meaningful public participation opportunities should be ensured at all levels of government review.
- A more aggressive approach to community workshops should be required as a way of educating citizens and gathering citizen input earlier in the project development process, making it easier to meaningfully respond to citizen concerns and suggestions.
- Where the local elected body has designated itself as the local planning agency, an additional and independent citizen's advisory board should be required, tasked with reviewing proposed plan amendments making recommendations to the local Commission or Council.
- Local governments should establish a process for notifying neighborhood groups, community councils, neighborhood zoning boards, etc. that an amendment has been filed.
- The Department of Community Affairs should create a model "neighborhood or citizens bill of rights."
- Local governments should be required to hold a neighborhood meeting before an amendment goes before the decision-making body.
- The state or local government should develop a citizen participation guide and make it readily available.

- The Department of Community Affairs should provide training for local government staff in public participation techniques.
- A Governor's Citizen Advisory Committee should be established to develop minimum public participation requirements and recommend a best practices process.
- The use of new technologies, such as internet techniques, should be fully explored to enable citizens to easily obtain information and provide input in multiple ways.
- The Department of Community Affairs should compile existing success stories in citizen participation and market their use to local governments.

#### *Actions to Help Citizens Understand Unintended Consequences of the Amendment*

APA Florida believes that Florida's citizens should be informed of the issues related to the unintended consequences described herein in order to make an informed decision in the election booth next year. As planners, we have a responsibility to add to the public knowledge. Below are several actions that APA Florida members can undertake at the community level:

- Distribute the "Myths and Reality" portion of this paper to community-wide organizations, neighborhood associations or service groups, and offer to come to a meeting to discuss them.
- Contact major employers in your area and provide copies of this paper for distribution.
- Educate and advise employees at local businesses by giving "employee briefings."
- Meet with local editorial boards and provide copies of the "Myths and Reality" portion of this paper.
- Collaborate with other organizations or entities on appropriate strategies and venues for getting information about Amendment 4 out to the community.

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#### **Learn More about Amendment 4 (Hometown Democracy)**

Please use the following links to learn more about the Amendment 4 issue:

- Secretary Tom Pelham, Florida Department of Community Affairs  
Daytona Beach News-Journal, September 13, 2007
- Finance Impact Estimating Conference, Complete Financial Information Statement (Revised)
- APA Florida's Position on Amendment 4
- 1000 Friends of Florida Announces Neutral Position on Amendment 4, Florida Hometown Democracy
- An Economic Brief of the Proposed Amendment 4 on the Economic Development of Florida, The Washington Economics Group, Inc.
- Growth expert critical of Amendment 4 on November Ballot Nathan Crabbe, Staff Writer, *Gainesville Sun*, February 10, 2010

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#### **Links to Related Information**

- Citizens for Lower Taxes and a Stronger Economy – Vote No on 4
- "The tyranny of the majority," *The Economist*, December 19, 2009

- "Exploring The Impacts Of Ballot Box Land Use Measures On Affordable Housing" by Lucy Acquaye, Joseli Macedo, Rhonda Phillips, and Douglas White; Housing and Society, Vol 34, No 1, 2007, pp. 45-64.
- BACK TO BALLOT FOR THE BAY AREA GROWTH: East Bay voters open land to thousands of homes  
San Francisco Chronicle, Wednesday, November 9, 2005
- Office of Economic and Demographic Research
- Florida Department of State, Division of Elections, Initiatives/Amendments/Revisions
- Official Site of Florida Hometown Democracy, Inc. (Originator of Ballot Initiative)
- Local Comprehensive Plans –Information, Requirements, Roles, Amendment Process
- Florida Hometown Democracy Offers a Roadblock to Growth and Opportunity Tallahassee Democrat, June 4, 2007

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## ***Amendment 4: What's Myth & What's Fact?***

*Amendment 4 is a citizen's initiated constitutional amendment on the November 2, 2010 general election ballot. If passed by 60% of voters, it will require a public vote on all changes to local government comprehensive plans. Amendment 4 proponents and opponents have generated conflicting rhetoric about this proposal to move land use decisions away from planners and elected officials onto election ballots. What's fact and what's not?*

*The Urban Land Institute does not take positions on ballot issues or legislative manners. Its mission is "to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide." This document attempts to separate some of the political rhetoric from fact about this important upcoming ballot issue.*

***MYTH: Florida's present growth management system is broken - this amendment will fix it.***

***FACT: While frustration to some development and redevelopment decisions exists, turning the process into a political campaign for every land use change will make it worse.***

As Florida continues to grow and change, communities are left to figure out where all these new people will live, work, and shop. While not perfect, Florida's growth management laws do require that plans be in place to provide essential services and facilities. Despite these progressive laws, Florida communities continue to suffer from a lack of funding for schools, roads, water and basic infrastructure.

The major stumbling blocks to providing this infrastructure are not usually the approval system for projects, but rather the lack of sufficient infrastructure to support the rapid growth. This amendment does nothing to fund that infrastructure, and will slow decisions on all projects – controversial or not. Without the ability to redevelop infill parcels to provide for denser urban cores and transit-oriented development, sprawl could actually become worse. There were over 8,000 changes made to comprehensive plans statewide in the past year. It is not a reasonable assumption that the general populace is going to understand each and every one of the proposed amendments. Special interests will fund political-like campaigns.

***MYTH: Amendment 4 is a new proposal for Florida.***

***FACT: A local version of Amendment 4 was passed by St. Pete Beach in 2006 and has resulted in confusion, litigation and greater influence by special interests.***

In 2006, St. Pete Beach adopted a local version of Amendment 4, mandating that any proposed change to the town's comprehensive plan be placed on the ballot. Former St. Pete Beach Mayor, Ward Friszolowski, stated "it wasn't long before we realized that 600-page comprehensive plans couldn't easily be condensed into 75-word ballot questions. The elections are confusing, chaotic and expensive."

Since passage nearly a dozen lawsuits have so far cost the St. Pete Beach taxpayers over \$1 Million. The St. Petersburg Times opined that Amendment 4 "invites short-term thinking and frequent referendums that are even more susceptible to well-financed campaigns by powerful interests."

***MYTH: If approved, the Florida Legislature is not required to pass any implementing legislation or allocate any funds. The day it is enacted is the day it takes effect.***

***FACT: The Legislature MUST pass a general law to provide for statewide referenda guidelines in order to implement this constitutional amendment.***

The amendment language plainly states that if Amendment 4 passes, the Florida Legislature will need to provide a framework for election requirements by general law. That means the Legislature must pass a new law to implement exactly how this constitutional amendment will work. No one knows at this time what the Legislature will decide in terms of how often elections must be held or who would pay for costly special elections. Exactly how the system would work is an issue for the Florida Legislature, and must be determined before referenda begin.

***MYTH: Amendment 4 will cost 267,247 jobs.***

***FACT: It is unclear how many jobs passage of the Amendment will cost, but most certainly it will cost some.***

The Washington Economics Group of Coral Gables did a study that indicated that the total job loss with passage could indeed cost 267,247 jobs. Proponents of the Amendment dispute the study, and question its methodology. History indicates that where the development process is slow and unreliable (such as being subject to referenda), economic development is hampered, and most certainly some jobs will be lost, or never materialize in the first place.

***MYTH: Only voters in the city where the development takes place will vote on that project.***

***FACT: Depends on where you live. Some counties, such as Broward, would require a countywide vote on any comprehensive plan change.***

In Broward, its home-rule charter mandates that land use decisions are made at the county level, so any change, regardless of how large or small, appears to require a vote of the entire county electorate. In other words, if Parkland wants a comprehensive land use amendment, voters in Miramar and Fort Lauderdale would also need to approve it.

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## Towards More Effective Citizen Engagement

**A working group organized by the Kettering Foundation offers the following insights based on the group's collective experiences in engaging citizens.<sup>21</sup>**

- Citizens must be engaged if communities are to solve some of their most difficult problems. Such problems (e.g., youth gangs, poverty, racial conflict, crime) have multiple causes and can't be solved with a technical fix (unlike repairing streets and bridges). Effectively addressing these problems requires citizens to act—and keep on acting.

  - Engage citizens to address community problems.
- Citizens often think about problems differently than institutions or professionals. Not only do people feel more empowered when they are encouraged to identify and frame the issues related to a problem or opportunity, but they often uncover different solutions than institutions or professionals who are looking at the problem from the lens of their own particular expertise.

  - Recognize the limits of professional expertise.
- People become engaged only around issues or problems that are of particular interest or concern to them. It's not realistic to assume that all citizens will be engaged in all issues. The definition of "community" is therefore dynamic and ever changing, with groups of people—who may or may not be connected by geographic borders—coming together to solve a problem or take advantage of an opportunity.

  - Start with what people care about.
- Citizen engagement—and governance—is a skill learned only by practice. It's important to create mechanisms that allow for sustained citizen engagement rather than just one-time events. As citizens gain experience and see that they can make a difference, they may be drawn into issues beyond their initial areas of interest—particularly as they begin to see how many community issues are interrelated.

  - Establish structures that sustain engagement.
- It's often most effective to engage citizens within the organizations and networks they are already a part of; we don't have to start from scratch. It's likely that they are already talking about a particular issue in these networks and may have the capacity and connections to implement solutions.

  - Engage existing networks.
- Networks and connections between organizations can multiply the power of civic initiatives and make them truly community-wide, or "public." Yet, these connections typically don't happen by themselves—active intervention is often needed to connect groups that might, at first glance, seem to have very different interests. Even groups working on similar issues often have weak connections.

  - Connect existing networks and stakeholders.
- When a group of people comes together for a community conversation, there will be tensions between goals, ideas, and values. What may at first seem to be tensions between groups may, with further examination, be seen as common values that everyone shares—such as a desire for freedom or security. Tensions and conflicts do not have to necessarily be resolved as long as everyone shows respect for diverse positions. It's important to recognize tensions from the beginning of a community conversation.

  - Recognize and value tensions.

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

5b

SWFRPC Strategic Regional  
Policy Plan (SRPP) EAR

5b

5b

## **STRATEGIC REGIONAL POLICY PLAN EVALUATION AND APPRAISAL REPORT**

Subsection 27E-5.008, F.A.C. requires each regional planning council to prepare an Evaluation and Appraisal Report (EAR) on its Strategic Regional Policy Plan (SRPP) at least once every five years. The purpose of the EAR is to identify the successes or failures of the SRPP and prepare necessary amendments, revisions, or updates to the plan. The EAR is intended primarily to be based upon the region's progress toward attainment of SRPP goals using the indicators described in subsection 27E-5.004(6), F.A.C. The EAR will identify plan amendments which may be necessary as a result of changing regional conditions, changes to the State Comprehensive Plan, and other statutory changes. The Council's EAR was originally required by the State to be submitted on or before the March 15, 2000 and every five years thereafter, but the original SRPP was not completed until July 4, 2002 and hasn't been updated due to the lack of funding and DCA's decision not to pursue the work with the regional planning councils. This year DCA has placed a requirement in the Council's contract to complete the EAR by June 30, 2011. Council staff is pursuing a schedule of work that will meet the required deadline.

**RECOMMENDED ACTION:** No action is required for this agenda item. It is presented for Council's review, comments and information.

12/2010



# Strategic Regional Policy Plan

## Evaluation and Appraisal Report Process

December 16, 2010



# Vocabulary

## Glossary of Terms

Acronym	Meaning
SWFRPC (Council)	Southwest Florida Regional Planning Council
SRPP	Strategic Regional Policy Plan
EAR	Evaluation and Appraisal Report
DCA	Department of Community Affairs
DRI	Developments of Regional Impact
IC&R	Intergovernmental Coordination & Review



# What is the SRPP?

- The long range guide for physical, economic, and social development guide for Planning District 9 (SWFRPC) which identifies regional goals and policies.
- This plan is strategic not comprehensive in nature.
- Serves as the basis for review of local government Comprehensive Plans, DRI's, IC&R.

# Why are we doing an EAR process for the SRPP?



- Each council shall prepare an evaluation report on its plan at least once every five years assessing the successes or failures of the plan and preparing necessary amendments, revisions, or updates to the plan.
- The evaluation reports shall primarily be based upon the region's progress toward attainment of strategic regional policy plan goals using the indicators described in subsection 27E-5.004(6), F.A.C.
- The evaluation reports shall identify plan amendments which may be necessary as a result of changing regional conditions, changes to the State Comprehensive Plan, and other statutory changes.
- The evaluation reports may also recommend amendments to the State Comprehensive Plan and other statutes.

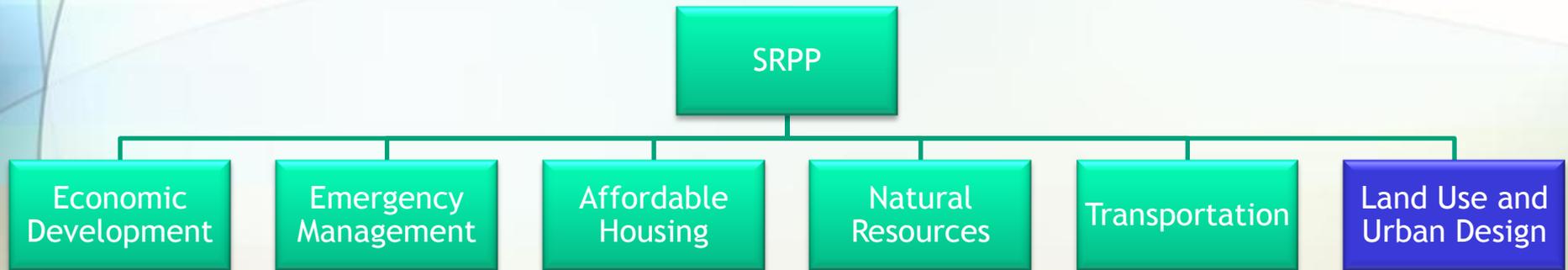
# The EAR Process

MONTH	SCHEDULED EVENT
DECEMBER	<ul style="list-style-type: none"><li>•SWFRPC, County and City Managers</li><li>•Workshop</li></ul>
JANUARY	<ul style="list-style-type: none"><li>•Public Meeting</li><li>•Agency Meeting</li><li>•SWFRPC</li></ul>
FEBRUARY	<ul style="list-style-type: none"><li>•Public Meeting</li><li>•Local Government Meetings</li><li>•SWFRPC</li></ul>
MARCH	<ul style="list-style-type: none"><li>•Public Meeting</li><li>•Local Governments</li><li>•SWFRPC</li></ul>
APRIL	<ul style="list-style-type: none"><li>•Public Meeting</li></ul>
MAY	<ul style="list-style-type: none"><li>•SWFRPC (Approval)</li></ul>
JUNE	<ul style="list-style-type: none"><li>•Submit to the Department of Community Affairs</li></ul>

# SRPP Existing Elements



# Revised SRPP Elements



# New Components of SRPP Elements

- Community Sustainability
- Energy Production/Conservation
- Climate Change
  - Green House Gas Reduction
  - Carbon Footprint Reduction
- Food System Planning
  - Food Production Planning
  - Food Security
- Agriculture Land Preservation
- Broadband



# Next Steps

- May 2011 - Southwest Florida Regional Planning Council for approval of the EAR to submit to DCA
- If modifications are proposed in the EAR then SRPP will undergo the update process.
  - Plan changes. All amendments, revisions, or updates to a plan or the maps required by paragraph 27E-5.004(3)(a), F.A.C., shall be adopted in the same manner as the original plan and shall be prepared as needed because of changes in the State Comprehensive Plan or law or as a result of modifications recommended in the evaluation conducted pursuant to subsection 27E-5.008(1), F.A.C.



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# Agenda Item

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5c

Community Collaborative  
Initiative

5c

5c

## **COMMUNITY COLLABORATIVE**

This item has been placed on the agenda to provide the Council with an opportunity to discuss the methods of cooperation and the creation of a Southwest Florida Community Collaborative 501C3.

Attached for your review and information are several documents that explain how the discussion came about and how other Regional Planning Councils address the issue in their area.

**RECOMMENDED ACTION:** Information and discussion purposes only



## Community Collaborative

One can observe that community resilience - or Southwest Florida's ability to bounce back from a man-made or a natural disaster - is often tested time and time again. Sometime disasters - natural or manmade - create economic downturns. However, not all disasters are caused by the whims of nature. For example, community leaders see Southwest Florida under threat from recent economic events. Just as we plan to respond to natural disasters by providing emergency services, we can also plan to recover from the current economic downturn. The current recession is the deepest and most hard felt in our lifetime. Jobs, businesses, personal savings, home values and local government revenue have all been hard hit.

On the recent "Let's Get To Work" tour to explore Florida's economic development prospects, Governor-Elect Rick Scott told legislators that, "To be competitive, we need to be better than all the rest." The governor-elect went on to say that, "Legislators, county officers, mayors and local chambers of commerce should decide what their regions need." So, how does Southwest Florida look for better ways to compete for new jobs and new avenues of funding?

***By working together through collaboration.*** Everywhere, communities are looking for ways to better compete for new jobs. Many believe that the reason some regions are more successful than others is their ability to collaborate as a region and to have effective regional leadership.

The Southwest Florida Regional Planning Council (SWFRPC) has spent almost thirty years encouraging people to work together. As you may recall, the mission statement of the SWFRPC is "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."

In the summer of 2009, the SWFRPC began a regional visioning process titled, "*People, Prosperity and Preservation; Working Together for a Better Tomorrow.*" The vision became the basis for the 2009 annual meeting titled the "State of the Region." It is hoped that the regional visioning effort will continue and community leaders, business owners, community organizers and government leaders will come together to forge a single vision for Southwest Florida's future. It is expected that the visioning effort will be a multiple phase project and a take a number of years to accomplish. Phase 1 is aimed at establishing the region's common goals, shared values and mutual needs. To accomplish Phase 1 the initial step outlined the development of an organizational structure for coordination, execution and oversight of the project. The organizational structure suggested was a 501C3, similar to non-profit spinoffs at other Regional Planning Councils in Florida.

Creating a 501C3 does not mean "going it alone." The resiliency of a community must begin with working together. Partnerships are imperative across community lines, across agencies and public and private sectors. Creating opportunities for networking and communication between

otherwise unconnected groups is a logical next step for the Region. Southwest Florida can build local capacity to manage change by connecting priorities and resources.

Many communities –both rural and urban – are exploring partnerships in order to share limited resources and reduce service delivery costs. In addition, partnerships can provide incentive funding for regional projects, provide grant funding on a regional basis and engage citizens to solve some of their most difficult problems.

## **State Initiatives**

Florida Chamber of Commerce’s “Six Pillars”

Enterprise Florida’s “Roadmap”

FDOT’s “2060 Florida Transportation Plan”

Cooperation Conservative Blueprint

## **Regional Initiatives**

The Heartland 2060 Consortium through the Central Florida Regional Planning Council (CFRPC) received a Federal Sustainable Communities Regional Planning Grant from the U.S. Department of Housing and Urban Development, the U.S. Department of Transportation and the U.S. Environmental Protection Agency. (Awarded \$1,700,000 for a total of \$3,068,925)

The Southeast Florida Consortium through the South Florida Regional Planning Council (SFRPC) and the Treasure Coast Regional Planning Council (TCRPC) received a Federal Sustainable Communities Regional Planning Grant from the U.S. Department of Housing and Urban Development, the U.S. Department of Transportation and the U.S. Environmental Protection Agency. (Awarded a total of \$4,250,000)

The South Florida Regional Planning Council Institute for Community Collaboration, Inc.

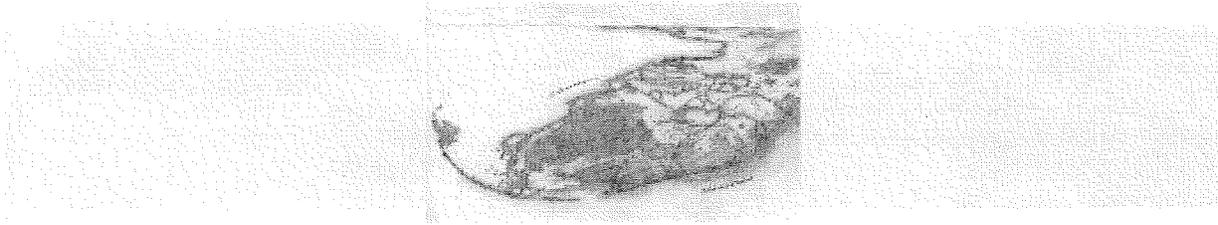
It is the vision of the Institute to build partnerships with institutions, private practitioners and organizations in fulfilling its purpose of bringing collaborative processes and consensus decision making to the communities of South Florida on a myriad of issues they face in this diverse region.

The Regional Community Institute of Northeast Florida, Inc.

The Regional Community Institute of Northeast Florida, Inc. was created as the non-profit organization associated with the Northeast Florida Regional Planning Council (NEFRPC). The NEFRPC created the institute to address three areas: oversee the Northeast Florida Regional Leadership Academy, assess the state of the region by considering the SRPP and facilitate a First Coast Vision.

**Southeast Florida Regional Planning Council  
Institute for Community Collaboration, Inc.**



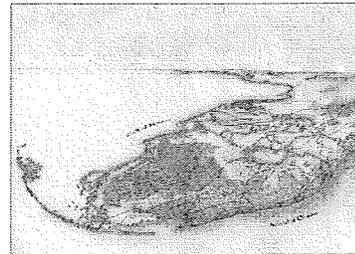


# Southeast Florida 2060

## About Southeast Florida 2060

Southeast Florida, like other metropolitan regions across the United States and the world, competes for jobs, economic investment, and future prosperity on a global playing field that knows no jurisdictional boundaries. From Indian River to the Florida Keys, this complex region is composed of four sub regions, hundreds of unique communities, distinct cultures, and one-of-a-kind natural treasures. And while each of these peoples and places possess unique qualities, it is clear that all share an intertwined economic and environmental destiny.

## Southeast Florida 2060



[Click here for a link to the Southeast Florida 2060 Report](#)

The Southeast Florida 2060 initiative will work with the region's stakeholders to build a regional vision which captures the dreams and hopes of its citizens for a brighter future and improved quality of life for themselves and their children.

The Southeast Florida 2060 initiative will provide a framework for integrated and unified investment strategies to assure a high quality of life and economic competitiveness for the region's communities. The initiative will promote and foster a shared understanding of the region's natural, physical, social, and economic assets while respecting the diverse character of the region's communities. It will increase the public's recognition and understanding of the region's shared values, challenges and opportunities.

## Why is this needed?

- In 1900 much of Southeast Florida was a frontier. By 2000 Southeast Florida was the sixth-largest metropolitan region in the US.
- Since the end of World War II, Southeast Florida has been in a near constant state of change. Just as today's Southeast Florida bears little resemblance to the Southeast Florida of 1950; Southeast Florida in 2060 will be very different. The region's combined statistics are daunting:
- 295 miles of Atlantic Ocean coast form the eastern boundary; the Everglades forms the western boundary
- 7 counties: Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian

## River

- A 2005 population larger than 35 states
- The heart of a diverse, international region, Southeast Florida welcomes 267 new residents each day, the majority due to international migration
- More than a third of the region's residents are foreign-born, with more than 50,000 residents each from Cuba, Haiti, Colombia, Jamaica, Nicaragua, Mexico, Venezuela, Peru, Dominican Republic and Honduras
- Home to almost 1,400 multinational businesses that employ over 61,000 people
- "Cruise capital of the world" with over 9 million passengers in 2004
- By 2030, the region is projected to add another 2.4 million people
- Domestic migration and mobility will continue to be significant
- A 2004 total personal income of \$203 billion, 37 percent of the State's whole
- 25 percent of that personal income is derived from dividends, interest and rent, higher than both the State's and the nation's
- More than 233,000 jobs have been added since 2000; however, poverty rates remain higher than the State's as a whole

## An Accidental Region

In some respects, Southeast Florida is an accidental region, defined by geography and common environmental concerns.

The region's cities have literally grown to meet each other. Communities that have long thought of themselves as unique oases are finding that their economic fortunes are intertwined with those of the city next door or down the coast. International events and turmoil, particularly in Latin and Central America and the Caribbean, directly affect the economy and many of the residents of Southeast Florida.

Unlike most major metropolitan regions, Southeast Florida did not grow around a central city. Instead growth has spread from east to west, from the Atlantic to the Everglades. Most of this region's residents move from somewhere else; historically from the urban centers of the Northeast and Midwest. That has changed; in the last five years 7 of every 10 new residents emigrated from other countries.

### Why now?

It's time for Southeast Florida to move to the next level, to develop a regional mindset that focuses more on how to maximize the commonalities than accentuate the differences.

The shifting nature of the global economy is changing the way business is done. Regions that can't recognize and adapt to these changes will cease to be economically competitive. It's time to broaden the context for the region's economic competitiveness. Southeast Florida will never be as competitive and innovative as it could be without developing regional leaders who are able and willing to collaborate across the boundaries of geography, sector,

constituencies, and topical foci to maximize opportunities and address challenges.

### **The Southeast Florida 2060 Initiative**

To be successful Southeast Florida 2060 must engage a broad and diverse group of stakeholders reaching across all boundaries -- political, jurisdictional, sector and topical.

The South Florida Regional Planning Council, the Center for Environmental and Urban Solutions at FAU, the Treasure Coast Regional Planning Council and the Urban Land Institute SE Florida/Caribbean are working together to design and organize a collaborative process to achieve a regional framework for integrated and unified investment strategies for the future. A core group of stakeholders have begun working together to envision and organize this initiative and recruit others. They include:

- Regional Business Alliance
- South Florida Regional Transportation Authority
- South Florida Regional Planning Council
- Urban Land Institute SE Florida / Caribbean
- FAU Center for Urban and Environmental Solutions
- South Florida Regional Resource Center
- Collins Center for Public Policy, Inc.
- Treasure Coast Regional Planning Council
- Institute for Community Collaboration, Inc.

In the past five years, private, public and nonprofit entities have begun the process of working together as evidenced by the development of organizations like the Regional Business Alliance, the South Florida Regional Transportation Authority, the iCoast, and the South Florida Regional Resource Center. The Miami-Dade, Broward, and Palm Beach County MPOs have formed a regional coordination group as have the Martin, St. Lucie, and Indian River County MPOs. The Miami-Dade, Broward, and Palm Beach county commissions meet together periodically, as do the South Florida and Treasure Coast Regional Planning Councils, and the three county-based Leadership programs. All are steps in the right direction; however, each of these still occurs largely within its own circle of interests and stakeholders.

Initially identified goals include:

- Developing a network of regional stewards and leaders
- Creating and strengthening regional coalitions
- Developing and maintaining an open forum for ongoing dialogue, planning, implementation, and accountability in the region
- Fostering a culture of integrated planning and investment that at a minimum brings together land use, transportation, water supply, environmental restoration and

conservation, urban planning and design, economic development, and human systems planning, with budget allocation processes to create a more sustainable and prosperous Southeast Florida

- Creating and sustaining a regional vision and mindset including goals to guide growth, change, and investment over the next 45 years
- Creating a regional implementation and investment strategy
- Measuring and evaluating progress to ensure that we reach our goals and set new ones in a process of continuous improvement
- It's time for Southeast Florida to move to the next level, to develop a regional mindset that focuses more on how to maximize the commonalities than accentuate the differences.
- If Southeast Florida fails to move forward in the development of its regional plan, the Region risks a diminished quality of life and decreased competitiveness when compared to regions across the state and country which have formulated their unified vision and action plan.

For additional information, please contact: South Florida Regional Planning Council  
email: [sfadmin@sfrpc.com](mailto:sfadmin@sfrpc.com)



## South Florida Regional Planning Council



### **The Institute for Community Collaboration, Inc.**

a qualified 501 (c)(3) Corporation

dedicated to the provision of public policy agenda design, collaborative process and consensus building.

### **Vision**

It is the vision of the Institute to build partnerships with institutions, private practitioners and organizations in fulfilling its purpose of bringing collaborative processes and consensus decision making to the communities of South Florida on the myriad issues they face in this diverse region.

### **Announcements**

Upcoming training and opportunities for observation and mentoring are available through the Institute for Community Collaboration.

### **Projects**

Project reports and other information on projects which the Institute assists.

### **Goals**

Our goals will be accomplished through:

- The provision of direct services

projects are already underway in which the Institute is providing neutral services in Facilitation and Mediation in a variety of settings.

- Building the field

the Institute will develop a list of public policy facilitators and mediators to whom projects can be outsourced. It is the intention of the Institute to provide quality training and mentoring opportunities for those individuals desiring placement on its roster of practitioners.

- Research (theory to practice)

this goal is accomplished through partnerships with universities and other institutions dedicated to the fields of public policy and conflict avoidance/resolution. The Institute has worked with student researchers serving as interns. If you are a student and would like to inquire about intern opportunities, contact the Director.

### **Services**

Services the Institute provide include:

- training
- assistance in obtaining professionals
- facilitation
- mediation and research
- process design

If you are interested in facilitation training or would like to be included in our directory of facilitators, please contact:

The Institute for Community Collaboration, Inc.  
South Florida Regional Planning Council

3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021  
(954) 985-4416  
(954) 985-4417 FAX  
[sfadmin@sfrpc.com](mailto:sfadmin@sfrpc.com)



This page and all contents prepared by the SFRPC.





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### Southeast Florida Regional Climate Change Compact

**WHEREAS**, there is consensus among the world's leading scientists that global climate change is among the most significant problems facing the world today; and

**WHEREAS**, Florida is considered one of the most vulnerable areas in the country to the consequences of climate change with Southeast Florida on the front line to experience the impacts of climate change, especially sea level rise; and

**WHEREAS**, Broward, Miami-Dade, Palm Beach and Monroe Counties, herein the four counties that constitute the Southeast Florida Region, share in common a strong quality of life rooted in the region's rich cultural heritage, vigorous economy, and environmental resources of global significance; and

**WHEREAS**, the aforementioned four counties of Southeast Florida, which represent approximately 30% of the population of the State of Florida, are physically linked one to the other by the Atlantic Ocean coastline and share some of the world's most renowned natural resources such as the Everglades, our unique coral reefs, beautiful beaches, and fragile Keys ecosystem; and

**WHEREAS**, the four counties of Southeast Florida and their respective populations, totaling more than five million residents, are expected to share in disproportionately high risks associated with climate change due to low land elevations, rising sea level projections, and anticipated increases in tropical storm events; and

**WHEREAS**, rising sea levels could limit the effectiveness of critical drainage infrastructure, endanger beaches, and coastal natural resources and increase incidents of saltwater intrusion on the Biscayne Aquifer – putting at risk the drinking water supply for the entire population of Southeast Florida; and

**WHEREAS**, local governments, and the region as a whole, must give significant consideration to adaptation strategies designed to protect public infrastructure, property, water resources, natural areas and native species, and basic quality of life; and

*25C  
more population  
...*

**WHEREAS**, the aforementioned four counties of Southeast Florida account for a combined Gross Domestic Product of more than \$2.5 billion annually and more than 37% of statewide economic output; and

**WHEREAS**, while the four counties of Southeast Florida have independently taken steps to address global climate change, all parties recognize that coordinated and collective action on this, the defining issue for Southeast Florida in the 21<sup>st</sup> Century, will best serve the citizens of the region;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARDS OF COUNTY COMMISSIONERS OF THE FOUR COUNTIES OF SOUTHEAST FLORIDA:**

**SECTION 1:** That each county shall work in close collaboration with the aforementioned counties of Southeast Florida party to this compact to develop a joint policy position urging the United States Congress to pass legislation that recognizes the unique vulnerabilities of Southeast Florida to the impacts of climate change and to further a joint policy position that includes specific recommendations regarding the allocation of federal climate change funding based on vulnerability to climate change impacts. Such recommendations might include designation of areas of Southeast Florida as uniquely vulnerable and of federal interest for the purpose of securing enhanced levels of federal participation in regional adaptation projects.

**SECTION 2:** That each county shall work in close collaboration with the other counties party to this compact to develop additional legislative policy statements relating to global climate change and future legislation to be considered by the Congress of the United States for transmittal to the Congressional Delegation representing, in part or in whole, districts within the area covered by this compact.

**SECTION 3:** That each county shall work in close collaboration with other counties party to this compact in developing joint position statements on proposed State legislation and energy/climate policies including but not limited to issues such as the region's energy and climate security and a renewable energy portfolio standard that defines renewable energy sources as wind, solar, geothermal, biomass, landfill gas, qualified hydropower, and marine and hydrokinetic energy, and also including nuclear energy, and to collaborate on other emerging energy/climate issues that may be considered by the 2010 Florida Legislature for transmittal to the Legislative Delegation representing, in part or in whole, districts within the area covered by this compact.

**SECTION 4:** That each county shall work with other counties party to this compact in developing joint position statements for future State legislation that may be considered by the Florida Legislature for transmittal to the Legislative Delegation representing, in part or in whole, districts within the area covered by this compact.

**SECTION 5:** That each county shall commit appropriate staff resources and expertise, within budget constraints, to participate in a Regional Climate Team with other counties party to this compact toward the development of a Southeast Florida Regional Climate Change Action Plan.

**SECTION 6:** That each county shall work with other counties party to this compact in developing a Southeast Florida Regional Climate Change Action Plan,

understanding that no county will work at cross-purposes with the other counties. The Action Plan could, at a minimum, include the following components:

- (a) A baseline of greenhouse gas emissions for Southeast Florida;
- (b) Strategies for coordinated emission reductions throughout the built environment to include the use of energy efficiency, energy conservation, and the use of demand-side renewable energy resources;
- (c) Strategies for coordinated emission reductions from the transportation sector to include increased reliance on public transit, emerging vehicle technologies, and advanced biofuels;
- (d) Strategies for coordinated emission reductions resulting from changes in local and regional land use;
- (e) Strategies for the coordinated regional preparation for and adaptation to a rapidly changing global environment based upon regional mapping of projected sea-level rise and any resulting amplification of localized impacts of tropical cyclone events. Such strategies shall incorporate climate preparation concerns for the regional economy, regional infrastructure and the built environment, social and cultural needs, and natural systems within the four counties party to this compact.

**SECTION 7:** That each county shall commit to participating with other counties party to this compact in hosting the Second Southeast Florida Regional Climate Change Summit in October, 2010.



Adopted December 8, 2009



Adopted December 1, 2009



Adopted January 20, 2010<sup>1\*</sup>



Adopted December 15, 2009

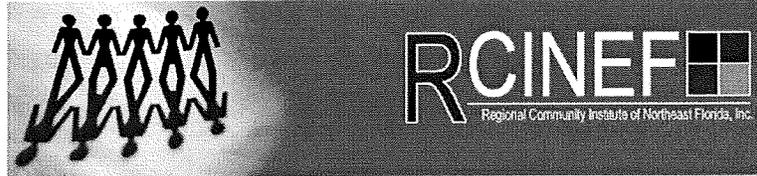
\*City of Key West: Resolution of support for the Compact – December 15, 2009

<sup>1</sup> Second adoption date following minor changes made by partnering Counties



## **The Regional Community Institute of Northeast Florida**





## The Regional Community Institute of Northeast Florida, Inc.

As in most diverse communities, the Northeast Florida region faces challenges including growth, preserving valuable eco-systems, improving economic viability, and maintaining the quality of life that is the reason we live in Northeast Florida. Northeast Florida is at a critical juncture. Rapid growth across the spectrum of communities has heightened awareness that growth related issues are interconnected and that they can best be addressed on the regional level.

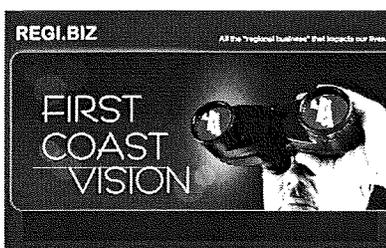
The Regional Community Institute of Northeast Florida, Inc. was created in as the non-profit organization associated with the Northeast Florida Regional Council (NEFRC). The Institute is a broad group of stakeholders representing the seven counties in Northeast Florida. The counties are connected not only by shared boundaries, but by the common need to create new, and strengthen existing, resources for citizens who live and work in the region. As a non-profit organization, the Institute has the flexibility to partner with, and accept donations from, all of the diverse stakeholders inside and outside the region. The NEFRC will provide administration and staffing to the Institute. The NEFRC created the Institute to address three areas:

**Oversee the Northeast Florida Regional Leadership Academy:** Now recruiting for its fourth class, the Northeast Florida Regional Leadership Academy has graduated over 100 regional leaders since its inception in 2005. A cooperative effort with the non-profit Leadership Jacksonville, the Academy's mission is to build a strong, diverse regional network of leaders with a shared commitment to collaboration and to connecting our communities to make Northeast Florida a better place to live and work. The program covers regional history, demographics, growth management, environment, resources and the full range of issues affecting the region. In addition to providing leaders with information and resources regarding the state of the region, the Academy acts as a forum for dialogue on topical issues, a medium for exploring innovative approaches to community stewardship, and a network of regional leaders that can serve as resources to each other and the region. Academy graduates are some of the first to be considered when there is a need for citizens with a regional perspective to serve the community.



**Assess the State of the Region:** The Northeast Florida Regional Council is guided in its decision making by the Strategic Regional Policy Plan (SRPP). The SRPP includes indicators that, although helpful, may not fully show how we are doing in the mandated policy areas of Affordable Housing, Economic Development, Emergency Preparedness, Natural Resources, and Transportation. The Institute will consider, given the wide range of data available, the performance measures that are appropriate to a fair assessment of the state of the region. Through a collaborative relationship with the Jacksonville Community Council, Inc., a series of mutually agreed upon regional indicators will be developed and reported. For the purposes of the Institute, the state of the region includes what is happening in education, recreation, culture and the arts, preservation, health, social services, energy, equity and anything else that the Institute feels is reflective of a sustainable region. In addition, as visioning progresses, the Institute will determine what goals we should have as a region in each of the measured data areas, and the benchmarks we should achieve in order to reach our goals. It is anticipated that the Institute will issue an annual report card, to get the word out on our performance, to galvanize support for the things we need in order to continue to thrive, and to encourage us to do better in the future.

**Facilitate a First Coast Vision:** With the benefit of regional leaders, including those nourished by their experience at the Academy, and an Institute consensus on the State of the Region, the Institute can set the priorities for NEFRC staff to work on visioning efforts. NEFRC staff will prepare the background data for the players of Reality Check First Coast, a planning exercise scheduled for May of 2009. The Reality Check exercise will result in the identification of the guiding principles that are valued by the regional participants, a large and representative group of elected officials, business people and non-governmental agencies. These guiding principles will be used as the first step in the vision for the baseline issues anticipated to be covered by Reality Check First Coast: conservation, land use and transportation. After Reality Check First Coast, a public process will take place that, with Institute guidance, will result in consensus guiding principles and a graphic representation of the regional vision for conservation, land use and transportation. Reality Check First Coast will be a high-profile kickoff to the larger visioning process. First Coast Vision will be a multi-year visioning process that will cover a wide range of regional topics, as guided by the Institute. NEFRC staff will provide background data for each of the topics and the Institute will determine where stakeholder visioning is required. It is anticipated that committee's of the Institute will form to provide policy direction in the various visioning areas. Ultimately, the Institute will determine what policy issues should be included in the First Coast Vision, will guide the Vision and, it is hoped, recommend that it be used as the basis for the update to the NEFRC guiding policies, the Strategic Regional Policy Plan.





## **BYLAWS OF THE REGIONAL COMMUNITY INSTITUTE OF NORTHEAST FLORIDA, INC.**

### **Article I – Name and Area**

Section 1 – Name -The name of this organization shall be the Regional Community Institute of Northeast Florida, Inc. (RCI).

Section 2 – Area - The RCI shall have as its area of organization defined as Northeast Florida, primarily serving Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns Counties.

### **Article II – Purpose**

The purpose of the corporation shall be to advance and promote the vision of regionalism, as it relates to the quality of Northeast Florida's natural, man-made, economic and social environments. Regional Community Institute of Northeast Florida, Inc. is organized exclusively for charitable and educational purposes, including, for such purposes the making of distributions to organizations that qualify as exempt organizations under section 501 (c) (3) of the IRS Code or corresponding section of any future federal tax code.

### **Article III - Fiscal Year**

The RCI operating and fiscal year shall begin October 1.

### **Article IV - Membership**

Section 1 – Regular Member - Regular membership in the RCI shall be comprised of graduates of the Regional Leadership Academy.

Section 2 – Additional classes of membership may be added at any time subject to Board approval.

Section 3 – Bylaws - Each person will be given a copy of these Bylaws upon becoming a member of this RCI.

### **Article V - Voting**

The established General Membership shall have only one voting responsibility, which shall be to elect Board Members at the Annual Meeting. The President of the Board shall appoint a Chairman of Membership who shall have the responsibility to call meetings of the membership in preparation for the Annual Meeting/Elections and as otherwise deemed necessary.

## **Article VI – Board of Directors**

Section 1 – Board Members -The RCI shall be governed by a Board of Directors composed of its officers and a maximum of six (6) other Regular Members

Section 2 – Absences - Board Members should make every effort to attend Board Meetings. Should any Board Member have 2 (or more) unexcused absences from any Board Meeting, the Board may remove said Board Member from the Board of Directors. An unexcused absence is applied to any absence without notice to Board Secretary/Treasurer or his/her designee.

## **Article VII – Board of Director Elections**

Section 1 – Nominating Committee - The Nominating Committee selected by the Board of the RCI shall prepare a slate of candidates for each of the Director positions.

- a. Prior approval shall be obtained from said candidates.
- b. Additional nominees may be added to the Nominating Committee's slate from the floor.
- c. Board Member elections shall be held at the Annual Meeting
- d. The slate of nominees shall be submitted to the membership with the agenda for the Annual Meeting.

## **Article VIII– Board Officers/ Elections**

Section 1 - Officers – Officers of RCI Board of Directors shall consist of a President, Vice-President, and Secretary/Treasurer. Their general duties are described as follows:

Section 2 – Nominating Committee - The Nominating Committee selected by the Board of the RCI shall prepare a slate of candidates for each of the Officer positions.

- a. President - The President shall have general supervision of the RCI officers, shall appoint Chairmen of all regular and special committees, shall preside as chairman at meetings of the Board, and shall be, ex-officio, a member of all committees except the Nominating Committee.
- b. Vice-President - The Vice-President shall assume the duties of the President in the absence or upon the inability of the President to serve, and shall perform any duties

assigned by the President, including chairmanship of the Program Committee and issuance of meeting notices. In the event the Vice-President cannot serve in the President's absence, the Board shall appoint a President, pro tempore.

- c. Secretary/Treasurer - The Secretary /Treasurer shall be responsible for the correspondence files, the recording of the minutes of all meetings and distribution of the minutes as well as maintaining official documents of the corporation. The Secretary/Treasurer shall also be responsible for the funds of the RCI and shall submit complete financial reports to the Board. Duties shall also include the chairmanship of the Finance Committee.

Section 2 – Officer Elections – Board Officers shall be elected by the Board Members at the first regular meeting of the Board following the Annual Meeting.

Section 3 – Term of Office – Officers and Board members shall be installed at the Annual Meeting, take office immediately following the Annual Meeting, and serve until replaced. The term shall be three years (after the first series of staggered terms).

Section 4 – Staggered Terms – During the initial year of existence, Board Members & Officers shall be elected using a staggered term process. Three (3) members shall be elected for a three (3) year term; three members (3) shall be elected for a two (2) year term; three (3) members shall be elected for a one (1) year term.

Section 4 – Vacancies

- a. President - A vacancy shall be filled by the Vice-President for the un-expired term of office.
- b. Vice-President - The Board shall select a Board Member to serve in the stead of the Vice-President on the Board for the duration of the term.
- c. Secretary/Treasurer - The Board shall select a Board Member to serve in the stead of the Secretary/Treasurer on the Board for the duration of the term.

Section 5 – Removal From Board or Office – The Board of Directors may remove from the Board and/or from Board Office any member who has missed 2 or more meetings due to unexcused absences or any member who it deems has participated in any activity that would be in conflict of interest with this Organization's mission or purpose, or any other behavior prejudicial to the Organization.

### **Article IX – Membership Meetings**

Section 1 – Membership Meetings -- Regular meetings of the membership shall be held at such times and places as determined and published by the Board.

- a. Annual Meetings -The Annual Meeting, shall be for the purpose of election of Board of Director members, approval of annual budget, approval of annual audit, receiving reports of officers and committees, and for any other business that may arise.
- b. Special Meetings – A special meeting may be called by the President at any time. Agenda for said meeting must be provided to members prior to the meeting.
- c. Quorum - The quorum for any meeting of the RCI membership shall be constituted by the members present.
- d. Meeting Rules - The rules contained in the latest revision of Robert's Rules of Order shall govern meetings in all cases to which they are applicable, and in which they are consistent with the Bylaws and/or other special rules
- f. Bylaws - The Bylaws of this organization shall be available from the Secretary for inspection during every meeting.

### **Article X – Board of Director Meetings**

Section 1 - Board Meetings -- Regular meetings of the membership shall be held at such times and places as determined and published by the Board.

- a. Quorum - The quorum for any Board meeting of shall be 40% of the Board Membership.

b. Meeting Rules - The rules contained in the latest revision of Robert's Rules of Order shall govern meetings in all cases to which they are applicable, and in which they are consistent with the Bylaws and/or other special rules

### **Article XI - Management and Finance**

Funds of the RCI shall be under the supervision of the Board, and shall be handled by the Secretary/Treasurer.

- a. The Treasurer need not be bonded.
- b. Funds shall be primarily derived from grants and contributions.
- c. Funds shall be placed in a federally insured bank.

### **Article XII – Fiscal Agent**

Regional Community Institute of Northeast Florida, Inc. shall designate the Northeast Florida Regional Council as its Fiscal Agent until such time as the Board of Directors and membership elect to act as their own Fiscal Agent. The Secretary/Treasurer shall work closely with the Fiscal Agent performing oversight activities for Regional Community Institute of Northeast Florida, Inc. under the guidance of the Board of Directors.

### **Article XIII - Committees**

Appointments -- The President shall appoint ad-hoc, standing committees, Advisory Boards and respective chairs as deemed necessary.

### **Article XIV - Dissolution**

Upon the dissolution of RCI, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the IRS Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.



## Ken Heatherington

**From:** Lindsey Riley [lindsey=narc.org@mcsv15.net] on behalf of Lindsey Riley [lindsey@narc.org]  
**Sent:** Monday, December 06, 2010 3:09 PM  
**To:** Ken Heatherington  
**Subject:** NARC Office Move - Information

Email not displaying correctly? [View it in your browser.](#)



### NARC Office Location Move

NARC will be moving offices to new space closer to Capitol Hill, next to a transportation hub (Union Station), and in co-location with one of our members (the Metropolitan Washington Council of Governments) and association partners (the International City/County Management Association).

Effective December 21, 2010, our new address will be:  
777 North Capitol Street Street NE, Suite 305  
Washington, DC 20002

Please continue to mail any correspondence to our current address. Some NARC contact information may change and we will keep you informed.

*If you have any questions, please contact Fred Abousleman, [fred@narc.org](mailto:fred@narc.org) or 202.986.1032 x216.*

We are sending you this e-mail primarily for your information, to meet your needs, further our valued relationship, and because you requested to receive electronic newsletters from the National Association of Regional Councils. Please forward as appropriate.

[Unsubscribe](#) [kheatherington@swfrpc.org](mailto:kheatherington@swfrpc.org) from this list.

Our mailing address is:  
National Association of Regional Councils  
1666 Connecticut Avenue NW, Suite 300  
Washington, DC 20009

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## **Southwest Florida Community Collaborative**



## Southwest Florida Community Collaborative

### Action Plan

**Goal:** Enhance the Region's physical, economic and social character by increasing strategic public and private investment by building partnerships and establishing regional priorities through collaboration and consensus.

Objective 1:

Strategically invest in the Region's priorities to protect and improve all communities.

Objective 2:

Strengthen partnerships with government, business and organizations to make the Region's vision a reality.

Objective 3:

Amplify investment opportunities under federal and state legislation

Objective 4:

Harmonize policies, priorities and investment with environmental and community concerns.

## Southwest Florida Community Collaborative

### Action Plan

#### Strategies:

A sustainable collaboration strategy will succeed if the learning process supports the following strategies:

**Strategy 1:** Identify opportunities which provide strategic collaborative support to partners, government, business and community organizations to make the Region's vision a reality. Add value to partnership activities through coordination and support.

**Strategy 2:** Foster public-private partnerships to leverage resources and pursue other financing opportunities. Create new partnerships to help achieve investment and economic growth.

**Strategy 3:** Influence both state and national activities to secure continued financial support.

**Strategy 4:** Identify environmental and community effects of priorities and engage citizens by providing information to interested parties throughout the planning and development process.

**Strategy 5:** Provide organizational support through facilitated communication among all partners and undertake public education to inform the community of regional issues and priorities. The Southwest Florida Community Collaborative will undertake a continuing public education program to inform area citizens of all priorities and constraints to their full implementation.

# Southwest Florida Community Collaborative

## Partnering Agreement

January 3, 2011

### MISSION STATEMENT

To work together to establish a collaborative public-private partnership for making and receiving bold investments by focusing initiatives on the region's priorities.

### VISION STATEMENT

To be an effective partner of public agencies, businesses, associations and community organizations working together to implement improved, coordinated and efficient decision-making in Southwest Florida.

**Our Goals** are as follows and shall allow partners to make the Region's vision a reality:

1. Improve the economic vitality of the region;
2. Add value to the activities of partners by leveraging resources;
3. Share information and coordinate program activities;
4. Work to increase public and private investment at the local, state and national level;
5. Focus on regional priorities, needs and objectives, in order to develop practical and implementable programs and improvements;
6. Endeavor to increase the Partnership's diversity and appeal by fostering public and private engagement; and
- 7.

### Statement of Spirit

- |           |         |           |
|-----------|---------|-----------|
| ✓ Foster  | Build   | Harmonize |
| ✓ Pursue  | Ensure  | Secure    |
| ✓ Achieve | Enhance | Leverage  |
| ✓ Support | Value   | Respect   |
| ✓ Inform  | Trust   | Cooperate |

# Southwest Florida Community Collaborative Partnership

*The Partnership will sincerely endeavor through open communication and cooperation, in a spirit of trust, to work together as an effective coalition to implement improved, coordinated decision-making in Southwest Florida.*

Please Sign

Name \_\_\_\_\_ Organization \_\_\_\_\_ ail

**David Hutchinson**

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**From:** Janice Yell  
**Sent:** Wednesday, October 27, 2010 12:04 PM  
**To:** Hochhalter, Traci; Alexander, Jeff; Hinson, Danny  
**Cc:** David Hutchinson; Michele Lissack  
**Subject:** 2009-10 POs

Good afternoon all!

It's that time of the year again when our auditors are visiting. I need some additional information regarding the exercises for this year:

I need the CFDA number, Contract number, and source of funding (a copy of the contract would be nice if available!) for each of the following:

Radio Interop COML – EDICS – PO#194  
Workshop - \$3,000 – PO#305  
EDWARDS - \$2,800 – PO#334  
TIC - \$5,000 – PO#332  
TIC - \$20,228.30 – PO#142  
TEP - \$2,530 – Paid by Central RPC (who was paid by NE)  
FIN MARC – no amount or PO as of yet  
RDSTF - \$148,400 – agreement, but no PO as of yet

Thank you in advance,

**Janice Yell**  
**Administrative Manager - Finance**  
**SW Florida Regional Planning Council**  
**1926 Victoria Avenue**  
**Fort Myers, FL 33901**  
PH 239-338-2550 x237  
FAX 239-338-2561  
email: [jyell@swfrpc.org](mailto:jyell@swfrpc.org)  
website: [www.swfrpc.org](http://www.swfrpc.org)

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

5d

FLORIDA LEGISLATIVE  
SUMMARY REPORT

5d

5d

## FLORIDA LEGISLATIVE SUMMARY REPORT

This item has been placed on the agenda to provide the Council with an update on the activities of the Florida Legislature and to provide the Council with an opportunity to discuss legislative topics of interest.

The Legislature met in an Organization Session and Special Session November 15 and 16, 2010; new freshman legislators were sworn in, and new House and Senate leaders were elected and used the opportunity to override vetoes of several pieces of legislation and to begin work on their overhaul of the state's Medicaid program. Veto overrides included (please see the attachments following this summary):

- a \$9.7 million Indigent Patient funding item,
- HB 545-Residential Property Sales
- SB 560-Solid Waste Disposal
- HB 981-Agriculture
- HB 1385-Petroleum Contamination Site Cleanup
- SB 1516-State Owned Lands
- HB 1565-Rulemaking
- SB 1842-Transportation Projects

Governor-elect Rick Scott will take office on January 4, 2011, and transition activities are well-underway. Council members will recognize numerous Transition Team members, including SWFRPC Councilmember and Mayor of Clewiston Mali Gardner, SWFRPC Councilmember Tammie Nemecek, former SWFRPC Councilmember Janet Watermeier, and Tom Conrecode.

The 2011 Regular Session of the Florida Legislature will convene March 8, 2011. Southwest Florida delegation members hold the following committee assignments:

### SENATE

- Community Affairs: Michael Bennett, Chair
- Banking and Insurance: Garrett Richter, Chair
- Commerce and Tourism: Nancy Detert, Chair

### HOUSE OF REPRESENTATIVES

- Appropriations Committee: Denise Grimsley, Chair
- Rules Committee: Gary Aubuchon, Chair

Other Southwest Floridians who will assist with transition activities include former House member Dudley Goodlette assisting Chief Financial Officer-elect Jeff Atwater; former Senator Dave Aronberg assisting Attorney General-elect Pam Bondi; and former Congressman, CIA Director, Mayor of Sanibel and SWFRPC Councilmember Porter Goss assisting Agriculture Commissioner-elect Adam Putman.

Attached for your review and information are articles and reports including "Florida's Cabinet Transition Team and Economic Advisors," "Economic Advisors," report on "Special Session 2010A," Organizational Session Report by Ronald Book, Executive Director of FRCA, and the Council's 2011 Key Legislative Priorities.

**RECOMMENDED ACTION:** For your information and staff direction.



## Florida's Cabinet Transition Team and Economic Advisors

### Pam Bondi

**Attorney General:** The former state attorney from Tampa has a transition team that includes former House Speaker Larry Cretul and Carlos Muniz, a high-level adviser to former governors, CFOs and speakers.

Most notable of all on the attorney general's transition team is the man who has the job now, Bill McCollum. A huge part of the AG race was a referendum on Obama's health care plan. Bondi will continue the federal lawsuit challenging its constitutionality. On Thursday, November 18<sup>th</sup>, Bondi and McCollum sent a joint letter to 13 incoming governors and attorneys general asking them to join the 20 states that are already a part of the lawsuit.

Former Democratic state senator, Dave Aronberg, once a candidate for the job of AG will help out with Florida's notoriety as a haven for prescription drugs.

Another of Bondi's vanquished opponents in the GOP primary, former Pensacola lawmaker and Crist-administration agency head Holly Benson is on the Medicaid-fraud advisory team.

### Jeff Atwater

**Chief Financial Officer:** Atwater becomes CFO after two years as president of the Senate.

Former Senator Al Lawson, a Tallahassee Democrat, is among those advising Atwater.

Dudley Goodlette a Republican from Naples's, a former House member, attorney and the chief of staff (power) behind Cretul's speakership for the last two years.

### Adam Putnam

**Agriculture Commissioner:** Putnam, himself fresh off service in Congress, has Porter Goss - former director of the CIA, former congressman representing Lee County, former mayor of Sanibel - as a transition-team co-chair.

Allan Bense, former House speaker from Panama City, is another transition co-chair.

Trey McCarley, who was Putnam's campaign manager after working the same job for current Commissioner Charles Bronson's 2006 re-election campaign, is executive director of the transition.

## Economic Advisors

Brian Burgess, Governor-elect's, communication director, recently said in an email that "Governor-elect Scott believes in the power of the free market and in individual empowerment, and the people of his economic team are all experts in implementing effective, free market economic policies – exactly what Florida needs to fix a broken economy and create jobs."

The economic advisors are led by **Donna Arduin**, who served as director for the Office of Policy and Budget under the Governor Jeb Busch. She held similar positions while working for governors Arnold Schwarzenegger in California and George Pataki in New York.

Known as "the father of supply side economics", **Arthur Laffer**, is also a big name advisor to the Governor-elect Scott. He served as an economic advisor to President Ronald Regan and is known for the "Laffer Curve," which says that increasing taxes beyond an optimal point discourages work and decreases government revenue.

Also members of the Governor-elect economic advisor team are:

**Tad DeHaven** of the Libertarian Cato Institute;

**Talmadge Heflin**, director of the Texas Public Policy Foundation's Center for Fiscal Policy;

**Randall Holcombe**, a Florida State University professor and senior fellow at the conservative James Madison Institute in Tallahassee; and

**Robert McClure**, president and CEO of the James Madison Institute.

The hall of fame of conservative economists will help Governor-elect Scott develop his first budget, which is due February 4<sup>th</sup>, 2011.

Governor-elect Scott said in a recent speech that he will call for a transparent, outcome-based biennial budget; increasing government spending only as the private sector grows; avoiding temporary federal assistance; requiring state employees to contribute to their pension plans; reducing prison costs by paying competitive salaries for prison staff; reducing the state workforce; tort reform; cutting back regulations and eliminating the corporate tax.

## **SPECIAL SESSION 2010A**

The Florida Legislature returned to Tallahassee this week to begin preparations for the 2011 Legislative Session which will commence on March 8. Most of the proceedings were organizational as well as ceremonial. Both chambers officially chose their presiding officers - Senate President Mike Haridopolos (R-Melbourne) and House Speaker Dean Cannon (R-Winter Park). Further, all members took the oath of office, and some Committee chairs were announced.

As a result of Republicans winning enough new seats to give them the two-thirds majority vote necessary to override gubernatorial vetoes, legislative leaders convened a one-day special session on Tuesday. The purpose of the session was to override vetoes performed by outgoing Governor Charlie Crist of several bills with subject matters such as limiting agency rulemaking authority, hospital funding, septic tank evaluations, and agricultural land property tax exemptions.

### **AGRICULTURE VETO OVERRIDE**

One vetoed bill that was overridden this week is was HB 981 which contained language that requires the Department of Agriculture & Consumer Services (DACS) to establish a workgroup of pest control industry representatives to develop recommendations on how to amend chapter 482 to ensure appropriate disciplinary action can be taken against licensees. This workgroup was established prior to the last session and meetings have continued. The veto override places the requirement for DACs to submit a report of this workgroup to the Legislature by January 1<sup>st</sup> into statute.

This legislation also requires that land classified as agricultural land shall retain that classification when offered for sale if the land continues to be used primarily for bona fide agricultural purposes. The bill also provides that structures or improvements used for horticultural production for frost or freeze protection and improve the quality or conservation of water, as designated by the DACS interim measures or best management practices shall be assessed by the methodology required for the assessment of land used for agricultural purposes.

### **RULEMAKING VETO OVERRIDE**

The Legislature approved HB 1565 in response to the business community's assertion that state agencies promulgate rules that increase bureaucracies and that do not take into account the fiscal impact the rule would have on small businesses. This legislation requires an agency to prepare a statement of estimated regulatory costs prior to the adoption, amendment, or repeal of a rule that either has an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state. If the costs, which would include employment, private investment and economic growth, are projected to exceed \$1 million over five years, the regulation must be ratified by the Legislature before it can take effect.

### **STATE OWNED LANDS OVERRIDE**

The Legislature approved SB 1516 which authorizes the Department of Environmental Protection (DEP) to create and maintain a comprehensive state-owned real property database that includes an accurate inventory of all real property leased, owned, rented, and otherwise occupied or managed by the state, the judicial branch, and the water management districts. It directs the DEP to submit a report that lists state-owned real property recommended for

disposition to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**LEGISLATIVE LEADERSHIP AND COMMITTEE ASSIGNMENTS**

Both Chambers will return in December to begin deliberations on legislative issues. The schedule of interim committee meeting is as follows:

December 6-10	February 7-11
January 10-14	February 14-18
January 24-28	February 21-25

Florida Senate - President Haridopolos has named Sen. Mike Bennett to be President Pro Tem and announced other members of his leadership team including:

John Thrasher, Rules Chair  
Andy Gardiner, Majority Leader  
Anitere Flores, Majority Whip  
David Simmons, Majority Whip

Further, Democratic leader Nan Rich has appointed Sen. Arthenia Joyner Democratic leader Pro Tem.

Following are the Committees and subcommittees that could deliberate on issues that would affect the District:

- *Agriculture* – Chair, Gary Siplin, Vice-Chair, Larcenia Bullard
- *Budget* – Chair, JD Alexander, Vice-Chair Joe Negron
  - *General Government Appropriations* – Chair, Alan Hays, Vice-Chair Lizbeth Benacquisto
- *Community Affairs* – Chair, Mike Bennett, Vice-Chair Jim Norman
- *Environmental Preservation and Conservation* – Chair, Charlie Dean, Vice-Chair Steve Oelrich
- *Governmental Oversight and Accountability* - Jeremy Ring, Vice-Chair, Gary Siplin
- *Subcommittee on Ethics and Elections* – Chair, Miguel Diaz de la Portilla, Vice-Chair, Nancy Detert

House of Representatives - Speaker Cannon named Rep. John Legg to serve as Speaker Pro Tem. Others in his leadership team include:

Carlos Lopez-Cantera, Majority Leader  
Gary Aubuchon , Rules Chair  
Will Weatherford, Redistricting Chair

Rep. Ron Saunders is the Democratic leader and his leadership includes:

Joe Gibbons, Leader Pro Tem  
Rick Kriseman, Policy Director  
Evan Jenne, Democratic Whip

Cannon also named several Committee Chairs but will not release the subcommittee chairs or complete committee memberships until early December. Following are the House committees and subcommittees that could deliberate on issues affecting the District:

***Appropriations Committee*** - Denise Grimsley

- *Agriculture and Natural Resources Appropriations Subcommittee*

***State Affairs Committee*** - Seth McKeel

- *Agriculture and Natural Resources Subcommittee*
- *Government Operations Subcommittee*

We will continue to update you as more Committee assignments are released. If you have any questions or need further information, please contact Community & Legislative Affairs.





Ronald L. Book, P.A.

LAW OFFICES  
PROFESSIONAL ASSOCIATION

ORGANIZATIONAL SESSION  
2010/2011

This week, the new freshman class of legislators was sworn in at the organizational session. House and Senate leaders also used the opportunity to override vetoes of several pieces of legislation, and began work on their overhaul of the state's Medicaid program.

Florida generally followed the rest of the country by electing more Republicans than Democrats, further solidifying Republican dominance in the Florida Legislature. The Senate will be more conservative than in recent years, causing Senate President-Designate, Mike Haridopolos, to dub it the "new Senate." Despite some close races, the Senate did not lose any Republican seats this go-round, and actually gained two additional Republican seats.

- Jack Latvala (R), will replace Charlie Justice (D), in the District 16 seat, which includes parts of Pinellas and Hillsborough
- Lizbeth Benaquisto, (R), will replace Dave Aronberg (D), in the District 27 seat, which includes Palm Beach and parts of Glades, Charlotte Hendry and Lee counties

The Florida House followed the Florida Senate, with Republicans keeping all of their current seats and picking up five additional seats.

- Elizabeth Porter (R), unseated incumbent Debbie Boyd in the District 11 seat, a rural district which covers Alachua, Columbia, Dixie, Gilchrist, Lafayette and Suwannee counties
- Larry Ahearn (R), unseated incumbent Janet Long in the District 51 seat in Pinellas County
- Jeff Brandes (R), unseated incumbent Bill Heller in the District 52 seat in Pinellas County

- Ray Pilon (R), unseated incumbent Keith Fitzgerald in the District 69 seat which includes parts of Manatee and Sarasota counties
- Former member Gayle Harell (R), unseated incumbent Adam Fetterman in the District 81 seat, which includes parts of Martin and St. Lucie

This week's ceremonies also gave us a glimpse into House and Senate priorities for the upcoming session. Not surprisingly, Senator Haridopolos made it clear he will pursue TABOR, which provides caps on local government revenues and limits government spending. Senator Joe Negron, chair of the Health and Human Services Appropriations Committee, and a key Haridopolos confidante indicated a willingness to look at lawsuit reform for physicians who treat Medicaid patients. He also expressed an interest in reforming the state's low income pool funding, redirecting funds so that the "money follows the patient."

### Medicaid

House and Senate leaders took the first steps to reform Florida's Medicaid program by approving a memorial that calls on the US Congress to restructure the Medicaid program. The Memorial also outlines a set of principles that the Legislature will use when it adopts comprehensive reform legislation in the 2011 session.

While the Congressional reforms are worth noting, the real meat of the Memorial is the state's approach to reform during the 2011 session. Specifically, the Memorial calls for:

- Expansion of managed care for all Medicaid participants;
- Expansion of the managed care pilot statewide;
- Increase fiscal predictability by utilizing capitated, risk adjusted payment methodologies.

In simplest terms, it appears the Legislature's plan is to move Medicaid recipients into managed care, traditionally known as HMOs. However, Senate leaders explained that their vision of managed care is not strictly limited to HMOs, but includes others care models, such as Provider Service Networks and "Medical homes."

To date, no legislation has been introduced, but we fully expect the Legislature to pick up where the House Medicaid bill left-off last session. Clearly, the issue will be a top priority.

## Veto Overrides

### **Indigent Patient funding item - \$9.7 million**

#### **HB 545 - Residential Property Sales**

**Legislature's Rationale for Veto Override:** Allowing the mitigation disclosure statute to take effect will not improve Florida's housing market. The statute is a potential impediment to home sales in Florida because it puts an additional burden on the seller by adding a step to the home sale process. Florida's housing market is already in disarray, and requiring home sellers to incur an additional cost to sell a home and jump through another hoop in the home selling process would likely further impair and undermine the Florida real estate market, making it harder for the market to recover.

#### **SB 560 - Solid Waste Disposal**

**Legislature's Rationale for Veto Override:** Combined collection with household waste can allow more efficient and less costly collection and possibly fewer waste-hauling trucks on the road. This, in turn, may result in a cost savings for citizens. Decreased vehicle traffic would actually reduce energy consumption and reduce greenhouse gas emissions as well. Allowing these landfills to accept yard trash will increase the amount of landfill gas generated, resulting in greater efficiency and more alternative fuel produced.

#### **HB 981 - Agriculture**

**Legislature's Rationale for Veto Override:** The bill was not intended to allow developers to take advantage of the agricultural classification. Rather, the bill only pertains to the offering of property for sale by the current owner and not to an actual sale. This bill would protect farmers and other landowners who choose to offer their property for sale from losing their agricultural classification and having to pay higher property taxes even though the land continues to be used primarily for a bona fide agricultural purpose.

If this veto is not overridden, beginning January 1, 2011, property appraisers may apply the court's decision in such a manner as to deny agricultural classifications for agricultural lands being offered for sale but continuing to be used for bona fide agricultural purposes. This result would increase financial hardships for farmers, increase pressures to sell their agricultural lands, and could actually lead to the conversion of such lands to nonagricultural purposes.

#### **HB 1385 - Petroleum Contamination Site Cleanup**

**Legislature's Rationale for Veto Override:** The Governor's DEP was actively involved in drafting the legislation. The DEP will be able to use available appropriations for both active and passive remediation techniques and to assess low scored sites to minimize or eliminate contamination threats to public health and the environment in an improved,

efficient and effective manner. State-funded contaminated sites that are in the backlog will become active sooner thereby reducing the backlog of over 8,800 sites that qualify for state funding.

The limitation on local regulations was negotiated with local governments.

#### **SB 1516 - State Owned Lands**

**Legislature's Rationale for Veto Override:** The Governor's stated reason for vetoing the bill ignores the fact that DEP currently maintains inventories of lands that are not conservation lands. It contradicts the conclusion and recommendation of the DMS workgroup that the current DEP Lands Information Tracking System be used to create the comprehensive system, which would allow for full implementation within nine months of starting work. The LITS project was identified by the workgroup (including DMS and DEP, which are Governor's agencies headed by secretaries he appointed) as the "best chance for success and best value." The creation of this database will allow DEP to retire two current databases in the near future and also may result in the retirement of another database maintained by DMS.

#### **HB 1565 - Rulemaking**

**Legislature's Rationale for Veto Override:** Contrary to the Governor's assertion that the bill encroaches on the principle of separation of powers, it is entirely consistent with the constitutional policy setting role of the Legislature and prior rulings of the Florida Supreme Court. The courts have stated that rulemaking is a legislative function, within the exclusive authority of the Legislature under the separation of powers provision of the Florida Constitution. A state administrative agency has no authority to adopt rules apart from the authority delegated to it by the Legislature.

The bill, as passed, changes the criteria for how certain rulemaking authority granted to agencies is addressed. Under the bill, rules having economic impacts above specified thresholds cannot take effect unless the Legislature, as a body, reviews and ratifies those rules.

Failure to override the Governor's veto will allow executive agencies to continue adopting administrative rules with significant negative economic impacts at a time when the state's economy is struggling to recover from the most serious economic downturn.

#### **SB 1842 - Transportation Projects**

**Legislature's Rationale for Veto Override:** The bill provides an important opportunity for public input, which is needed to protect the interests of citizens and businesses in providing input during early stages of the government decision-making process. If the veto stands, Florida businesses impacted by DOT projects may not have the opportunity to timely relay concerns about DOT projects during the projects' design

phase. The bill's notice and public hearing process for access modification projects is vitally important because changing access to property can have significant impacts, especially to a business location. In addition, property owners and local governments may present DOT with alternative designs that relieve impacts to affected properties (without impacting safety or traffic flow) that were not considered by the agency.

## **Executive Branch and Legislative Branch Organization**

### **Governor Elect Rick Scott Transition**

Governor Elect Rick Scott (R-Naples) has begun to name his transition teams as he begins his shift from campaigning to governing. To date, the Governor Elect has named his transition teams for Law and Order, Health and Human Services, additionally he has created review teams for Agency Reviews, Policy, Scheduling and Operations and Communications. Lastly, Governor elect Scott has created his economic advisory council. During the upcoming weeks we will continue to follow these developments and should you have any questions, as always, please turn to us for assistance.

### **Legislative Organization**

On election night, the Florida Legislature transitioned into a more conservative legislature with the split between elected republicans and democrats widening to an 81 Republican to 39 Democratic margin in the House and a 28 Republican to 12 Democratic margin in the Senate. This is a significant change and an important one in that there are now enough Republicans to override any veto without support from the Democrats. Now, the minority party does not have enough members to utilize specific rules created to slow legislation and in light of that, have less power than in recent history.

### **Legislative Leadership**

During the legislative organizational session November 15 and 16<sup>th</sup>, the Florida House and Senate elected new leadership in Senate President Mike Haridopolos (R-Melbourne) and House Speaker Dean Cannon (R-Winter Park). A newly minted conservative legislature pledges now to concentrate on business development and job creation.

### **Legislative Committee Appointments**

Senate President Haridopolos and Speaker Cannon have outlined their legislative committees and chairmen and women as the new leadership teams for both houses. The following is the complete list of the House and Senate Committee leadership.

## Florida Senate

Florida Senate President Mike Haridopolos announced the appointment of the newly created Republican Conference chair and Majority Whips for the Senate.

- Senator Evelyn Lynn, Republican Conference Chair
- Senator Anitere Flores, Majority Whip
- Senator David Simmons, Majority Whip

Chairman of each of the Senate's 27 committees and subcommittees and joint legislative committee

### Group I

#### **Agriculture**

Gary Siplin, Chair

Larcenia Bullard, Vice Chair

#### **Communications, Energy, and Public Utilities**

Lizbeth Benacquisto, Chair

Christopher Smith, Vice Chair

#### **Community Affairs**

Michael Bennett, Chair

Jim Norman, Vice Chair

#### **Environmental Preservation and Conservation**

Charles Dean, Chair

Steve Oelrich, Vice Chair

### Group II

#### **Banking and Insurance**

Garrett Richter, Chair

Christopher Smith, Vice Chair

#### **Commerce and Tourism**

Nancy Detert, Chair

Paula Dockery, Vice Chair

#### **Regulated Industries**

Dennis Jones, Chair

Maria Sachs, Vice Chair

**Transportation**

Jack Latvala, Chair

Greg Evers, Vice Chair

**Group III**

**Children, Family and Elder Affairs**

Ronda Storms, Chair

Tony Hill, Vice Chair

**Criminal Justice**

Greg Evers, Chair

Charlie Dean, Vice Chair

**Education and Pre K-12**

Stephen Wise, Chair

Larcenia Bullard, Vice Chair

**Health Regulations**

Rene Garcia, Chair

Eleanor Sobel, Vice Chair

**Higher Education**

Steve Oelrich, Chair

Gary Siplin, Vice Chair

**Judiciary**

Anitere Flores, Chair

Arthenia Joyner, Vice Chair

**Group IV**

**Subcommittee on Ethics and Elections**

Miguel Diaz de la Portilla, Chair

Nancy Detert, Vice Chair

**Governmental Oversight and Accountability**

Jeremy Ring, Chair

Gary Siplin, Vice Chair

**Military Affairs, Space and Domestic Security**

Thad Altman, Chair

Tony Hill, Vice Chair

**Reapportionment**

Don Gaetz, Chair

Gwen Margolis, Vice Chair

**Group V**

**Subcommittee on Criminal and Civil Justice Appropriations**

Mike Fasano, Chair

Arthenia Joyner, Vice Chair

**Subcommittee on Finance and Tax**

Ellyn Bogdanoff, Chair

Thad Altman, Vice Chair

**Subcommittee on General Government Appropriations**

Alan Hays, Chair

Lizbeth Benacquisto, Vice Chair

**Subcommittee on Health and Human Services Appropriation**

Joe Negron, Chair

Nan Rich, Vice Chair

**Subcommittee on Higher Education Appropriations**

Evelyn Lynn, Chair

John Thrasher, Vice Chair

**Subcommittee on Education and Pre K-12 Appropriations**

David Simmons, Chair

Bill Montford, Vice Chair

**Subcommittee on Transportation, Tourism and Economic Development  
Appropriations**

Don Gaetz, Chair

Gwen Margolis, Vice Chair

**Group VI**

**Rules Committee and Calendar Group**

John Thrasher, Chair

J.D. Alexander, Vice Chair

**Budget Committee**

J.D. Alexander, Chair

Joe Negron, Vice Chair

## **Joint Committees**

### **Administrative Procedures**

Jim Norman, Chair

## **House of Representatives**

Speaker Cannon has named his leadership team and committee chairs to date and these are as follows:

- John Legg (R- Port Richey) as the Speaker Pro Tempore
- Carlos Lopez-Cantera (R-Miami) as Majority Leader

### **Appropriations Committee**

Denise Grimsley, Chair

### **Rules Committee**

Gary Aubuchon, Chair

### **Economic Affairs Committee**

Dorothy Hukill, Chair

### **Education Committee**

William Proctor, Chair

### **Finance and Tax Committee**

Steve Precourt

### **Health and Human Services Committee**

Robert Schenck, Chair

### **Judiciary Committee**

William Snyder, Chair

### **Redistricting Committee**

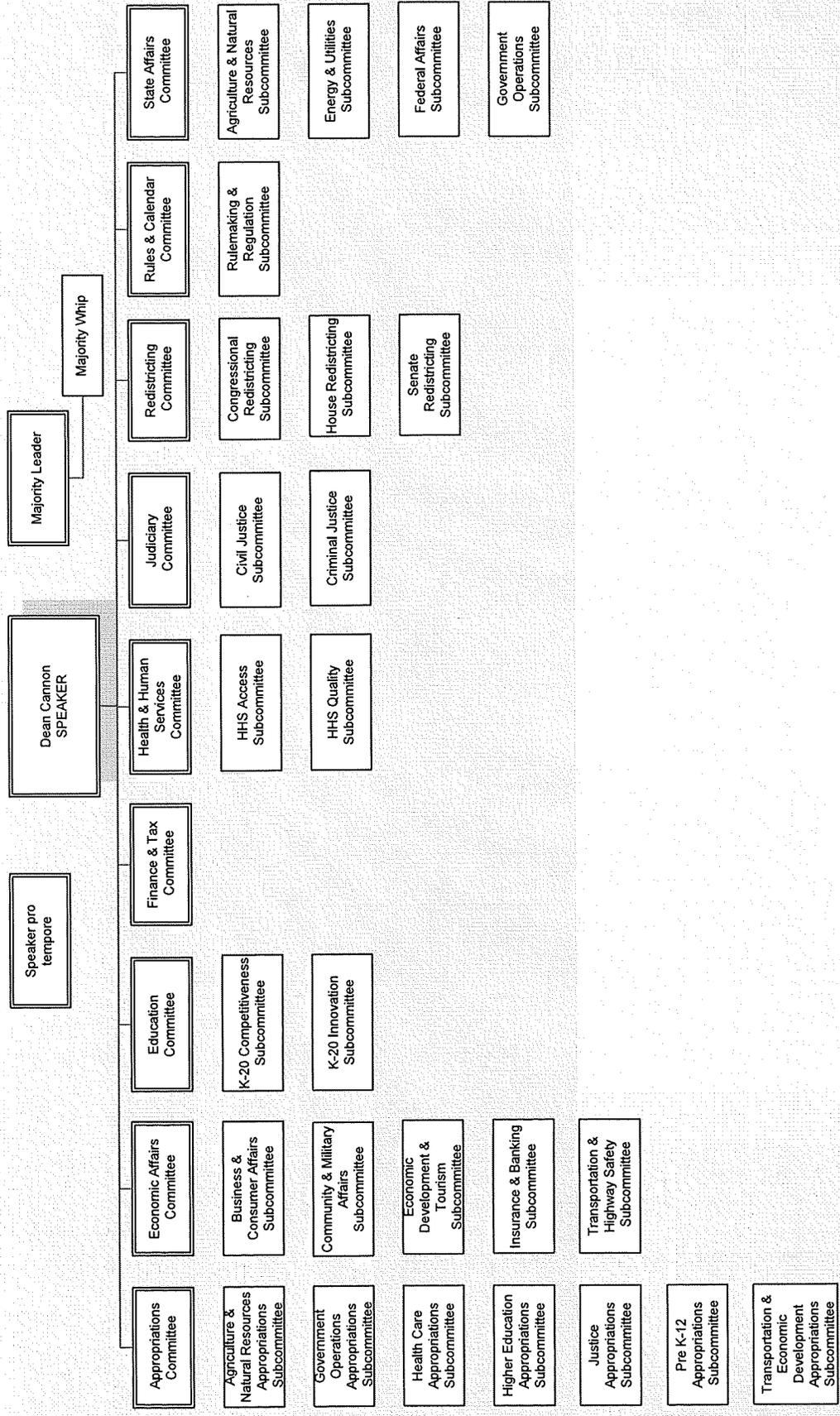
Will Weatherford

### **State Affairs Committee**

Seth McKeel, Chair

We will continue to be available to you throughout this transitional period and as the legislative session approaches. Should you have any questions or need information, please contact us at your convenience. Thank you.

# FLORIDA HOUSE OF REPRESENTATIVES 2010-2012



## House of Representatives

### 2010-2012 Proposed Committee and Subcommittee Structure

#### **Appropriations Committee**

The Appropriations Committee produces the House's proposed budget and conforming and implementing legislation. The committee provides legislative oversight regarding agency and judiciary implementation of the budget, and also reviews the Governor's budget recommendations, agency legislative budget requests, and analyzes trust funds for creation, termination or modification. Additionally, legislation with a fiscal impact is typically heard by the Appropriations Committee or one of its respective subcommittees. Budgetary issues dealing with Public Education Fixed Capital Outlay (PECO) and state employee pay, benefits and retirement issues are also within the purview of the committee.

Appropriations subcommittees recommend budgets for their respective areas to the Appropriations Committee. The purview of the subcommittees is primarily delineated by agency and is listed below.

#### **Agriculture & Natural Resources Appropriations Subcommittee**

The Agriculture & Natural Resources Appropriations Subcommittee's purview includes the Department of Agriculture & Consumer Services, the Department of Environmental Protection, the Fish & Wildlife Conservation Commission, and the Department of Citrus.

#### **Government Operations Appropriations Subcommittee**

The Government Operations Appropriations Subcommittee's purview includes the Department of Revenue, the Department of Financial Services, the Department of Management Services, the Department of Business & Professional Regulation, and the Public Service Commission.

#### **Health Care Appropriations Subcommittee**

The Health Care Appropriations Subcommittee's purview includes the Department of Health, the Agency for Persons with Disabilities, the Department of Children & Families, the Agency for Health Care Administration, the Department of Elder Affairs, and the Department of Veterans Affairs.

### **Higher Education Appropriations Subcommittee**

The Higher Education Appropriations Subcommittee's purview includes funding for state universities, state and community colleges, private colleges and universities, the Board of Governors, the Division of Blind Services, and workforce education and vocational rehabilitation programs in the Department of Education.

### **Justice Appropriations Subcommittee**

The Justice Appropriations Subcommittee's purview includes the Department of Corrections, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs (Attorney General), the courts system, the Justice Administration Commission, and the Parole Commission.

### **PreK-12 Appropriations Subcommittee**

The PreK-12 Appropriations Subcommittee's purview includes funding for Florida's K-12 education system, the Department of Education, the State Board of Education and the Voluntary Pre-K program.

### **Transportation & Economic Development Appropriations Subcommittee**

The Transportation & Economic Development Appropriations Subcommittee's purview includes the Department of Transportation, the Department of State, the Agency for Workforce Innovation, the Office of Tourism, Trade, and Economic Development, the Department of Community Affairs, the Department of Highway Safety and Motor Vehicles, and the Department of Military Affairs.

## **Economic Affairs Committee**

The Economic Affairs Committee oversees policies as they impact Florida's private sector economic activity and the state's role in establishing an attractive, business-friendly environment. The committee seeks to ensure state policies emphasize private sector job creation and retention, while maintaining the appropriate balance of business regulation and consumer protection.

Specific areas of oversight include economic development and tourism, business regulation, insurance and banking regulations, gaming and consumer affairs. The committee also oversees programs and issues that affect Florida's local governments and communities, the military, transportation planning and financing, and highway safety including traffic laws, driver licensing and vehicle registration. As many local bills impact the local economic base and concern matters generally considered by the committee, the Economic Affairs Committee will also address local bills.

## **Business & Consumer Affairs Subcommittee**

The Business & Consumer Affairs Subcommittee oversees the state's regulation and licensing of business and professional entities, consumer regulatory programs and the regulation of alcoholic beverages, tobacco and gaming. The subcommittee's oversight responsibilities cover the Department of Business & Professional Regulation and the consumer service activities of the Department of Agriculture.

## **Community & Military Affairs Subcommittee**

The Community & Military Affairs Subcommittee considers matters related to Florida's growth management policies and issues that affect Florida's local governments, communities and the military. The subcommittee has primary responsibility for the local bill process. This process is designed to ensure that each local bill has a public hearing in the local area affected and that the economic impacts of the bill, if any, are determined.

Also included in the subcommittee's subject areas are active military issues, growth management, housing, community programs such as historical and cultural affairs and libraries, other community related grants and services, and emergency management. The subcommittee's responsibilities cover oversight of the Department of Military Affairs and the Florida National Guard, the Department of Community Affairs, the Division of Emergency Management, the Florida Housing Finance Corporation and the historical, cultural and library activities of the Department of State.

### **Economic Development & Tourism Subcommittee**

The Economic Development & Tourism Subcommittee considers matters related to the economic policies of the state and the state's role in establishing a business-friendly environment. The subcommittee's oversight responsibilities cover of the Governor's Office of Tourism, Trade, and Economic Development, which has contracted out portions of the state's economic development infrastructure to Enterprise Florida, Inc. (statewide economic development), Visit Florida, Inc. (tourism), Space Florida (space and aerospace) and the Florida Sports Foundation (pro and amateur sports). The committee also has oversight over the Agency for Workforce Innovation regarding workforce, unemployment compensation issues and school readiness and the Department of State's Division of Corporations for various corporate filings.

### **Insurance & Banking Subcommittee**

The Insurance & Banking Subcommittee has oversight over policies affecting insurance companies and financial entities in Florida. Oversight areas also include the Department of Financial Services, which administers a number of programs relating to insurance companies and agents, insurance fraud, workers' compensation, state fire marshal and funeral, cemetery and consumer services.

The subcommittee's oversight responsibilities cover the Office of Financial Regulation, the entity that regulates financial institutions (banks, trust companies and credit unions), securities and investments, loan originators, mortgage brokers, debt settlement companies, collection agencies and various lenders such as consumer finance companies, title loan companies, retail installment sales providers, pawnbrokers and money transmitters. The subcommittee also oversees the Office of Insurance Regulation, the entity that regulates insurance companies and insurance agents.

### **Transportation & Highway Safety Subcommittee**

The Transportation & Highway Safety Subcommittee considers matters related to highway and public transportation system infrastructure and services, as well as issues relating to highway safety and the sale, ownership or operation of vehicles. The subcommittee's oversight responsibilities cover the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

## **Education Committee**

The Education Committee considers matters related to PreK – 12 education and postsecondary education. The committee's oversight responsibilities cover the Department of Education, the Board of Governors, and the State Board of Education, as well as numerous other educational entities and programs.

### **K-20 Competitiveness Subcommittee**

### **K-20 Innovation Subcommittee**

The K-20 Competitiveness and K-20 Innovation Subcommittees share jurisdiction for issues affecting PreK-12 education and higher education policy areas. Legislation dealing with education issues may be referred to either subcommittee. There will be no functional difference between the two subcommittees outside of their membership.

## **Finance & Tax Committee**

The Finance and Tax Committee's purview encompasses issues concerning all state and local taxes and select non-tax revenue sources, and addresses statutory and constitutional policy regarding tax rates, tax base design and collection and enforcement parameters. The committee may also consider debt financing policy, the furtherance of economic development goals, easing tax administration burdens for state and private entities and enhancing enforcement capabilities.

## **Health & Human Services Committee**

The Health & Human Services Committee considers matters related to programs, regulations, and systems that purchase or provide health care, health care coverage, social services and financial assistance for Floridians and their families. The Committee's oversight responsibilities cover the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Children and Families, the Department of Elder Affairs, the Department of Health and the Florida Department of Veterans' Affairs.

### **HHS Access Subcommittee**

### **HHS Quality Subcommittee**

The HHS Access Subcommittee and the HHS Quality Subcommittee share jurisdiction for health and human services issues. Legislation dealing with such matters may be referred to either subcommittee. There will be no functional difference between the two subcommittees outside of their membership.

## **Judiciary Committee**

The Judiciary Committee considers matters related to the broad range of civil and criminal law issues, including public safety and the fair and efficient administration of justice through the court system.

The Committee's oversight responsibilities in the criminal law area cover the Florida Department of Law Enforcement, Department of Juvenile Justice, Department of Corrections, Florida Parole Commission and other criminal justice entities such as state attorneys, public defenders, regional conflict counsel, capital collateral regional counsel and local law enforcement/jails.

In the civil law area, the Committee's oversight responsibilities cover the judicial branch including courts, clerks of court and related court entities such as the Justice Administrative Commission, the Judicial Qualifications Commission and the Department of Legal Affairs (Attorney General).

### **Civil Justice Subcommittee**

The House Civil Justice Subcommittee considers matters related to civil litigation, business law, family law, constitutional amendments, real property and probate law, guardianship and trust law. The subcommittee also has responsibility over claim bills.

The subcommittee's oversight responsibilities cover the court system in general, including court rulemaking, clerks of court and related entities such as the Justice Administrative Commission and the Judicial Qualifications Commission. The subcommittee also has oversight of the Department of Legal Affairs (Attorney General) and has historically been the lead subcommittee in investigations that may lead to impeachment of a justice or judge.

### **Criminal Justice Subcommittee**

The Criminal Justice Subcommittee considers matters related to criminal justice, juvenile justice and corrections.

The subcommittee's oversight responsibilities cover the Florida Department of Law Enforcement, Department of Juvenile Justice, Department of Corrections and the Florida Parole Commission. The subcommittee also has oversight of other criminal justice entities such as state attorneys, public defenders, regional conflict counsel, capital collateral regional counsel and local law enforcement/jails.

## **Redistricting Committee**

The focus of the Redistricting Committee is consideration and approval of reapportionment and redistricting plans for Florida's State Legislative and Congressional districts. The primary goal of the Committee is to facilitate an open redistricting process for the public and every member of the House, in compliance with all applicable state and federal laws.

## **Congressional Redistricting Subcommittee**

The primary focus of the Congressional Redistricting Subcommittee is consideration and approval of reapportionment and redistricting plans for Florida's Congressional districts.

## **House Redistricting Subcommittee**

The primary focus of the House Redistricting Subcommittee is consideration and approval of reapportionment and redistricting plans for Florida's State House districts.

## **Senate Redistricting Subcommittee**

The primary focus of the Senate Redistricting Subcommittee is consideration and approval of reapportionment and redistricting plans for Florida's State Senate districts.

## **Rules & Calendar Committee**

The Rules & Calendar Committee submits Special Order and Consent Calendars for adoption by the House. The committee recommends special amendment deadlines and procedures for appropriations bills, implementing and conforming bills and special floor procedures for the management of amendments and debate on particular bills on second and third reading.

## **Rulemaking & Regulation Subcommittee**

The Rulemaking & Regulation Subcommittee's considers matters related to the authority, process, review and oversight of rulemaking and regulation by government officials and agencies. This includes the operation of the state Administrative Procedures Act, special procedures that replace or supplement the APA, and delegations of legislative authority through grants of rulemaking power. Some oversight of the Division of Administrative Hearings can be expected, as well as an emphasis on matters of state and local regulation of private commercial activities.

## **State Affairs Committee**

The State Affairs Committee considers matters related to the oversight and use of state resources, including issues relating to Florida's agriculture and citrus industries, environmental protection, the conservation of Florida's natural resources, energy, utilities and telecommunications regulation, state agency governance, ethics and elections, and state/federal relations.

The committee's oversight responsibilities cover the Department of Agriculture and Consumer Services (excluding consumer affairs issues), the Department of Citrus, the Department of Environmental Protection, the state's five water management districts, the Fish and Wildlife Conservation Commission, the Florida Public Service Commission, the Florida Energy & Climate Commission within the Executive Office of the Governor, the Governor and Cabinet sitting as the Utility Siting Board, and the Florida Energy Systems Consortium comprised of the 11 state universities.

## **Agriculture & Natural Resources Subcommittee**

The Agriculture & Natural Resources Subcommittee considers matters related to Florida's agriculture and citrus industries, environmental protection and the conservation of Florida's natural resources.

The subcommittee's oversight responsibilities cover the Department of Agriculture and Consumer Services (excluding consumer affairs issues), the Department of Citrus, the Department of Environmental Protection, the state's five water management districts and the Fish and Wildlife Conservation Commission.

## **Energy & Utilities Subcommittee**

The Energy & Utilities Subcommittee considers matters related to energy efficiency standards, utilities and telecommunications regulation and environmental regulations associated with energy production and transportation.

The subcommittee's oversight responsibilities cover the Florida Public Service Commission, the Florida Energy & Climate Commission within the Executive Office of the Governor, the Governor and Cabinet sitting as the Utility Siting Board, energy related programs and activities within the Department of Environmental Protection, the Department of Agriculture & Consumer Services, the Department of Community Affairs, the Florida Building Commission, and the Department of

Management Services, and the Florida Energy Systems Consortium comprised of the 11 state universities.

### **Government Operations Subcommittee**

The Government Operations Subcommittee considers matters related to state agency governance, including organization and structure, operating procedures and staffing, oversight and accountability, public records and open meetings, collective bargaining and impasse, ethics and elections and employee retirement and pensions.

The subcommittee's oversight responsibilities cover the Agency for Enterprise Information Technology, the Department of Management Services, the Department of the Lottery, the Division of Elections within the Department of State and the State Board of Administration. In addition, the subcommittee assists with initiatives designed to evaluate agency spending and delivery of quality services.

### **Federal Affairs Subcommittee**

The Federal Affairs Subcommittee considers matters related to state/federal relations, including federal policy that encroaches on issues traditionally reserved to the states, negatively affects the state's economy or taxpayers, or infringes on the personal freedoms of Floridians guaranteed by the Florida and U.S. Constitutions. The committee will also address issues particular to the state's Washington Office, which is intended to serve the Governor, the Florida Senate and the Florida House of Representatives.

# Governor-Elect Rick Scott Assembles Two Teams Focused on Fixing Florida's Economy

November 29, 2010 By Rick Scott

**FORT LAUDERDALE, FL** – Governor-Elect Rick Scott continued taking steps towards getting Florida back to work, today announcing two new transition teams tasked with identifying opportunities to reduce the size of government, transform the regulatory climate in Florida and look for ways to attract new businesses that will create 700,000 new jobs over the next seven years.

As part of what Scott calls 'fact-finding missions,' the Economic Development and Regulatory Reform transition teams have been tasked with identifying innovative ideas from the private sector, success stories from other states, cost-saving opportunities and legislative priorities that can assist the Governor-elect with implementing his 7-7-7 jobs plan.

Making good on his campaign promise to 'get to work,' Scott has steadily announced his transition team members. Scott pointed to the Economic Development and Regulatory team members as a distinguished and experienced group who have created jobs or reduced government throughout their careers.

## **The Economic Development Transition Team Includes:**

Chair: Wayne Huizenga, Jr., Huizenga Holdings

Amy Evancho, President & CEO, Florida Economic Development Council

Nancy Thompson, Regional VP, ResCare Workforce Services

Tammie Nemecek, President, Collier County Economic Development Council

Chuck Cobb, Senior Managing Director and CEO, Cobb Partners

Anthony Connelly, Senior Vice President and CFO, Walt Disney Parks and Resorts US

Allen Douglas, Legislative Director, National Federation of Independent Business (NFIB)

Bill Johnson, Director, Port of Miami

Timothy Kuebler, Senior Vice President, Titan Florida Cement and Aggregate

Herschel Vinyard, Director of Business Operations, BAE Systems Southeast Shipyards

Alan Levine, Vice President and General Manager, Enterprise Holdings

John McReynolds, Senior Vice President of External Affairs, Universal Orlando Resort

Rick Murell, CEO, Tropical Shipping

Vic Story, Vice Chair, Citrus Commission

Hal Valeche, Owner, York Street Capital Advisors

Lynda Weatherman, President & CEO, Economic Development Council of Florida's Space Coast

Michele Page, President, Florida-Caribbean Cruise Association

Fredrik Eliasson, Vice President, Emerging Markets, CSX

Henry Rodriguez, Board Member, Enterprise Florida

Kevin Johnson, Vice President of Economic Development, St. Joe Company

Brent Christensen, President and CEO, Gainesville Chamber of Commerce

Mali Gardner, Mayor, Clewiston

Jorge Arrizurieta, President, Arrizurieta Associates

Steven Halverson, President, The Haskell Company

Bob Black, ARINC, Inc.

Hannes Hunschofsky, President, Hoerbinger Corp. of America

John Browning, President, Browning Consulting

Phil Waller, SVP MWH America (Global Water and Wastewater Co.)

Jose Hevia, President & CEO, Flagler Co.

Rich Blaser, EVP and CFO, Infinite Energy Inc.

Blake Casper, Chairman and CEO, Caspers Company

Sam Forrest, Vice President, Energy Marketing and Trading, FP&L

John Hitt, President, University of Central Florida

Bernie Machen, President, University of Florida

Dan Rice, President, SunDial Capital Partners

Reinhold Schmieding, Founder and President, Arthrex Inc.

Susan Story, President and CEO, Gulf Power Company

Rasesh Thakker, CEO, Tavistock

Aaron Zahn, CEO, BCR Environmental

Roy Periana, Director, Scripps Energy Laboratories

Karen Diebel, Executive Director, Verizon Business

Doug Callaway, President, Floridians for Better Transportation

Gow Fields, Mayor, City of Lakeland

Joe Waggoner, Executive Director, Tampa/Hillsborough Expressway Authority

Tom Conrecode, VP Government Affairs, Collier Enterprises

Robert Poole, Transportation Director, The Reason Foundation

Janet Watermeier, Executive Director, Bay County Economic Development Alliance

Bob Porteus

Mike Horan, President, Ajax Paving

**The Regulatory Reform Transition Team Includes:**

Chair: Chris Corr, Executive VP, Planning, Design, and Development, AECOM

Peter Rummell, Rummell Company, LLC

Stephen Joost, CEO and Partner, Firehouse Subs

T.R. Hainline, Partner, Rogers, Towers

Carlos Alfonso, CEO, Alfonso Architects

Peter Corrigan, President, Florida Family Insurance Company

Ashton Hudson, Rock Creek Capital

Don Brown, Senior Fellow, The Heartland Institute

William Large, Executive Director, Florida Justice Reform Institute

Phillip Walker, Agent, Allstate

Corey Simon, Partner and Vice President of Community Relations, Gabor Agency

Marlin Hutchens, Vice President, Store Operations, Walgreens

Marc Salm, Vice President, Risk Management, Publix

Richard Clark, President, Supreme Janitorial Service

Peter Boulware, Vice President, Legacy Toyota

Chris Corr, Executive Vice President, Planning, Design, and Development, AECOM

Ken Wilson, Vice President, Gate Petroleum

Jerry Seeber, General Manager, Tampa Bay Water

Billy Buzzett, Attorney

Doug Manson, President, Manson Law Group

Barbara Miedema, Vice President, Public Affairs and Communications, Sugar Cane Grovers Cooperative of Florida

Mike Taylor, Vice President, Sales, Honeywell Building Solutions

Ann Shortelle, Ph. D., MACTEC Engineering and Consulting, Inc.

Albert Joerger

Melissa Meeker, President, Hesperides Group

Carlos Beruff, Medallion Homes

Chris Buckley, Board of Directors, Everglades Foundation

Richard Crotty, Mayor, Orange County Florida



## **Southwest Florida Regional Planning Council**

**Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties**

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 [www.swfrpc.org](http://www.swfrpc.org)

### **2011 Legislative Priorities**

**November 18, 2010**

*The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity representing Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties in 1973. The SWFRPC consists of 34 elected officials from local jurisdictions, gubernatorial appointees, and representatives of state agencies, school and water districts.*

The SWFRPC supports legislative actions consistent with the agency mission to *plan, protect and improve the physical, economic and social environments for the benefit of future generations, and opposes actions which could weaken the ability to effectively implement the Strategic Regional Policy Plan.*

#### **Key policy priorities for 2011:**

1. **Support implementing a state comprehensive renewable energy action plan**
  - that promotes long-term economic security through conservation, energy efficiency including land use and transportation, and renewable energy production;
  - that includes a renewable energy portfolio standard, feed-in tariffs and net metering;
  - that encourages market incentives for sustainable energy sources such as solar and bio-fuels, and electric vehicles for transportation services;
  - that facilitates distributed residential and commercial renewable power generation; and
  - retains current State and Federal bans on offshore drilling for oil and gas.
2. **Support natural resource conservation programs, to include Everglades restoration and Florida Forever, as vital to sustainable economic development including agriculture, fisheries and tourism, and to provide resiliency to natural disasters.**
3. **Oppose unfunded mandates and pre-emption of local authority generally, and specifically regarding fertilizer and stormwater rules.**
4. **Support sufficient funding for DCA and Regional Planning Councils.**

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

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**DIRECTOR’S COMMENTS**

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**RESOLUTION NUMBER 2010-25**

**A RESOLUTION OF THE GLADES COUNTY BOARD OF COUNTY COMMISSIONERS SUPPORTING EFFORTS TO CREATE A REGIONAL TRANSPORTATION AUTHORITY IN THE HEARTLAND OF FLORIDA.**

**WHEREAS**, the Heartland Region of Florida is defined as the geographic area of Hardee, DeSoto, Highlands, Okeechobee, Glades and Hendry Counties; and,

**WHEREAS**, Glades County recognizes that the Heartland Region is centrally located in the southern half of Florida; and,

**WHEREAS**, The Bureau of Economic and Business Research (BEBR) estimates the population of the southern half of Florida in 2035 to be approximately fifteen million (15,000,000) people; and,

**WHEREAS**, Glades County is aware of the need to expand the transportation network, including roads, rail, air, seaports, and intermodal facilities; and,

**WHEREAS**, Glades County is aware of the need to expand the transportation network, including roads, rail, air, seaports, and intermodal facilities to accommodate the projected growth in the southern half of Florida and elsewhere; and,

**WHEREAS**, Glades County is aware of the need to expand the transportation network, including roads, rail, air, seaports, and intermodal facilities to attract and add advanced manufacturing, distribution, and export and import businesses in the Heartland Region so as to provide supply chain infrastructure that will enable Florida and the Heartland Region to become a global hub for advanced manufacturing and distribution; and,

**WHEREAS**, Glades County is aware of the need to expand the transportation network, including roads, rail, air, seaports, and intermodal facilities to accommodate the increased amount of freight traffic due to the expansion of the Panama Canal and the projected relocation of a World trade route through the Heartland Region; and,

**WHEREAS**, Glades County believes that the county governments in the Heartland Region should have input on any plan for the expansion of the transportation infrastructure in the Heartland Region; and,

**WHEREAS**, the creation of a Heartland Regional Transportation Authority is a means for county governments to have input on any plan for the expansion of the transportation infrastructure in the Heartland Region; and,

**WHEREAS**, the creation of a Heartland Regional Transportation Authority could facilitate the successful inclusion of public-private partnerships to build and fund the expansion of the transportation infrastructure in the Heartland Region.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Glades County, Florida, that it supports the efforts to develop State legislation necessary to create the Heartland Regional Transportation Authority and that it supports requesting the State Legislature and Governor to create and provide initial funding for implementation of the Heartland Regional Transportation Authority for the Heartland Region of the State.

BOARD OF COUNTY COMMISSIONERS  
GLADES COUNTY, FLORIDA

ATTEST:

By:   
Russell Echols, Chairman



Executed this 22 day of November, 2010, in  
Glades County, Florida.



Joe Flint, Clerk of Courts

