



# SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

**Thursday, February 17, 2011**

**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 – Mrs. Nichole Gwinnett

PUBLIC COMMENTS

INTRODUCTION OF NEW MEMBERS:

- Commissioner Joseph Miller, City of Clewiston

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|---|---------|
| 1. AGENDA   | Page 1  |
| 2. MINUTES OF JANUARY 20, 2011  | Page 7  |
| 3. CONSENT AGENDA   | Page 18 |
| a) Intergovernmental Coordination and Review  | Page 20 |
| b) Financial Statement for January 31, 2011 & Grant Activity Status Sheet   | Page 26 |
| c) Member Appointments and Certification for the Glades & Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged | Page 45 |
| d) SWFRPC 2011 Committee Structure  | Page 50 |
| 4. ADMINISTRATIVE ISSUES (Presentations from 9:15 to 10:00 am)  |         |
| a) Appointment to the Estero Bay ABM Committee – Ms. Liz Donley   | Page 59 |
| b) Estero Bay Agency On Bay Management Report – Mr. James Beever  | Page 65 |
| c) SWFRPC Information Technology Update – Ms. Jennifer Pellechio & Ms. Toni Bleiweiss, Lee County Clerk of Courts                           | Page 74 |
| d) SWFRPC SRPP Update – Mr. David Crawford  | Page 77 |
| e) Community Collaborative Initiative Issues – Mr. Ken Heatherington  | Page 79 |

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).

5. **REGIONAL ISSUES (10:00 to 11:15 a.m.)**
  - a) The Impact of Multiple Freezes on Agriculture – **Mr. Robert Halman, Collier County**  
**Agricultural Extension** **Page 100**
  - b) TABOR Report – **Mr. Dave Hutchinson** **Page 102**
  - c) Health and the Integration of Planning – **Mr. Ken Heatherington** **Page 106**
  - d) Legislative Summary Report– **Mr. Dave Hutchinson** **Page 109**
    - FRCA Legislative Weekly Report
    - APA Bill Tracking Report
    - Fertilizer Ordinances and Preemption
    - Proposed Changes to Chapters 163 and 380 F.S.
6. **DIRECTOR'S COMMENTS**
7. **STATE AGENCIES COMMENTS/REPORTS**
8. **COUNCIL ATTORNEY'S COMMENTS**
9. **COUNCIL MEMBERS' COMMENTS**
10. **ADJOURN**

**NEXT SWFRPC MEETING DATE: March 17, 2011**

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

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

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

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

**EDA - Economic Development Administration**

**EDC - Economic Development Coalition**

**EDD - Economic Development District**

**EPA – Environmental Protection Agency**

**FAC - Florida Association of Counties**

**FACTS - Florida Association of CTCs**

**FAW - Florida Administrative Weekly**

**FCTS - Florida Coordinated Transportation System**

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

**FDEA - Florida Department of Elder Affairs**

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

**FDOT - Florida Department of Transportation**

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

**FIAM – Fiscal Impact Analysis Model**

**FLC - Florida League of Cities**

**FQD - Florida Quality Development**

**FRCA -Florida Regional Planning Councils Association**

**FTA - Florida Transit Association**

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

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

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

**JPA - Joint Participation Agreement**

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

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

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

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

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

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

2

Minutes

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2

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
JANUARY 20, 2011**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **January 20, 2011** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Chuck Kiester** called the meeting to order at **9:02 a.m.** **Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Deborah Kooi conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Commissioner Robert Skidmore, Commissioner Tricia Duffy, Mr. Michael Grant

**Collier County:** Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Ms. Pat Carroll

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

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

**Lee County:** Commissioner Frank Mann, Councilman Forrest Banks, Councilwoman Martha Simons

**Sarasota County:** Commissioner Carolyn Mason, Commissioner Christine Robinson, Commissioner Tom Jones, Councilman Kit McKeon

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

**MEMBERS ABSENT**

**Charlotte County:** Councilwoman Rachel Keesling, Ms. Andrea Messina

**Collier County:** Mr. Bob Mulhere

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

**Hendry County:** Commissioner Mali Gardner

**Lee County:** Councilman Mick Denham, Mayor John Sullivan, Commissioner Brian Bigelow, Ms. Laura Holquist, Councilman Tom Babcock, Mr. Paul Pass

**Sarasota County:** Mr. George Mazzarantani, Mr. Felipe Colón

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

### **INTRODUCTION OF NEW MEMBERS**

Chair Kiester introduced the following new members:

- Commissioner Christine Robinson, Sarasota County BOCC
- Councilwoman Martha Simons, City of Bonita Springs
- Commissioner Daniel Akin, City of LaBelle

### **PUBLIC COMMENTS**

No public comments were made at this time.

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

**Mr. Grant moved and Commissioner Turner seconded to approve the agenda as presented. The motion carried unanimously.**

### **AGENDA ITEM #2 MINUTES OF DECEMBER 16, 2010**

**Commissioner Turner moved and Mr. Grant seconded to approve the minutes of December 16, 2010 as presented. The motion carried unanimously.**

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

**Commissioner Turner moved and Commissioner Skidmore seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for December 31, 2010 & Grant Activity Status Sheet; Agenda Item #3(c) Executive Summary - 1\* Quarter; Agenda Item #3(d) Olde Cypress DRI - NOPC; and Agenda Item #3(e) SWFRPC Budget Amendment FY 10/11 - December 31, 2010.**

Councilwoman Simons noted that she was a member of the Estero Bay Agency on Bay Management (ABM) and when she reviewed the Council's financial statement that there seems to be a potential for funding for the ABM. In the past, the Council had made a decision not to fund the ABM, but she feels that it is a valid and important arm of the Council.

Commissioner Mann noted that the Council did take action and requested temporary funding from Lee County, FGCU and SFWMD in the amount of \$2,500 each. Those entities have paid for this year and the ABM is still housed within the Council.

Councilwoman Simons stated that she believes that the ABM has a \$22,000 budget, but she appreciates those entities for their contributions.

**The motion passed unanimously.**

#### **AGENDA ITEM #4(a)**

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

Mr. James Beever of staff reviewed the item as presented. The State's model fertilizer ordinance is not proceeding forward due to the implementation of the recent bill and also the Governor's Executive Order #1. He also reviewed the four goals adopted by the Committee. The Committee will be reviewing HB 239 which prohibits FDEP from enforcing federal water quality standards adopted under new nutrient standards.

Chair Kiester asked which is more restrictive, the federal or state regulations. Mr. Beever explained that currently under the Clean Water Act, the federal government delegated to the State of Florida water quality review, so the only standards that are being applied within the state at this time are state standards.

Chair Kiester asked what happened to legislation that created outstanding Florida Waters OFWs and doesn't it have some specific standards. Mr. Beever explained that the legislation has been in place. At the time that each OFW is designated there is a study done where water quality samples are taken to determine if standards should be in perpetuity from that point forward.

Councilwoman Simons asked how is a water body determined to be impaired or not impaired at the time of designation. Mr. Beever explained that at the time that most of the OFWs within Southwest Florida were designated, the rule didn't exist. So at the time that the OFWs were designated they took whatever the baseline was at the time. Estero Bay's designation baseline was taken when the tributaries for Estero Bay were designated in 1990s, even though they were probably in much better shape in the late 1960s when the bay was designated. There has been a push to try to weaken the baselines, but it hasn't happened so far. Both FDEP and the WMDs have been standing by it and stating that it needs to be what's designated and needs to be where we are moving towards.

Mr. Beever explained that the impaired waters rule is more recent (6 years ago) and we are in year 5 of the cycle. With those standards, what constitutes impaired is related to a large database which has been collected by the state. The database compiles the conditions of the state's water bodies and the ones that are exceeding levels beyond what seems to be normal are the ones that are considered impaired for a variety of different things. A water body can be impaired for a number of different parameters, such as nutrients, metals, fecal coliforms and some water bodies are impaired for multiples of these parameters.

Councilman McKeon asked what the basis was to stop HB 239 from moving forward. Mr. Beever explained that the main reason was because it costs too much to implement federal nutrient standards. He also noted that there was a large contingency that feels the numeric nutrient content is being driven from a federal standpoint has poor data supporting its standards.

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

#### **SWFRPC Annual Audit FY 2009/2010 - Mr. Jeffrey Tuscan, Tuscan & Company**

Mr. Jeffrey Tuscan of Tuscan and Company gave the Council an overview of the Council's annual audit for fiscal year 2009/2010. He reviewed the capital assets and net assets unrestricted – term usually called “reserves”. The Council's unrestricted reserves going into FY 2011 are \$560,000 and the Council's goal is to monitor and continue to build those reserves.

Councilwoman Simons asked if the Council's reserves are in CDs. Mr. Tuscan replied yes.

Commissioner Duffy asked what the difference was between the DRI and DRI monitoring fees. Mr. Trescott of staff explained that the fees are guided by the State's DRI Review Fee Rule when an application is submitted. The monitoring fee is accrued after the project has been approved, there is a requirement for an annual monitoring report which includes a fee of \$250.

Councilman McKeon asked how the assessments are allocated for the jurisdictions. Ms. Janice Yell of staff explained that the assessments are based on 30 cents per capita which is based on the population statistics. Some cities are paid through the county, such as the City of Venice.

Commissioner Duffy asked staff to give an example of an average population for a county. Staff explained that Charlotte County's 2010 population in April was 166,746, with an increase of 965 people according to the last census. With the 30 cents per capita it would average to approximately 1/3 of the population. Most other counties lost population, including Lee County which lost 10,179 people and Sarasota County which lost 5,340 people for a net loss in the region of 17,861 people.

Councilwoman Simons asked if the population is counted twice, the unincorporated municipalities and incorporated municipalities or as an entire county. Mr. Tuscan explained that the population is counted only once because it is based on the federal census. Staff explained that the cities are backed out of the county's total when a city opts to pay their assessment.

Councilman Banks asked if there is any estimate on how fast OPEB is expected to grow next year. Mr. Tuscan explained that the cost of medical is taken into account and most of these are projecting double digit increases. It is projected on who could buy insurance. Projections will be lower as this entity does not pay for retirees, but allow retirees on the plan.

**Commissioner Skidmore moved and Commissioner Chapman seconded to approve the SWFRPC's Annual Audit for FY 2009/2010 as presented. Motion carried unanimously.**

**AGENDA ITEM #4(c)**

**Appointment to the Peace River Basin Management Advisory Committee - Ms. Liz Donley**

Ms. Donley presented this item. She explained that the committee is planning to meet twice a year. Prior representatives were former Charlotte County Commissioner Adam Cummings and Lee County Commissioner Tammy Hall.

**Commissioner Mann moved and Councilwoman Simons seconded to appoint Commissioner Bigelow to the Peace River Basin Management Advisory Committee as the SWFRPC's Representative. Motion carried unanimously.**

Ms. Donley stated that she will send notification to Commissioner Bigelow of the appointment.

**AGENDA ITEM #4(d)**

**SWFRPC SRPP Update - Mr. David Crawford**

Mr. David Crawford of staff presented this item. He explained that staff has begun the workshop process and creating the TAC committee and scheduling the CAC meetings.

Mr. Heatherington noted that the Council's website is [www.swfrpc.org](http://www.swfrpc.org) and the Council's regional vision is a separate website <http://www.swflregionalvision.com/> and the reason that it is separate is because staff didn't want it to be a government only process.

**AGENDA ITEM #4(e)**

**Community Collaborative Initiative Issues - Mr. Ken Heatherington**

Mr. Heatherington presented this item. The idea with the Community Collaborative Initiative was to discuss what we are working on and what needs coordination and what doesn't. Below lists what is currently be worked on at the RPC.

- 1) Health Planning and Sustainability – next issue of sustainability that we can approach after discussion with the Chair.
- 2) Green Conference & Expos – discussion with regional coordinators on sustainability and they agreed need cooperation and coordination. Perhaps move around county and region. Didn't make sense to have underfunded, under attended conferences.
- 3) Climate Prosperity – Southwest Florida Region was designated as one of the only Climate Prosperity regions in the country in 2008 by Dr. Weiss. Staff has had a discussion with Dr. Weiss recently and there is a possibility of traveling to Brazil in mid-May on behalf of the RPC paid for by Department of State.
- 4) Agriculture and Food System Planning.

- 5) Statewide Broadband Invitation – have federal grant approved, but it is being held up by Governor’s Office. All 11 RPCs will participate.
- 6) Multi- Region Energy Plan – have proposal by National Association of Regional Councils (NARC), which includes the Tampa Bay RPC and the Southwest Florida RPC in compiling a model energy plan for the State of Florida. This effort would include bringing together numerous stakeholders, including Progress Energy, Duke Energy, FPL, etc.
- 7) Regional Transportation Public Private Partnership Alliance – there is a need for further collaboration on a number of issues and how those issues will be accomplished.
- 8) Babcock Steering Committee and Conservation Blueprint – Staff is working with the Charlotte Harbor National Estuary Program (CHNEP) in advancing the work of both the steering committee and conservation blueprint. Mr. Beever of staff explained that this was an ongoing effort over the past three years to develop a conservation blueprint for the region which would show interconnection of different conservation lands. Areas then could be worked out through various means such as conservation easements and other methods of interconnecting all of the landscapes that are within Southwest Florida. This initiative has resulted in a study with a report (blueprint) which is being utilized by the Fish & Wildlife Commission in a pilot project to look at the linkages within Southwest Florida, among the linkages is between Myakka State Park Preserve system and Babcock Ranch system. The effort has been scientifically vetted. The Council has contributed significantly throughout the process with its GIS database and its local knowledge with regards to wildlife issues. Staff has met with state agencies several times and working with number of interested ranchers about setting up a conservation easement, where they would be continuing their ranching and agricultural activities at the same time providing a landscape that would support the wildlife that is present in those areas. Staff noted that FWC has information on their website on this effort.

Mr. Heatherington asked how the national refuge north of Lake Okeechobee fits into this initiative. It was explained that it was a relatively new concept that was announced by the federal government. It includes establishing a new national wildlife refuge along Kississimmee River watershed located north of Lake Okeechobee. The federal government has also been working in this area with agricultural landscape people who are interested in trying to maintain the agricultural landscape and provide water quality protection.

Commissioner Coletta requested to discuss the current master plans and public access issue in Collier County because it has become a real concern. There is an ongoing project in Collier County where a consortium is trying to purchase private land and turn it into panther preserve, which in turn will limit public access. Mr. Beever explained he was familiar with several issues going on in Collier County. He was one of the people who helped establish the first Rural Land Stewardship program in Collier County. He was assigned by the Fish and Wildlife Commission at that time to assist with the process to set up the rural land and rural fringe stewardship programs. He has heard about the proposals to modify that which is being worked on by the landowners and also about the proposed expansions, but it looks like that modification to the Rural Land Stewardship seems to be what is moving forward. Commissioner Coletta explained that the consortium issue is a separate effort from the Rural Land Stewardship Program and asked that any information with respect to this

issue be sent to the Collier County BOCC. Mr. Beever suggested that Collier County BOCC contact the Director of the USF&WS in regards to the issue.

**AGENDA ITEM #5(a)**  
**Hendry County's Economic Strategy and Land Use Plan Presentations**

Commissioner Tristan Chapman gave presentation on Hendry County.

Dr. Fritz Roka, UF-IFAS in Immokalee gave a presentation on the agriculture industry of Southwest Florida.

Ms. Judi Kennington-Korf, Hendry County Administrator explained that Hendry County had entered into an agreement with most of the counties within Southwest Florida for commercial agriculture assistance and as a result, Hendry County Cooperative Extension Office and their commercial Ag agents assist other counties (Charlotte, Lee, Collier, Glades or Hendry) to benefit from the program. She explained that Hendry County is home to several threatened and endangered species. In 2008, RWA was engaged to work on Hendry County's long-term growth management out to 2040. The focus was primarily on rural and agriculture lands, and thus the Rural and Agriculture Lands Study was born. An eleven member committee was appointed by the Hendry County BOCC. The purpose of the study is to maintain the long-term viability of agriculture. The study identifies areas that will preserve environmentally sensitive areas while it will also allow large land owners to be able to use their land more wisely.

Mr. Roger Harrison, Hendry County Economic Development Director announced that Hendry County currently has eleven open prospects. He noted that recently a strategic planning session was held and even though the Hendry County EDC is tasked with economic development it also does a lot of community development by making Hendry County a better place to "live, work and play". The EDC decided to focus in four areas: business retention, business expansion, new business recruitment, and tourism. He then gave an overview of various projects throughout Hendry County.

Mr. Flood stated noted that the SFWMD just recently went out for bid seeking proposals from ranchers to store water on their lands which would also help the issue of the SFWMD purchasing private land and taking it off the local government's tax rolls.

Chair Kiester introduced Matt Spielman of Congressman Mack's office.

**AGENDA ITEM #5(b)**  
**Legislative Summary Report - Mr. Dave Hutchinson**

Mr. David Hutchinson of staff reviewed the item as contained within the agenda packet. He also gave an overview of the FRCA meeting in Tallahassee. He noted that the following items will be addressed: Medicaid Reform, Pensions, Prison Privatization, Education (expanded voucher models and teacher tenure and some of the elements that were included in last year's SB6 which was vetoed), TABOR, and Litigation Reform (at a minimum in the context of Medicaid). It was

suggested by Councilwoman Heitmann for the board to take an active role in lobbying for the RPC issues and not just the local issues.

It was announced that February 7 -9 are the Capitol Days sponsored by the Florida Chamber. The Florida Association of Counties is March 23-24.

Commissioner Coletta suggested that approximately six or more should try to go to Tallahassee in March because he feels that it would be more effective.

Mr. Heatherington explained that staff will be going to a luncheon with the Chair immediately following the board meeting to discuss the Council's Committee structure and for the Legislative Committee there was a brief discussion of asking Commissioner Coletta, Mr. Grant, Commissioner Mann, and Commissioner Turner to serve on the committee. He then stated that he will have Mr. Hutchinson contact each of the Committee members to discuss the mission of the committee.

Commissioner Duffy brought up the issue of Sunshine when members travel together to Tallahassee. Counsel Donley explained that it would have to be noticed properly in order not to be in violation of the Sunshine Laws.

Commissioner Skidmore explained that Janette S. Knowlton, County Attorney of Charlotte County Attorney's Office has advised that Commissioners not travel as a group. Counsel Donley stated that she will research the Attorney General's Office website and see if there are any unofficial opinions regarding the issue. Commissioner Skidmore stated that he would have Charlotte County attorney send wording to Ms. Donley.

Chair Kiester asked that the RPC members be copied on the Sunshine correspondence.

Chair Kiester noted that another committee that will be under discussion will be the Council's Budget Committee. He explained that he has reviewed the Council's rules and apparently all of the current committees cease and desist with the election of a new Chair. One of the more meaningful committees will be the Budget Committee and where as it didn't occur before he feels that the current Treasurer should be Chair of the Budget Committee as opposed to a volunteer.

## **AGENDA ITEM #6 DIRECTOR'S COMMENTS**

The Executive Director announced that the Gulf Citrus Ball is scheduled for April 6 at the LaBelle Civic Center.

**AGENDA ITEM #7  
STATE AGENCIES COMMENTS/REPORTS**

SFWMD – Mr. Flood noted that there continues to be in a rainfall deficit and asked that everyone continue to be cognizant of water usage.

FDEP – Mr. Iglehart announced that a new FDEP Secretary has been approved by the Governor and Cabinet and his first order of business was to seek and obtain approval for the Snook Bight Marina on Fort Myers Beach.

SWFWMD – Ms. Davies noted that SWFWMD’s Regional Water Supply Plan update has been completed and will go before the Governing Board for approval. However, due to the recent changes in Tallahassee and potential changes to the Growth Management Act, staff is recommending that the Governing Board hold off on approval till December 2011.

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

Counsel Donley noted that the Lee County MPO Staff Services Agreement was approved by FDOT; however, staff is waiting for FHWA’s comments.

**AGENDA ITEM #9  
COUNCILMEMBERS’ COMMENTS**

Commissioner Butch Jones announced that there will be three festivals held in Glades County during February: Ortona Cane Grinding, Sour Orange and the Brighton Rodeo.

Commissioner Mason announced that Sarasota County is partnering with Sarasota’s Suncoast Partnership (Homeless) to conduct a 10 year plan.

Commissioner Skidmore announced that Charlotte County has a new airline, so now there are three airlines at the Charlotte County Airport – Allegiant, Direct and Vision.

Commissioner Duffy announced that she had visited a development in Tallahassee with green space and a playground and it was very well designed.

Mr. Heatherington noted that he had lunch with Senator Mike Bennett and the Senator was optimistic that there will be continued funding for the Department of Community Affairs to some degree.

Commissioner Turner announced that the annual Swamp Cabbage Festival in LaBelle.

**AGENDA ITEM #10  
ADJOURN**

The meeting adjourned at 11:38 a.m.

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Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the January 7, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 01.

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

3

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 January 31, 2011 & Grant Activity Sheet**

Approve the financial statement for January 31, 2011 and the grant activity sheet as presented.

### **Agenda Item #3 (c) – Member Appointments and Certification for the Glades & Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged**

Appoint to the LCB:

- **Commissioner Donna Storter-Long** as the Vice-Chairperson.
- Make additional appointments that may be announced.

Authorize the Chairman to endorse the LCB certification form for the LCB.

### **Agenda Item #3(d) – 2011 SWFRPC Committee Structure**

For information purposes.

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

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

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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 January 1, 2011 and ending January 31, 2011.

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.

2/2011

# ICR Council - 2011

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2010-52	Mr. Anthony Beckford	Sarasota County Area Transit (SCAT)	Sarasota County	Sarasota County Area Transit (SCAT) - FTA 5310-36, FY 2011 for Paratransit Bus Replacement.	Federal Transit Administration	\$531,920.00	Regionally Significant and Consistent
2010-53	Mr. Anthony Beckford	Sarasota County Area Transit (SCAT)	Sarasota County	Sarasota County Area Transit (SCAT) - FTA 5311, FY 2011 - Provision of fixed route motorbus service in the nonurbanized area of Sarasota County (City of North Port), Florida.	Federal Transit Authority	\$273,056.00	Regionally Significant and Consistent
2010-54	Mr. Anthony Beckford	Sarasota County Area Transit (SCAT)	Sarasota County	Sarasota County Area Transit (SCAT) - FTA 5316, FY 2011 - To provide new fixed route service in the non-urbanized area of Sarasota County, located in the City of North Port, Florida. This service would serve approximately 2,439 individuals who currently reside in North Port and are not served by direct fixed route service.	Federal Transit Administration	\$273,056.00	Regionally Significant and Consistent
2010-55	Mr. Anthony Beckford	Sarasota County Area Transit (SCAT)	Sarasota County	Sarasota County Area Transit (SCAT) - FTA 5317, FY 2011 - Purchase of one hybrid motorbus for expansion in the non-urbanized area of the City of North Port in Sarasota County Florida. This vehicle would be dedicated to use on a proposed route for Section 5316 - Job Access and Reverse Commute in the non-urbanized area of the City of North Port in Sarasota County, Florida.	Federal Transit Administration	\$580,211.00	Regionally Significant and Consistent
2010-58	Mr. Carlos S. Rionda	Southeast Renewable Fuels, LLC	Hendry County	Southeast Renewable Fuels, LLC - SRF Sweet Sorghum Biorefinery in Hendry County, Florida.	USDA - Rural Energy for	\$110,750,000.00	Regionally Significant and Consistent

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2011-06	Mr. Michael J. Moses, II	Quality of Life Community Services, Inc.	Region	Quality of Life Community Services, Inc. - Section 5310 Grant Application - Purchase of accessible taxicab vehicles for the use of the transportation disadvantaged needing taxicab service. The vehicles will be leased to taxi providers to create accessible taxi services where none exist now.	FTA/FDOT	\$507,080.00	Regionally Significant and Consistent

## *Review in Progress*

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2011-01			Lee County	Sunrise Community of Southwest Florida, Inc. (Cape Coral) 5310 FDOT Grant Application 2010/2011 - Program Vehicle (replacement) purchase.	FDOT	\$41,300.00	Review in Progress
2011-02			Sarasota County	Easter Seals Southwest Florida, Inc. - Application for Federal Assistance Under Section 5310 - Purchase two vans and ten two-way radios to provide transportation services for persons with disabilities in Sarasota and Manatee Counties.	FTA	\$111,491.00	Review in Progress
2011-03			Glades & Hendry Counties	Good Wheels, Inc. - 2011 U.S.C. Section 5317 Grant	FTA	\$100,000.00	Review in Progress
2011-04			Region	Good Wheels, Inc. - 2011 U.S.C. Section 5310 Grant - Purchase two replacement vehicles for high level service to the elderly and persons with disabilities and other equipment for use in transportation business. Items include maintenance equipment, lighting, and computer/software in Lee, Glades and Hendry Counties.	FTA	\$497,818.00	Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2011-05			Glades & Hendry Counties	Good Wheels, Inc. - 2011 U.S.C. 5311 Grant - Operating expenses for Dial-A-Ride transportation services for non-urbanized areas in Hendry and Glades Counties.	FTA	\$176,260.00	Review in Progress
2011-07			Region	US Fish and Wildlife Service - Scoping Notice - Greater Everglades Partnership Initiative, Proposed Everglades Headwaters National Wildlife Refuge and Conservation Area - Central and Southwest Florida.			Review in Progress
2011-08			Lee County	Abundant Life Church - Section 5310 Application - Capital to purchase a van.	FTA/FDOT	\$70,000.00	Review in Progress

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

3b

Financial Statement  
For January 31, 2011 and  
Grant Activity Sheet

3b

**MONTHLY FINANCIAL CONTENTS**  
**For the month ending January 31, 2011**

	<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
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.	
Income statement - Comparison of current year vs. prior year	4
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.	
Explanation of Council's Financial at current month end including:	5
- Percentage of Budget Spent for RPC, MPO, and NEP	
- Net income at current month end	
- Graphs showing the distribution of revenues and expenses	
- Any other notes felt needed at this time	
Breakdown of actual expenses for the RPC, MPO, NEP including	
- percentages and any amendments requested.	
- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10-11
Grant Activity	
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	\$4,429	

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
COMBINED BALANCE SHEET -  
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS  
January-11**

	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	\$ 60,720	\$ -	\$ -	\$ -	\$ 60,720
Investments	521,817	-	-	-	521,817
Receivables - grants and contracts	-	517,678	-	-	517,678
Receivables - other	3,200	-	-	-	3,200
Due from other funds	-	(198,444)	-	-	(198,444)
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	-	-	-	1,309,986	1,309,986
<b>TOTAL ASSETS AND OTHER DEBIT</b>	<b>\$ 587,126</b>	<b>\$ 319,234</b>	<b>\$ 1,588,012</b>	<b>\$ 1,309,986</b>	<b>\$ 3,804,358</b>
<b>LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>					
<b>LIABILITIES</b>					
Accounts payable and accrued expenses	\$ 686	\$ -	\$ -	\$ -	\$ 686
Retainage payable	52,134	-	-	-	52,134
Due to other governments	-	-	-	-	-
Due to other funds	(198,444)	-	-	-	(198,444)
Deferred revenue - grants and contracts	-	319,234	-	-	319,234
Accrued compensated absences	-	-	-	107,458	107,458
Notes payable	-	-	-	1,202,529	1,202,529
<b>TOTAL LIABILITIES</b>	<b>(145,624)</b>	<b>319,234</b>	<b>-</b>	<b>1,309,986</b>	<b>1,483,596</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	88,750	-	-	-	88,750
<b>TOTAL FUND EQUITY AND OTHER CREDIT</b>	<b>732,750</b>	<b>-</b>	<b>1,588,012</b>	<b>-</b>	<b>2,320,761</b>
<b>TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>	<b>\$ 587,126</b>	<b>\$ 319,234</b>	<b>\$ 1,588,012</b>	<b>\$ 1,309,986</b>	<b>\$ 3,804,358</b>

SWFRPC  
Balance Sheet  
January 31, 2011

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	60,519.90
Cash - Iberia CDs		454,428.61
Cash - FL Local Gov't Pool		57,197.64
Cash - FL Gov't Pool-Fund B		10,190.45
Petty Cash		200.00
Accounts Receivable		300,410.82
Accounts Receivable-Assessment		67,959.22
Accounts Receivable-MPO		149,307.78
Bulk Mail Prepaid Postage		1,389.35
Amount t.b.p. for L.T.L.-Leave		79,125.53
FSA Deposit		3,200.00
Amt t.b.p. for L.T.Debt-OPEP		28,332.00
Amount t.b.p. for L.T.Debt		1,202,528.71
		<hr/>
Total Current Assets		2,414,790.01
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>4,002,801.57</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	52,133.89
Deferred Income		319,233.83
United way Payable		381.15
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		28,332.00
Long Term Debt - Bank of Am.		1,202,528.71
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		1,682,040.36
		<hr/>
Total Liabilities		1,682,040.36
Capital		
Fund Balance-Unrestricted		36,091.62
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assets		1,588,011.56
Net Income		52,658.03
		<hr/>
Total Capital		2,320,761.21
		<hr/>
Total Liabilities & Capital	\$	<u>4,002,801.57</u>

SWFRPC  
Income Statement  
Compared with Budget  
For the Four Months Ending January 31, 2011

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
<b>Revenues</b>					
Total Revenues	269,162.55	354,641	991,529.52	4,255,690	23.30
<b>Expenses</b>					
Salaries Expense	131,110.51	142,167	511,890.59	1,706,000	30.01
FICA Expense	7,215.66	10,833	34,307.98	130,000	26.39
Retirement Expense	19,152.21	15,108	44,660.03	181,300	24.63
Health Insurance Expense	14,782.79	15,000	57,753.71	180,000	32.09
Unemployment Comp. Expense	2,731.54	417	2,926.65	5,000	58.53
Workers Comp. Expense	359.00	417	1,436.00	5,000	28.72
Grant/Consulting Expense	600.00	3,333	7,230.92	40,000	18.08
NEP-Contractual	34,604.55	14,500	16,740.23	174,000	9.62
MPO-Contractual	1,141.00	37,667	10,055.54	452,000	2.22
Audit Services Expense	26,000.00	3,917	39,000.00	47,000	82.98
Travel Expense	2,552.07	6,250	8,117.78	75,000	10.82
Telephone Expense	1,664.70	729	3,977.31	8,750	45.45
Postage / Shipping Expense	1,487.97	2,333	13,281.73	28,000	47.43
Equipment Rental Expense	4,074.07	2,683	12,749.10	32,200	39.59
Insurance Expense	0.00	2,767	17,868.84	33,200	53.82
Repair/Maint. Expense	925.00	2,083	6,444.42	25,000	25.78
Printing/Reproduction Expense	13,926.00	7,792	40,856.84	93,500	43.70
Utilities (Elec, Water, Gar)	1,706.13	2,333	7,707.53	28,000	27.53
Advertising/Legal Notices Exp	2,166.72	1,088	4,715.19	13,050	36.13
Other Misc. Expense	185.00	375	930.00	4,500	20.67
Office Supplies Expense	1,770.38	1,542	5,442.83	18,500	29.42
Computer Related Expense	735.96	3,250	6,280.19	39,000	16.10
Publication Expense	0.00	317	591.32	3,800	15.56
Prof. Develop./Dues Expense	30.00	2,833	24,304.50	34,000	71.48
Meetings/Events Expense	152.41	4,650	17,018.58	55,800	30.50
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	42,583.68	128,000	33.27
Reserve for Operations Expense	0.00	56,674	0.00	680,090	0.00
Total Expenses	279,719.59	354,641	938,871.49	4,255,690	22.06
Net Income	\$ (10,557.04)	0	\$ 52,658.03	\$ 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

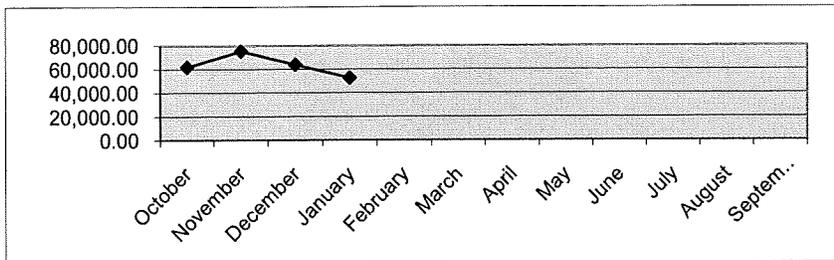
SWFRPC  
Income Statement - Two Years  
For the Four Months Ending January 31, 2011

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
<b>Revenues</b>				
Total Revenues	269,162.55	314,953.43	991,529.52	1,125,535.01
<b>Expenses</b>				
Salaries Expense	131,110.51	129,963.73	511,890.59	514,365.23
FICA Expense	7,215.66	9,661.15	34,307.98	37,323.96
Retirement Expense	19,152.21	16,990.33	44,660.03	40,249.33
Health Insurance Expense	14,782.79	13,630.14	57,753.71	69,706.64
Unemployment Comp. Expe	2,731.54	3,850.00	2,926.65	3,850.00
Workers Comp. Expense	359.00	424.00	1,436.00	1,696.00
Grant/Consulting Expense	600.00	0.00	7,230.92	2,100.60
NEP-Contractual	34,604.55	3,946.79	16,740.23	32,675.91
MPO-Contractual	1,141.00	55,727.13	10,055.54	78,747.34
Audit Services Expense	26,000.00	0.00	39,000.00	35,916.00
Travel Expense	2,552.07	4,420.43	8,117.78	14,932.01
Telephone Expense	1,664.70	674.14	3,977.31	2,964.17
Postage / Shipping Expense	1,487.97	62.37	13,281.73	8,123.29
Storage Unit Rental	0.00	0.00	0.00	224.00
Equipment Rental Expense	4,074.07	2,698.30	12,749.10	12,700.63
Insurance Expense	0.00	0.00	17,868.84	21,564.15
Repair/Maint. Expense	925.00	1,790.22	6,444.42	4,936.53
Printing/Reproduction Expen	13,926.00	0.00	40,856.84	22,338.64
Utilities (Elec, Water, Gar)	1,706.13	1,146.44	7,707.53	5,983.28
Advertising/Legal Notices Ex	2,166.72	434.81	4,715.19	2,791.62
Other Misc. Expense	185.00	84.33	930.00	334.04
Office Supplies Expense	1,770.38	2,579.78	5,442.83	5,911.63
Computer Related Expense	735.96	629.97	6,280.19	11,230.80
Publication Expense	0.00	135.94	591.32	320.90
Prof. Develop./Dues Expens	30.00	1,865.00	24,304.50	27,022.04
Meetings/Events Expense	152.41	101.76	17,018.58	14,269.11
Capital Outlay Expense	0.00	0.00	0.00	2,542.02
Long Term Debt	10,645.92	10,645.92	42,583.68	42,583.68
Total Expenses	279,719.59	261,462.68	938,871.49	1,017,403.55
Net Income	\$ (10,557.04)	\$ 53,490.75	\$ 52,658.03	\$ 108,131.46

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	22.06%
The percentage of the RPC Budget spent is	25.55%
The percentage of the MPO Budget spent is	15.30%
The percentage of the NEP Budget spent is	22.84%

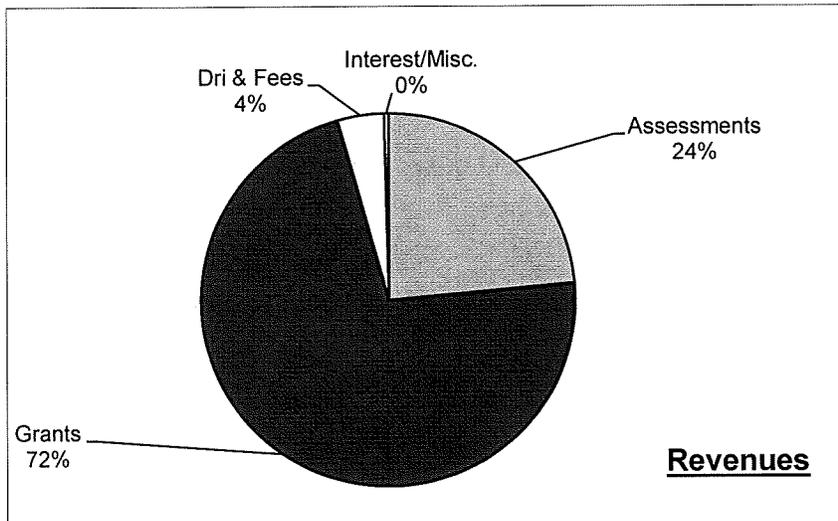
For the month ending January 31, 2011 \$52,658 is our net income.



Net Income (unaudited)

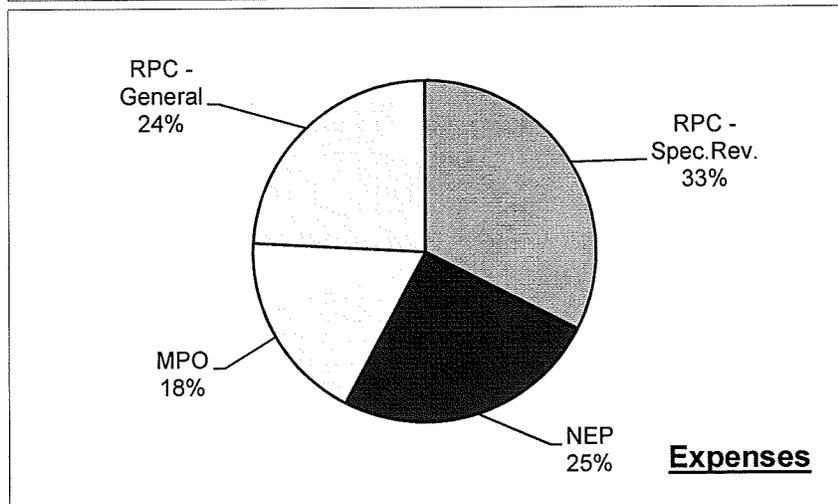
As can be seen in this graph, the net income moves in quarterly cycles. For the month ending January 31, 2011

Total Revenues	991,529
Total Expenses	938,871
Net Income	<u>52,658</u>



Revenues

Assessments	233,334
Grants	715,148
Dri & Fees	39,153
Interest/Misc.	3,895
	<u>991,529</u>



Expenses

RPC - Spec. Rev.	305,166
NEP	236,820
MPO	170,475
RPC - General	226,411
	<u>938,871</u>

RPC-MPO-NEP Combined  
Budget vs. Actual  
For the month ending January 31, 2011

	Combined Actual	Combined Adopted Budget	Combined Total YTD Amendments	Combined Amended Budget	Combined VARIABLE	33.33%
<b>Revenues</b>						
Membership Dues	233,334	466,669	0	466,669	233,335	50.00%
Federal/State/Local Grants	715,148	2,878,931	0	2,878,931	2,163,783	24.84%
Dri/Monitoring Fees	39,153	200,000	0	200,000	160,847	19.58%
Interest And Miscellaneous	3,895	30,000	0	30,000	26,105	12.98%
Carry Over Fund Balance		655,716	24,374	680,090		
<b>Total Income</b>	<b>991,529</b>	<b>4,231,316</b>	<b>24,374</b>	<b>4,255,690</b>	<b>2,584,071</b>	<b>23.30%</b>
<b>Expenditures</b>						
<b>Direct:</b>						
Salaries	511,891	1,706,000	0	1,706,000	1,194,109	30.01%
FICA	34,308	130,000	0	130,000	95,692	26.39%
Retirement	44,660	181,300	0	181,300	136,640	24.63%
Health Insurance	57,754	180,000	0	180,000	122,246	32.09%
Workers Compensation	4,363	10,000	0	10,000	5,637	43.63%
<b>Total Personnel</b>	<b>652,975</b>	<b>2,207,300</b>	<b>0</b>	<b>2,207,300</b>	<b>1,554,325</b>	<b>29.58%</b>
Consultant Fees	7,231	40,000	0	40,000	32,769	18.08%
NEP Contractual	16,740	174,000	0	174,000	157,260	9.62%
MPO Contractual	10,056	452,000	0	452,000	441,944	2.22%
Audit Fees	39,000	47,000	0	47,000	8,000	82.98%
Travel	8,118	75,000	0	75,000	66,882	10.82%
Telephone	3,977	8,750	0	8,750	4,773	45.45%
Postage	13,282	28,000	0	28,000	14,718	47.43%
Equipment Rental	12,749	32,200	0	32,200	19,451	39.59%
Insurance	17,869	33,200	0	33,200	15,331	53.82%
Repair/Maintenance	6,444	25,000	0	25,000	18,556	25.78%
Printing/Reproduction	40,857	93,500	0	93,500	52,643	43.70%
Utilities (Elec, Gas, Water)	7,708	28,000	0	28,000	20,292	27.53%
Advertising	4,715	13,050	0	13,050	8,335	36.13%
Other Miscelleanous	930	4,500	0	4,500	3,570	20.67%
Office Supplies	5,443	18,500	0	18,500	13,057	29.42%
Computer Related Expenses	6,280	39,000	0	39,000	32,720	16.10%
Publications	591	3,800	0	3,800	3,209	15.56%
Professional Development	24,305	34,000	0	34,000	9,696	71.48%
Meetings/Events	17,019	55,800	0	55,800	38,781	30.50%
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	42,584	128,000	0	128,000	85,416	33.27%
Allocation of Fringe/Indirect		0	0	0	0	
Reserve for Operation Expense		655,716	24,374	680,090	680,090	
<b>Total Cash Outlays</b>	<b>938,872</b>	<b>4,231,316</b>	<b>24,374</b>	<b>4,255,690</b>	<b>3,316,818</b>	<b>22.06%</b>
<b>Net Income/(Loss)</b>	<b>52,658</b>	<b>0</b>	<b>0</b>	<b>0</b>		

CHNEP  
Budget vs. Actual  
For the month ending January 31, 2011

	CHNEP Actual	CHNEP Adopted Budget	CHNEP YTD Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	33.33%
<b>Revenues</b>						
Membership Dues		0		0	0	
Federal/State/Local Grants	236,820	1,036,700		1,036,700	799,880	22.84%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
<b>Total Income</b>	<b>236,820</b>	<b>1,036,700</b>	<b>0</b>	<b>1,036,700</b>	<b>799,880</b>	
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	0			0	0	
NEP Contractual	16,740	174,000		174,000	157,260	9.62%
MPO Contractual	0			0	0	
Audit Fees	0			0	0	
Travel	3,324	21,000		21,000	17,676	15.83%
Telephone	245	650		650	405	37.69%
Postage	6,900	20,000		20,000	13,100	34.50%
Equipment Rental	0	200		200	200	0.00%
Insurance	0			0	0	
Repair/Maintenance	0			0	0	
Printing/Reproduction	39,779	85,000		85,000	45,221	46.80%
Utilities (Elec, Gas, Water)	0			0	0	
Advertising	0	550		550	550	0.00%
Other Miscellaneous	745	1,500		1,500	755	49.67%
Office Supplies	66	1,500		1,500	1,434	4.42%
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	14,495	43,800		43,800	29,305	33.09%
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	85,696	375,000		375,000	289,304	
Reserve for Operation Expense				0		
<b>Total Cash Outlays</b>	<b>236,820</b>	<b>1,036,700</b>	<b>0</b>	<b>1,036,700</b>	<b>799,880</b>	<b>22.84%</b>
Net Income/(Loss)						

MPO  
Budget vs. Actual  
For the month ending January 31, 2011

	MPO Actual	MPO Adopted Budget	MPO YTD Requested Amendments	MPO Amended Budget	MPO VARIABLE	33.33%
<b>Revenues</b>						
Membership Dues		0		0	0	
Federal/State/Local Grants	170,475	1,114,038		1,114,038	943,563	15.30%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
<b>Total Income</b>	<b>170,475</b>	<b>1,114,038</b>	<b>0</b>	<b>1,114,038</b>	<b>943,563</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	0			0	0	
MPO Contractual	10,056	452,000		452,000	441,944	2.22%
Audit Fees	0			0	0	
Travel	919	6,000		6,000	5,081	15.32%
Telephone	474	1,000		1,000	526	47.44%
Postage	678	5,000		5,000	4,322	13.56%
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	3,998	10,000		10,000	6,002	39.98%
Other Miscellaneous	185	500		500	315	37.00%
Office Supplies	497	2,000		2,000	1,503	24.83%
Computer Related Expenses	0	3,000		3,000	3,000	0.00%
Publications	0	1,500		1,500	1,500	0.00%
Professional Development	825	2,000		2,000	1,175	41.25%
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	83,895	336,538		336,538	252,643	
Reserve for Operation Expense				0		
<b>Total Cash Outlays</b>	<b>170,475</b>	<b>1,114,038</b>	<b>0</b>	<b>1,114,038</b>	<b>943,563</b>	<b>15.30%</b>
<b>Net Income/(Loss)</b>						

Regional Planning Council  
Budget vs. Actual  
For the month ending January 31, 2011

	Total RPC Actual	RPC Adopted Budget	RPC YTD Requested Amendments	RPC Amended Budget	RPC VARIABLE	33.33%
<b>Revenues</b>						
Membership Dues	233,334	466,669		466,669	233,335	50.00%
Federal/State/Local Grants	307,853	728,193		728,193	420,340	42.28%
Dri/Monitoring Fees	39,153	200,000		200,000	160,847	19.58%
Interest And Miscellaneous	3,895	30,000		30,000	26,105	12.98%
Carry Over Fund Balance		655,716		655,716	655,716	0.00%
<b>Total Income</b>	<b>584,235</b>	<b>2,080,578</b>	<b>0</b>	<b>2,080,578</b>	<b>1,496,343</b>	<b>28.08%</b>
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	7,231	40,000		40,000	32,769	18.08%
NEP Contractual	0			0	0	
MPO Contractual	0			0	0	
Audit Fees	39,000	47,000		47,000	8,000	82.98%
Travel	3,874	48,000		48,000	44,126	8.07%
Telephone	3,258	7,100		7,100	3,842	45.89%
Postage	5,704	3,000		3,000	-2,704	190.13%
Equipment Rental	12,624	32,000		32,000	19,376	39.45%
Insurance	17,869	33,200		33,200	15,331	53.82%
Repair/Maintenance	6,444	25,000		25,000	18,556	25.78%
Printing/Reproduction	983	2,000		2,000	1,017	49.17%
Utilities (Elec, Gas, Water)	7,708	28,000		28,000	20,292	27.53%
Advertising	717	2,500		2,500	1,783	28.67%
Other Miscellaneous	0	2,500		2,500	2,500	0.00%
Office Supplies	4,880	15,000		15,000	10,120	32.53%
Computer Related Expenses	6,280	30,000		30,000	23,720	20.93%
Publications	591	1,800		1,800	1,209	32.85%
Professional Development	23,340	25,000		25,000	1,661	93.36%
Meetings/Events	1,039	10,000		10,000	8,961	10.39%
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	42,584	128,000		128,000	85,416	33.27%
Allocation of Fringe/Indirect	-169,591	-711,538		-711,538	-541,947	23.83%
Reserve for Operation Expense		655,716		655,716	655,716	
<b>Total Cash Outlays</b>	<b>531,577</b>	<b>2,080,578</b>	<b>0</b>	<b>2,080,578</b>	<b>1,549,001</b>	<b>25.55%</b>
<b>Net Income/(Loss)</b>	<b>52,658</b>	<b>0</b>	<b>0</b>	<b>0</b>		

Regional Planning Council  
Budget vs. Actual  
For the month ending January 31, 2011

	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	54,704	56,046	0	0	54,095		143,008	307,853
Dri/Monitoring Fees						39,153		39,153
Interest And Miscellaneous								0
Carry Over Fund Balance								0
<b>Total Income</b>	<b>54,704</b>	<b>56,046</b>	<b>0</b>	<b>0</b>	<b>54,095</b>	<b>39,153</b>	<b>143,008</b>	<b>347,006</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	925	1,381
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	1,021	0	0	0	0	891	2,485
Telephone	0	0	0	0	0	0	0	0
Postage	20	15	0	39	33	6	0	113
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	126	0	0	160
Other Miscellaneous	0	0	0	0	0	0	0	0
Office Supplies	0	0	0	250	0	0	0	250
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	34,409	6,129	38,906	3,092	5,437	27,207	43,983	159,164
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>62,951</b>	<b>12,533</b>	<b>76,885</b>	<b>5,857</b>	<b>9,954</b>	<b>49,019</b>	<b>87,967</b>	<b>305,166</b>
<b>Net Income/(Loss)</b>								

Regional Planning Council  
Budget vs. Actual  
1e month ending January 31,

	General	Empl.Bene.	Total RPC General	Total RPC Actual
<b>Revenues</b>				
Membership Dues	233,334		233,334	233,334
Federal/State/Local Grants			0	307,853
Dri/Monitoring Fees			0	39,153
Interest And Miscellaneous	3,895		3,895	3,895
Carry Over Fund Balance			0	0
<b>Total Income</b>	<b>237,229</b>	<b>0</b>	<b>237,229</b>	<b>584,235</b>
<b>Expenditures</b>				
<u>Direct:</u>				
Salaries				
FICA				
Retirement				
Health Insurance				
Workers Compensation				
Total Personnel				
Consultant Fees	5,850	0	5,850	7,231
NEP Contractual	0	0	0	0
MPO Contractual	0	0	0	0
Audit Fees	39,000	0	39,000	39,000
Travel	1,390	0	1,390	3,874
Telephone	3,258	0	3,258	3,258
Postage	5,591	0	5,591	5,704
Equipment Rental	12,624	0	12,624	12,624
Insurance	17,869	0	17,869	17,869
Repair/Maintenance	6,444	0	6,444	6,444
Printing/Reproduction	983	0	983	983
Utilities (Elec, Gas, Water)	7,708	0	7,708	7,708
Advertising	556	0	556	717
Other Miscelleanous	0	0	0	0
Office Supplies	4,629	0	4,629	4,880
Computer Related Expenses	6,280	0	6,280	6,280
Publications	279	0	279	591
Professional Development	21,005	0	21,005	23,340
Meetings/Events	835	0	835	1,039
Capital Outlay-Operations	0	0	0	0
Capital Outlay-Building	0	0	0	0
Long Term Debt	42,584	0	42,584	42,584
Allocation of Fringe/Indirect	-328,755		-328,755	-169,591
Reserve for Operation Expense				
<b>Total Cash Outlays</b>	<b>-25,261</b>	<b>251,672</b>	<b>226,411</b>	<b>531,577</b>
<b>Net Income/(Loss)</b>				<b>52,658</b>

**Southwest Florida Regional Planning Council**  
**For the month ending January 31, 2011**

**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	25,856		41,489			
DCA - TITLE III	13,215		13,215			
SALT MARSH LANDS	5,732		13,853			
WETLANDS	82,818		82,818			
ECONOMIC DEVELOP.	0		0			
HMEP-PLANNING and TRAINING	52,546		52,546			
SQG	3,500		3,500			
TD GLADES/HENDRY	29,016		29,016			
TD LEE	25,079		25,079			
HURRICANE EVACUATION	0		0			
RTIC REVIEW & TEP	6,860		8,215			
COML-EDICS / FIN-MARC / RDSTF / W-S / EDWARDS	6,242		6,242			
TOD						
CLIMATE VULNERABILITY	6,069		6,651			
CLIMATE RESILIENCY						
PG EAR	20,229		20,229			
<b>TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)</b>	<b>277,163</b>	<b>728,193</b>	<b>302,853</b>	<b>30.5%</b>	<b>9.3%</b>	<b>41.6%</b>
DRI's/NOPCs - DRI MON.	29,730	200,000	39,153	3.9%	31.7%	19.6%
ASSESSMENTS & MISC INC.	124,967	496,669	242,229	24.4%	93.8%	48.8%
CHNEP	155,415	1,036,700	236,820	23.9%	52.4%	22.8%
MPO	135,875	1,114,038	170,475	17.2%	25.5%	15.3%
<b>Total Revenue</b>	<b>723,151</b>	<b>3,575,600</b>	<b>991,529</b>	<b>100.0%</b>	<b>37.1%</b>	<b>27.7%</b>
<b>Operating Expenses (all 3 entities-RPC,MPO,NEP)</b>						
Salaries and Fringe (all personnel)	477,623	2,207,300	652,975	69.5%	36.7%	29.6%
Consultant Fees	6,631	40,000	7,231	0.8%	9.0%	18.1%
NEP Contractual	-17,864	174,000	16,740	1.8%	-193.7%	9.6%
MPO Contractual	8,915	452,000	10,056	1.1%	12.8%	2.2%
Audit Fees	13,000	47,000	39,000	4.2%	200.0%	83.0%
Travel	5,566	75,000	8,118	0.9%	45.9%	10.8%
Telephone	2,313	8,750	3,977	0.4%	72.0%	45.5%
Postage	11,794	28,000	13,282	1.4%	12.6%	47.4%
Equipment Rental	8,675	32,200	12,749	1.4%	47.0%	39.6%
Insurance	17,869	33,200	17,869	1.9%	0.0%	53.8%
Repair/Maintenance	5,519	25,000	6,444	0.7%	16.8%	25.8%
Printing/Reproduction	26,931	93,500	40,857	4.4%	51.7%	43.7%
Utilities (Gas,Water, Garb.)	6,088	28,000	7,708	0.8%	26.6%	27.5%
Advertising	2,548	13,050	4,715	0.5%	85.0%	36.1%
Other Miscellaneous	745	4,500	930	0.1%	24.8%	20.7%
Office Supplies	3,672	18,500	5,443	0.6%	48.2%	29.4%
Computer Related Exps.	5,544	39,000	6,280	0.7%	13.3%	16.1%
Publications	591	3,800	591	0.1%	0.0%	15.6%
Professional Development	24,275	34,000	24,305	2.6%	0.1%	71.5%
Meetings/Events	16,866	55,800	17,019	1.8%	0.9%	30.5%
Capital Outlay-Operations	0	25,000	0	0.0%	-	-
Capital Outlay-Building	0	10,000	0	0.0%	-	-
Long Term Debt	31,938	128,000	42,584	4.5%	33.3%	33.3%
<b>Total Operating Expenses</b>	<b>659,238</b>	<b>3,575,600</b>	<b>938,872</b>	<b>100.0%</b>	<b>42.4%</b>	<b>26.3%</b>
<b>Net Income or (loss)</b>	<b>63,913</b>	<b>0</b>	<b>52,658</b>			

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

Agency / Contract #	PROJECT NAME	CDFIA/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	97,227	124,114
DCA 11-CP-03-13-00-21-087	DCA - TITLE III	52-006	7/1/10 - 6/30/11		40,909		40,909	49,156	-8,247
EPA CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	69,048	230,677
EPA CD96484907	WETLANDS	66-456	10/1/07 - 12/31/10	470,494			470,494	445,728	24,766
EDA 04-83-06028 (w/match)	ECONOMIC DEVELOP.	11-300	1/1/08 - 12/30/10	179,189		76,795	255,984	257,916	-1,932
DEM 11-DT-83-13-00-21-210	HMEP-PLANNING	20-703	10/1/10 - 09/30/11	18,000			18,000	7,641	10,359
DEM 11-DT-83-13-00-21-210	HMEP-TRAINING	20-703	10/1/10 - 09/30/11	34,546			34,546	4,892	29,654
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	10,985	24,152
TD AQ055	TD LEE	55-002	7/1/10 - 6/30/11		29,702		29,702	9,713	19,989
07-HS-32-13-00-21-355	HURRICANE EVACUATION	97-039	3/07 - 12/10		264,225		264,225	281,650	-17,425
NERPC PO # 142/332	RTIC REVIEW & TEP	N/A	8/31/09 -			27,758	27,758	22,722	5,036
NERPC PO # 194/305/334	FIN-MARC / RDSTF / EDWARDS	N/A	11/09 -			9,403	9,403	1,397	8,006
LEE PO # 204716	CLIMATE RESILIENCY	N/A	01/10 - 10/10			30,000	30,000	22,730	7,270
PO 42845	PG EAR	N/A	01/10 - 12/10			28,000	28,000	17,266	10,734
EPA CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/11	518,350			518,350	236,820	799,880
FHA/US DOT THRU FDOT 420869-1-14-01-0261 (47)	MPO	20-205	7/1/10 - 6/30/11	824,304		179,488	1,003,792	344,313	659,479
FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			39,153	39,153	49,019	-9,867

SWFRPC  
**Account Reconciliation**  
 As of Dec 31, 2010  
 101000 - Cash - Bank of America Oper.  
 Bank Statement Date: December 31, 2010

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance		20,091.30
Add: Cash Receipts		312,106.33
Less: Cash Disbursements		(212,734.35)
Add (Less) Other		(65,063.43)
Ending GL Balance		54,399.85
Ending Bank Balance		78,710.80
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)
	Nov 1, 2010    42330	(51.62)
	Nov 18, 2010   42394	(522.25)
	Dec 1, 2010    42435	(31.15)
	Dec 16, 2010   42460	(17,104.36)
	Dec 16, 2010   42465	(5,850.00)
	Dec 16, 2010   42468	(500.00)
Total outstanding checks		(24,310.95)
Add (Less) Other		
Total other		
Unreconciled difference		0.00
Ending GL Balance		54,399.85

SWFRPC  
General Ledger

For the Period From Jan 1, 2011 to Jan 31, 2011

Filter Criteria includes: 1) IDs: Multiple IDs. 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	1/1/11	Beginning Balance			54,399.85
		Current Period Change	284,681.19	278,561.14	6,120.05
	1/31/11	Ending Balance			60,519.90
101002 Cash - Iberia CDs	1/1/11	Beginning Balance			454,428.61
	1/31/11	Ending Balance			454,428.61
101006 Cash - FL Local Gov't Pool	1/1/11	Beginning Balance			56,196.30
		Current Period Change	1,001.34		1,001.34
	1/31/11	Ending Balance			57,197.64
101006B Cash - FL Gov't Pool-Fund	1/1/11	Beginning Balance			10,220.50
		Current Period Change	958.34	988.39	-30.05
	1/31/11	Ending Balance			10,190.45

SWFRPC CURRENTLY WORKING ON									
Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
NOAA/GOMP/Sea Grant - Broad Area Funding Opportunity Gulf of Mexico Region Funding for 2012 and 2013	SWFRPC, CHNEP	NOAA/EPA		\$100,000	not required	\$100,000	pre-proposal due Feb. 25	2 YRS	Jim B.
Pine Island Commercial Marina Seagrass Restoration	CHNEP	FDEP/TNC	unknown				in pre-proposal stage		TNC
EPA 5 STAR	CHNEP	National Fish and Wildlife Foundation		up to \$40,000	100%		in pre-proposal stage		Lee County/Liz
EPA 2011 WPDG	CHNEP	EPA Region 4					in pre-proposal stage	3 years	Liz/Jim
EPA 2011 CARE	CHNEP	EPA Headquarters					in pre-proposal stage	2years	Lee County/Liz

SWFRPC GRANTS SUBMITTED									
Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
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

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
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

Member Appointments and  
Certification for the Glades &  
Hendry County Joint LCB for the  
Transportation Disadvantaged

3c

## **MEMBER APPOINTMENTS AND CERTIFICATION FOR THE GLADES AND HENDRY COUNTY JOINT LOCAL COORDINATING BOARD FOR THE TRANSPORTATION DISADVANTAGED**

Pursuant to Chapter 427, Florida Statutes, Rule 41-2, *Florida Administrative Code*, and at the request of the respective counties, the Southwest Florida Regional Planning Council is the Designated Official Planning Agency for the Transportation Disadvantaged (TD) Program in Glades County and in Hendry County, which is now a joint service area. As the Planning Agency, the Council is responsible for the appointment of members to serve on the Local Coordinating Board.

The individuals listed below have been recommended to serve on the Local Coordinating Board. The Certification form provided in **Attachment A** lists the full membership of the Joint Local Coordinating Board and highlights the new nominees' name or other changes in bold. The Planning Agency must certify the Local Coordinating Board membership each fiscal year and any time the Local Coordinating Board membership changes.

### **Nominations and applications**

Council staff is pursuing nominees to fill existing vacancies on the Local Coordinating Board. Staff may provide additional nominations at the Board meeting. Staff has received assurances from the respective County Commissioners representing the Local Coordinating Board that the appointment process is satisfactory.

### **About the Local Coordinating Board**

The Glades-Hendry Joint Local Coordinating Board typically meets quarterly to guide the functioning of the CTC, Good Wheels, Inc. The next LCB meeting will be held on March 30, 2011 in the Hendry County Administrative Offices in LaBelle.

The Local Coordinating Board is established to oversee the appointed Community Transportation Coordinator (CTC), in its role of coordinating the provision of transportation service. Some of the basic duties of the Board include:

- 1) Develop, review and approve the annual Transportation Disadvantaged Service Plan (TDSP), including the Memorandum of Agreement, prior to its submittal to the Commission for the Transportation Disadvantaged (CTD);
- 2) In cooperation with the CTC, the Board shall review and provide recommendations to the Commission for the Transportation Disadvantaged on funding applications affecting the transportation disadvantaged;
- 3) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area;
- 4) Conduct the required annual evaluation of the CTC.

The Glades and Hendry County Joint Local Coordinating Board typically meets on a quarterly basis. The next meeting of the Joint Local Coordinating Board will be held on March 30, 2011.

**RECOMMENDED ACTIONS:**

1. Appoint to the LCB:
  - A. **Commissioner Donna Storter-Long** as the Vice-Chairperson.
  - B. Make additional appointments that may be announced.
2. Authorize the Chairman to endorse the LCB certification form for the LCB provided in Attachment A.

## GLADES-HENDRY JOINT LOCAL COORDINATING BOARD MEMBERSHIP CERTIFICATION

Planning Agency Name: Southwest Florida Regional Planning Council; 1926 Victoria Ave.; Ft. Myers, FL 33901

The Southwest Florida Regional Planning Council named above hereby certifies to the following:

1. The membership of the Joint Transportation Disadvantaged Local Coordinating Board serving the joint service area of Glades County and Hendry County, established pursuant to Rule 41-2.012(3), FAC, does in fact represent the appropriate parties as identified in the following list; and
2. The membership represents, to the maximum extent feasible, a cross section of the local community.

Signature: \_\_\_\_\_ Date: February 17, 2011  
 SWFRPC Chairperson

	<b>The Lee LCB has a Representative of:</b>	<b>Voting Member</b>	<b>Term Expires</b>	<b>Alternate's Name</b>	<b>Term Expires</b>
1	The MPO or DOPA shall appoint one elected official to serve as the official Chairperson for all Coordinating Board meetings.	<b>Donna Storter-Long (Vice-Chairperson)</b>	<b>March 2012</b>	Karson Turner (Chairperson)	March 2012
2	A. A local representative of the Florida Department of Transportation (DOT)	Julia B. Davis	Agency	Richard Shine	Agency
3	B. A local representative of the Florida Department of Children and Families (DCF)	Vacant	Agency	Vacant	Agency
4	C. A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible	Scott Bass	Agency	Jim Way	Agency
5	D. In areas where they exist, a local representative of the Division of Vocational Rehabilitation Services or the Division of Blind Services, representing the Department of Education	Victoria Aguilar	Agency	Barbara Ridings	Agency
6	E. A person recommended by the local Veterans Service Office, representing Veterans of the county	Jim Herrington	Agency	Millard Wagnon	Agency
7	F. A person recognized by the Florida Association for Community Action representing the economically disadvantaged	Vacant	Agency	Vacant	Agency

	<b>The Lee LCB has a Representative of:</b>	<b>Voting Member</b>	<b>Term Expires</b>	<b>Alternate's Name</b>	<b>Term Expires</b>
8	G. A person representing the Elderly in the county	Michael LaDuca	Agency	Mary Watts	Agency
9	H. A person with a disability representing the disabled in the county	Muriel Green	January 2013	Tony Howard	September 2013
10	I--1.[One of Two] Citizen Advocates in the County	Gordon E. Bryant	February 2013	Helen McVitty	Agency
11	I--2. [One of two] Citizen Advocates this one must be a person who uses the transportation service(s) of the system as their primary means of transportation.	Vacant		Vacant	
12	J. A local representative for children at risk	Judith Paskvan	Agency	Sherry Shupp	Agency
13	K. In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator.	Does not exist		Does not exist	
14	L. A local representative of the Florida Department of Elder Affairs	Angela Wood	Agency	Suzanne Clarke Marilyn Gregory	Agency
15	M. An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator	Vacant		Vacant	
16	N. A local representative of the Florida Agency for Health Care Administration	Joe Martinez	Agency	Karen Brooks	Agency
17	O. A representative of the Regional Workforce Development Board established in Chapter 445, <i>Florida Statutes</i>	Vacant	Agency	Vacant	Agency
18	P. A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, hospitals, local health department or other home and community based services, etc.	Mary Bartoshuk	February 2012	Vacant	

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

3d

SWFRPC 2011 Committee  
Structure

3d

3d

## SWFRPC 2011 COMMITTEES

Pursuant to 29I-1.005 **Officers, Term, Duties, Committees**, Florida Administrative Code:

(a) Chair – The Chair shall be the Chief Executive Officer, responsible for executing contracts for the Council, for overseeing the organization of the work of the Council, for seeing that all policy decisions of the Council are carried out, and for such other executive level functions as the Council shall assign. Except as provided for elsewhere, the Chair shall serve as a non-voting member of each advisory committee.

.....

(4) Standing and Special Committees.

The Council is empowered to designate and appoint standing committees, study groups, boards, and consultants consisting of members or non-members as the Council determines are essential or desirable to carry out its policies and objectives. The Council is empowered to direct the Executive Director to assign staff to support such standing committees, study groups, boards and consultants to carry out the Council's policies and objectives. The Chair may appoint such special Advisory Committees consisting of members or non-members as he/she deems necessary or expedient to assist the Council and staff from time to time. Standing Committee members shall serve for terms of one (1) year. Special advisory committee members shall serve for the same period as the appointing Chair. All Committee actions shall be advisory only to the Council. The Council may, however, delegate certain specific administrative and review prerogatives to a committee in order to expedite the Council's work.

Chairman Kiester reviewed the accomplishments, current mission and membership of each of the many Council committees. Attached is the list of committees and members previously proposed by the Council that the Chair deems essential or desirable to carry out the Council's policies and objectives.

**RECOMMENDED ACTION:** Information purposes only.

2/2011



## 2011 SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S COMMITTEES

COMMITTEE	CURRENT MEMBERS	FORMER MEMBERS	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
Budget & Finance	Commissioner Carolyn Mason – Chair (SWFRPC Treasurer)  Commissioner Daniel Aiken, City of LaBelle Ms. Andrea Messina, Charlotte County Governor Appointee		January 20, 2011		
Estero Bay Agency on Bay Management	Councilman Tom Babcock, Town of Fort Myers Beach  Many Interested Parties from the Private Sector		Established from Settlement Agreement on April 10, 1995	December 13, 2010	
Executive	Councilman Chuck Kiester, City of Marco Island - Chair Commissioner Karson Turner, Hendry County BOCC – Vice Chair Councilwoman Teresa Heitmann, City of Naples - Secretary Commissioner Carolyn Mason, Sarasota County BOCC – Treasurer  <b>The Executive Committee consists of the officers of the Council, so it changes on an annual basis.</b>				
Legislative Affairs	Commissioner Karson Turner, Hendry County BOCC – Chair  Commissioner Jim Coletta, Collier County BOCC Councilwoman Teresa Heitmann, City of Naples Commissioner Frank Mann, Lee County BOCC		January 20, 2011		
Nominating	<b>The Nominating Committee consists of the members of the Council appointed by the current Chair, so it changes on an annual basis.</b>		By Council Rule		

## SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S COMMITTEES

COMMITTEE	CURRENT MEMBERS	FORMER MEMBERS	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
Affordable Housing	Commissioner Jim Coletta, Collier County BOCC Councilman Chuck Kiester, City of Marco Island Commissioner Jon Thaxton, Sarasota County BOCC  Many Interested Parties from the Private Sector	Margaret Emblidge, Governor Appointee – Chair	August 17, 2006	November 29, 2005	January 20, 2011
Annual Retreat	Ms. Andrea Messina, Governor Appointee Councilman Chuck Kiester, City of Moore Haven Commissioner Karson Turner, Hendry County BOCC Mayor Mali Chamness, City of Clewiston Mr. Paul Pass, Governor Appointee Mayor Paul Puletti, City of LaBelle Mr. Bob Mulhere, Governor Appointee Councilwoman Teresa Heitmann, City of Naples Commissioner Tom Jones, City of North Port  In addition to the six members (Ms. Andrea Messina, Mr. George Mazzarantani, Ms. Janet Watermeier, Commissioner Jim Coletta, Mr. Alan LeBeau, and Ms. Laura Holquist) that had volunteered earlier, the following members volunteered to participate on the Retreat Committee:  <ul style="list-style-type: none"> <li>➤ Commissioner Adam Cummings</li> <li>➤ Commissioner Jim Blucher</li> <li>➤ Councilman Chuck Kiester</li> <li>➤ Mr. Johnny Limbaugh</li> <li>➤ Mr. Jon Iglehart</li> <li>➤ Ms. Dianne Davies</li> </ul>	Mr. Alan LeBeau, Governor Appointee Councilman Ernie Zavodnyik, City of Venice Councilman John Spear, City of Bonita Springs Commissioner Ray Judah, Lee County BOCC	September 15, 2005	August 20, 2009	January 20, 2011
Budget	Ms. Laura Holquist – Chair  Commissioner Jim Coletta, Collier County BOCC and the Council's former Secretary Vice Mayor Mick Denham, City of Sanibel – 2010 Chair Ms. Andrea Messina, Charlotte County Governor Appointee and the Council's former Treasurer	Commissioner Paul Mercier, Sarasota County BOCC Vice Chairman, Dr. Edward Elkowitz	May 18, 2006	October 21, 2010	January 20, 2011

COMMITTEE	CURRENT MEMBERS	FORMER MEMBERS	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
County Administrators & City Managers	County/City Administrators and Managers		(reactivated) February 15, 2001	June 11, 2009	January 20, 2011
Energy & Climate	Commissioner Jon Thaxton, Sarasota County BOCC – Co-Chair Councilman Chuck Kiester, City of Marco Island Mr. Jon Iglehart, FDEP Councilman Mick Denham, City of Sanibel Commissioner Karson Turner, Hendry County BOCC Commissioner Paul Beck, Glades County BOCC Mr. Phil Flood, SFWMD Councilwoman Teresa Heitmann, City of Naples Mr. Mel Karau, Governor Appointee  Many Interested Parties from the Private Sector  Councilman McCormick volunteered to serve on the Climate & Energy Subcommittee.	Commissioner Ray Judah, Lee County BOCC – Co-Chair	November 20, 2008	June 17, 2010	January 20, 2011
Executive	Councilman Chuck Kiester, City of Marco Island - Chair Commissioner Karson Turner, Hendry County BOCC – Vice Chair Councilwoman Teresa Heitmann, City of Naples - Secretary Commissioner Carolyn Mason, Sarasota County BOCC – Treasurer  <b>The Executive Committee consists of the officers of the Council, so it changes on an annual basis.</b>				
Estero Bay Agency on Bay Management	Councilman Tom Babcock, Town of Fort Myers Beach  Many Interested Parties from the Private Sector		Established from Settlement Agreement on April 10, 1995	December 13, 2010	
Financial	Commissioner Mercier  <b>No membership established</b>			July 21, 2005	January 20, 2011

COMMITTEE	CURRENT MEMBERS	FORMER MEMBERS	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
Legislative	Commissioner Jim Coletta, Collier County BOCC – Chair  Ms. Laura Holquist, Governor Appointee Commissioner Karson Turner, Hendry County BOCC Councilman Mick Denham, City of Sanibel Councilwoman Teresa Heitmann, City of Naples		May 17, 2001	November 15, 2010	January 20, 2011
Lower West Coast Watersheds Implementation (formerly Caloosahatchee River Basin Board Subcommittee)	Councilman Mick Denham, City of Sanibel - Chair Councilwoman Teresa Heitmann, City of Naples Councilman Tom Babcock, Town of Fort Myers Beach Mr. Phil Flood, SFWMD Mr. Jon Iglehart, FDEP  Many Interested Parties from the Private Sector		February 16, 2006	December 1, 2010	January 20, 2011
Nominating	Commissioner Jim Coletta, Collier County BOCC - Chair Ms. Andrea Messina, Governor Appointee  <b>The Nominating Committee consists of the members of the Council appointed by the current Chair, so it changes on an annual basis.</b>	Commissioner Ray Judah, Lee County BOCC	By Council Rule		
Regional Transportation	Commissioner Jim Coletta, Collier County BOCC  On October 21, 1999 the SWFRPC held a Transportation Convocation at the Harborside Conference & Event Center where the SWFRPC's Action Plan was developed. The Committee membership consisted of: <ul style="list-style-type: none"> <li>• Commissioner Shannon Staub, Sarasota County Board of County Commissioners</li> <li>• Commissioner Mac Horton, Charlotte County Board of County Commissioners</li> <li>• Commissioner James D. Carter, Collier County Board of County Commissioners</li> <li>• Mayor Bonnie R. Mackenzie, City of Naples</li> <li>• Commissioner John Albion, Lee County Board of County Commissioners</li> <li>• Commissioner Ray Judah, Lee County Board of County Commissioners</li> </ul>	Commissioner Paul Mercier, Sarasota County BOCC was Chair of the Committee.	October 21, 1999	December 21, 2005	January 20, 2011

COMMITTEE	CURRENT MEMBERS	FORMER MEMBERS	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
	<ul style="list-style-type: none"> <li>• Commissioner Kenneth S. Butch Jones, Glades County Board of County Commission</li> <li>• Commissioner M. Franklyn Jones, Clewiston City Commission</li> <li>• Mr. Lester B. Baird, Hendry County Administrator</li> <li>• Mr. Norman Feder, Florida Department of Transportation Dist I SWAO - Director</li> </ul>				
Structure & Technology Working Group	Ms. Andrea Messina, Governor Appointee	Commissioner Adam Cummings, Charlotte County BOCC Ms. Janet Watermeier, Governor Appointee	August 21, 2008	September 10, 2008	January 20, 2011
Strategic Planning Working Group	Ms. Andrea Messina, Charlotte County Governor Appointee Commissioner Jim Coletta, Collier County BOCC Ms. Laura Holquist, Governor Appointee Councilman Chuck Kiester, City of Marco Island	Ms. Margaret Emblidge, Governor Appointee Commissioner Bob Janes, Lee County BOCC Ms. Janet Watermeier, Governor Appointee Mayor Jim Humphrey, City of Fort Myers	November 16, 2006	January 18, 2007	January 20, 2011

**NOTE: Committees were dissolved in accordance with 29I-1.005 Officers, Term, Duties, Committees, Florida Administrative Code.**

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# Agenda

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# Item

4

## ADMINISTRATIVE ISSUES

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# Agenda

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# Item

4a

Appointment to the Estero Bay  
ABM Committee

4a

4a

**APPOINTMENT OF SWFRPC MEMBER TO  
THE ESTERO BAY AGENCY ON BAY MANAGEMENT COMMITTEE**

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory advisory committee to the Council, established in 1995 by a Settlement Agreement. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed. Its members include Lee County legislative delegates and representatives of the Council, local chambers of commerce, citizen and civic associations, the Responsible Growth Management Coalition, Lee County, Collier County, Fort Myers, Fort Myers Beach, the SFWMD, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, Florida Gulf Coast University, Federal agencies involved in natural resource management, commercial and recreational fishing interests, environmental and conservation organizations, scientists, affected property owners, and the land development community.

**ABM Meetings**

The ABM typically meets on the second Monday of each month beginning at 9:30 a.m. Most meetings are held in the conference room of the Southwest Florida Regional Planning Council, but some are occasionally held at other sites within the Estero Bay watershed.

The current membership of the ABM is attached.

**RECOMMENDED ACTION:** Appoint a SWFRPC representative to the ABM.

2/2011



## Estero Bay Agency for Bay Management (ABM) Membership

<b>NAME/ORGANIZATION</b>	<b>ADDRESS</b>	<b>PHONE/FAX/EMAIL</b>
Richard Anderson Mariner Properties Development, Inc.	13451 McGregor Blvd., #31 Fort Myers, FL 33919	2394812011 (239) 481-8283 richard.anderson@marinerproperties.com
Jay Arend Bonita Springs City Council	26381 Charlotte Drive Bonita Springs, FL 34135	2397706990 (239) 390-1004 jay.arend@cityofbonitasprings.org
Lisa Beever, Ph.D. Charlotte Harbor NEP	1926 Victoria Avenue Fort Myers, FL 33901	(239) 338-2556 (239) 338-2560 lbeever@swfrpc.org
David W. Ceilley	1366 Oaklawn Court Fort Myers, FL 33919	(239) 936-7494 dwceilley@cs.com
Clyde Dabbs, Jr. South Florida WMD	2301 McGregor Boulevard Fort Myers, FL 33901	cdabbsjr@sfwmd.gov
Nora Demers RGMC	17493 Laurel Valley Road Fort Myers, FL 33912	(239) 454-2535 roynora@comcast.net
Erin Dykes FDEP - South District	204 E. McKenzie, Unit D Punta Gorda, FL 33950	(941) 575-5810 #101 Erin.Dykes@dep.state.fl.us
Win Everham FGCU - College of Arts & Sciences	19501 Treeline Avenue South Fort Myers, FL 33965-6565	(239) 590-7169 (239) 590-7200 eeverham@fgcu.edu
Veronica Fasselt USEPA - South Florida Office	400 N Congress Ave #120 West Palm Beach, FL 33401	(561) 616-8867 (561) 615-6959 fasselt.veronica@epa.gov
Kim Fikoski The Bonita Bay Group	9990 Coconut Road, Suite #200 Bonita Springs, FL 34135	2393951245 (239) 992-2672 kimf@bonitabaygroup.com
Harry N. Gottlieb Ft. Myers Beach Civic Association	50 Aberdeen Avenue Fort Myers Beach, FL 33931	2394639202 Gotherm@msn.com
Cullum Hasty Sierra Club	27675 Kent Road Bonita Springs, FL 34135	2399488653 cullumhasty@comcast.net
Jennifer Hecker The Conservancy of SW Florida	1450 Merrihue Drive Naples, FL 34102	jenniferh@conservancy.org
Sharon Kuchinskas Friends of Six Mile Slough Preserve	5311 Benton Street Lehigh Acres, FL 33971	(239) 226-0955 skuchinskas@yahoo.com

## Esteros Bay Agency for Bay Management (ABM) Membership

<b>NAME/ORGANIZATION</b>	<b>ADDRESS</b>	<b>PHONE/FAX/EMAIL</b>
Ellen Lindblad Lee County Port Authority	Terminal Access Rd, #8671 Fort Myers, FL 33913-8899	2395904620 ellindblad@flycpa.com
Charles W. Listowski West Coast Inland Navigation Dist.	P.O. Box 1845 Venice, FL 34284	(941) 485-9402 (941) 485-8394 wcind200@aol.com
Lawrence M. Massey FDOT/SWAO, District One	P.O. Box 1030 Fort Myers, FL 33902-1030	(239) 461-4300 (239) 338-2353 Lawrence.Massey@dot.state.fl.us
Lyn McKee City of Bonita Springs	12391 Jefferson Lane Bonita Springs, FL 34135	(239) 450-0714
Laura H. Miller League of Women Voters	390 Washington Court Fort Myers Beach, FL 33931	(239) 765-6536 (239) 765-1013 elhmiller@earthlink.net
John Murray CREW Land & Water Trust	23998 Corkscrew Road Esteros, FL 33928	2396572533 (239) 867-3230
Paul O'Connor, AICP Lee County Planning Division	Post Office Box 398 Fort Myers, FL 33902-0398	2394798309 (239) 479-8319 oconnops@leegov.com
Ellen Peterson	P.O. Box 345 Esteros, FL 33920	(239) 992-5455 (239) 992-0515 ecrone@earthlink.net
Pete Quasius Audubon of SWF	c/o 7918 Haven Dr #1 Naples, FL 34104	(239) 348-9143 Pquasius@msn.com
Church Roberts Johnson Engineering, Inc.	P.O. Box 1550 Fort Myers, FL 33902-1550	(239) 461-2464 (239) 334-3661 clr@johnsoneng.com
Heather Stafford FDEP - Esteros Bay Aquatic Pres	700-1 Fishermans Wharf Fort Myers Beach, FL 33931	(239) 463-3240 (239) 463-3634 heather.stafford@dep.state.fl.us
Ken Stead SW Florida Marine Trades Assoc.	PO Box 1510 Fort Myers, FL 33902-1510	(239) 656-7083 (239) 656-7068 jstead1959@aol.com
Daryl Thomas U.S. Fish and Wildlife Service	3860 Tollgate Blvd., Suite #300 Naples, FL 34114	daryl_thomas@fws.gov
Lynda Thompson, AICP Lee County Division of County Lands	P. O. Box 398 Fort Myers, FL 33902-0398	(239) 479-8505 (239) 479-8391 rileylt@leegov.com

## Estero Bay Agency for Bay Management (ABM) Membership

<b>NAME/ORGANIZATION</b>	<b>ADDRESS</b>	<b>PHONE/FAX/EMAIL</b>
Colleen Young Town of Fort Myers Beach Environmental Sci	2523 Estero Boulevard Fort Myers Beach, FL 33931	(239) 765-0202 #113 (239) 765-0909 colleen@fmbeach.org

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

4b

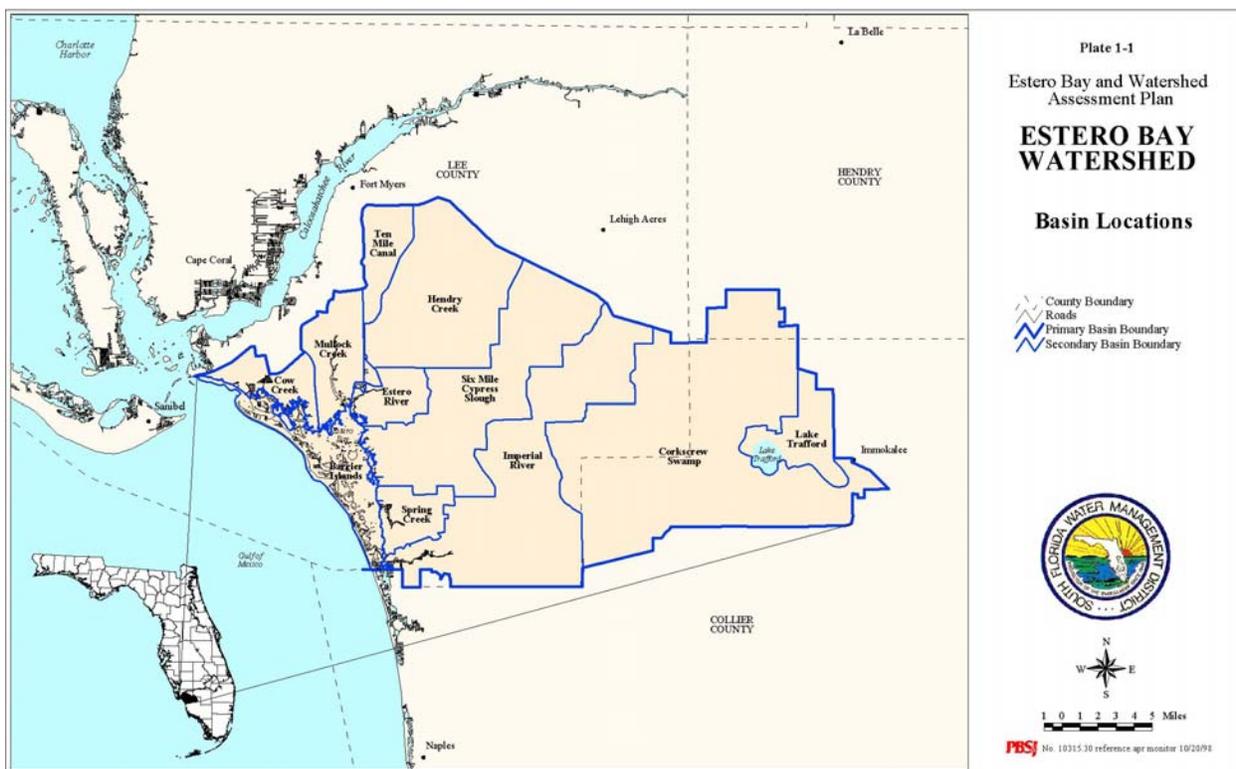
Estero Bay Agency on Bay  
Management Report

4b

4b

## Estero Bay Agency on Bay Management Election of Officers, By-Laws, and 2011 Workplan

The Estero Bay Agency on Bay Management (ABM) was established in 1996 in accordance with the settlement agreement for the completion of permitting for Florida Gulf Coast University (FGCU), after the completion of the Arnold Committee study process. The ABM membership consists of, but is not limited to, representatives from the following: local chambers of commerce, citizen and civic associations, Lee County government, the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP), the Florida Fish and Wildlife Conservation Commission (FWC), FGCU, the Southwest Florida Regional Planning Council (SWFRPC), commercial and recreational fishing interests, environmental and conservation organizations, the Responsible Growth Management Coalition (RGMC), the Town of Fort Myers Beach, the City of Sanibel, scientists, affected property owners and the land development community. The ABM is a non-regulatory, advisory body whose directive is to make recommendations to the SWFRPC for the management of Estero Bay and its watershed (Estero Bay Agency on Bay Management 2004). The waters of Estero Bay provide a tremendous resource for local residents and tourists who enjoy fishing and appreciate the local vegetation and wildlife. It is also important to note that Estero Bay is Florida's first aquatic preserve established in 1966 (Estero Bay Agency on Bay Management 2009).



Each year the EBABM has elections of officers and develops an Annual Workplan for the upcoming year. The Annual Workplan, entitled **PROPOSED PROJECTS AND ACTIVITIES 2011**, was developed and approved.

This year the EBABM officers are Mr. Paul O'Connor with Lee County as the Chair, Councilman Tom Babcock with the Town of Fort Myers Beach as Vice Chair and Ms. Sarah Larsen a student with Florida Gulf Coast University as Recording Secretary.

This item includes a copy of the EBABM By-Laws, a copy of the 2011 Workplan.

**RECOMMENDED ACTION:** Acceptance of the roster of elected officers and the 2011 Annual Workplan.

2/2011

**ESTERO BAY AGENCY ON BAY MANAGEMENT WOKPLAN  
PROPOSED PROJECTS AND ACTIVITIES 2011**

**Adopted by EBABM on January 10, 2010**

1. Develop strategies and recommend actions to reduce impairment to Estero Bay waters. This will include comment on important initiatives including SWIM, development of TMDLs, establishment of Minimum Flows and Levels, Pollution Load Reduction Goals (PRGs), Basin Management Action Plans (BMAPs), Numeric Nutrient Criteria (NNC), and refinement of the Southwest Florida Special Basin Rule.
2. Seek continuing funding support from EBABM partners and external grant sources for special projects, event, and staff support of the EBABM.
3. Review specific Agency review processes (and accompanying rules) to determine whether the principles of the ABM for effective bay management are included, and report back to the Council on deficiencies that are noted. This year we will focus on water quality regulations, implementation, and compliance.
4. Coordinate activities with the Charlotte Harbor National Estuary Program, the Estero Bay Nutrient Management Partnership, and the Southwest Florida Watershed Council.
5. Provide Comments and Report to the SWFRPC on relevant Items of Review such as; Comprehensive Plan Amendments, Developments of Regional Impact, update of the Strategic Regional Policy Plan, Intergovernmental Coordination and Review projects, etc.
6. Collect and maintain a data library for Estero Bay at the offices of the Regional Planning Council and contribute to the CHNEP's water atlas.
7. Plan a Cela Tega, in partnership with associated interest groups, for 2011.
8. Encourage conservation of critical habitat in the Estero Bay Watershed through land acquisition and other tools, to facilitate a reexamination of the Master Mitigation Plan and to include seeking funding for a workshop on the future of the Conservation 20/20 Land Acquisition Program.
9. Sponsor a charette on University Community designation.
10. Review and comment to regulatory agencies on issues affecting Estero Bay and its watershed.
11. Review and comment on other current issues affecting Estero Bay.



## **ESTERO BAY AGENCY ON BAY MANAGEMENT**

### **By-Laws**

#### **I. Estero Bay Agency on Bay Management**

- A. An advisory group entitled the Estero Bay Agency on Bay Management, herein referred to as the ABM, is a standing committee of the Southwest Florida Regional Planning Council, herein referred to as the Council.
- B. The ABM is a non-regulatory advisory body whose directive is to make comments and recommendations for the management of Estero Bay and its watershed.
- C. The ABM is housed within the Council. Council staff supports the ABM.
- D. The ABM shall continue to seek state and federal funds, and other outside grants, to support staff functions and to undertake other studies, projects and efforts to protect the Bay and its watershed.
- E. Members of the ABM serve without compensation and travel reimbursement.
- F. Every attempt shall be made to ensure a business, environmental, public interest and geographic balance of representation in the ABM.
- G. The ABM strives to improve the comprehensive management of Estero Bay among governmental, business, environmental, and public interest organizations and individuals.
- H. The ABM shall serve to monitor and coordinate the existing regulatory programs and studies of all federal, state, regional and local agencies involved in the management of Estero Bay.
- I. The ABM shall annually review and periodically update the State-of-the-Bay document highlighting new issues, problems and progress in the comprehensive management of Estero Bay.
- J. The ABM collects and maintains data concerning the Estero Bay watershed, and makes such data available to the public. The information will reside with the SWFRPC.
- K. The ABM sponsors regional environmental conferences, emphasizing growth management and natural resource issues in the Estero Bay watershed.
- L. The ABM also reviews and comments upon the South Florida Water Management

District's Estero Bay management and improvement study as it is developed and implemented.

- M. Decisions of the ABM shall be guided by the Principles of the Estero Bay Agency on Bay Management.

## II. **Membership/Terms of Office**

- A. The ABM shall consist of no more than 30 members to include, but not be limited to: local Chambers of Commerce, citizen and civic associations, elected officials, Lee County, South Florida Water Management District, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, Florida Gulf Coast University, Southwest Florida Regional Planning Council, commercial and recreational fishing interests, environmental and conservation organizations, Responsible Growth Management Coalition, Ft. Myers Beach Civic Association, Citizens Association of Bonita Beach, scientists, affected property owners, and the land development community.
- B. Representatives from any of the groups listed in section II paragraph A may apply for membership. Representatives are nominated by their respective constituencies to serve on the ABM. Changes in representation can be made at any time by the respective represented organizations and upon notification to the ABM Chair with annual confirmation by the SWFRPC.
- C. Additional representatives may be added to the ABM by a simple majority vote of the quorum of the ABM.

## III. **Meetings**

- A. The ABM will hold regular meetings at least four times a year, or more often if necessary, to carry out its responsibilities, as called by the ABM Chair. Meetings will be conducted in accordance with procedures set out in **Robert's Rules of Order**.
- B. Special meetings may be called by a request of a majority of the ABM members, in which case the Chair will schedule a meeting as soon as possible.
- C. The time and location of the next regular meeting will be scheduled prior to the adjournment of any regular meeting.
- D. All meetings of the ABM will be noticed on the Council web page. All meetings will conform to applicable Federal, State, and local public notice/public access requirements. General guidance is to be provided by Florida's "Government in the Sunshine" Law.

## IV. **Chairperson of the ABM**

- A. The Chair, the Vice Chair, and the Recording Secretary of the ABM shall be elected annually at or near the beginning of the calendar year by a majority of the quorum of the ABM at a properly noticed meeting.
- B. The SWFRPC shall confirm the election.
- C. In the absence of both chairs, the other members of the committee will select a chairman for that meeting only.

**V. Subcommittees**

- A. The ABM establishes the standing *Issues and Agenda Subcommittee* open to any interested ABM member.
- B. The ABM can establish additional standing and ad hoc subcommittees as determined necessary for the conduct of business and shall approve any by-laws or operating procedures for such subcommittees.

**VI. Voting and Quorum**

- A. Each member has one vote.
- B. Members of the ABM are expected to be represented at all regular meetings. If a member organization misses representation at three consecutive meetings, the Chair will request the agency or organization involved to nominate a new representative for the ABM.
- C. A quorum of the ABM shall be at least 50% of the members of the ABM. Any member that is not represented at three consecutive meetings shall not be included in determining the 50% count.

**VII. Staff Participation**

- A. Each member of the ABM may bring staff participants to meetings.
- B. Staff participants can participate fully in meeting discussions, but may not vote.

**VIII. Public Participation at Meetings**

- A. All meetings of the ABM will be open to the public.
- B. A portion of time will be allocated at each meeting for public comment.

**IX. Agendas**

- A. The Issues and Agenda Subcommittee shall prepare an agenda, in conjunction with the Chair, for each regular meeting.

- B. ABM members wishing to place items on the agenda shall consult with the Chair not later than 7 days before the meeting.
- C. The ABM Chair may accept additions to agendas within his or her sole discretion or upon a majority vote of members present and voting.

**X. Conflict of Interest**

- A. No member of the ABM or staff representative shall participate in any decision or vote, which would constitute a conflict of interest under Federal or State law. Members must clearly state any potential conflicts of interest prior to any discussion and abstain from such discussion.
- B. A member may abstain from a vote at any time.

**XI. Adoption/Amendment of By-Laws**

These by-laws are adopted upon an affirmative vote of a quorum of the ABM. These by-laws may be revised at any meeting of the ABM by a two-thirds majority vote of members present and voting provided that prior written notice of the proposed change has been given not later than 7 days prior to the meeting.

**FIRST EDITION APPROVED 10<sup>th</sup> DAY OF FEBRUARY 1997.**

**REVISED and APPROVED THIS 8<sup>th</sup> DAY OF FEBRUARY 2010**

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# Agenda

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# Item

4c

SWFRPC Information  
Technology Update

4c

4c

## SWFRPC INFORMATION TECHNOLOGY UPDATE

Southwest Florida Regional Planning Council (SWFRPC) currently has implemented several key information technology projects. An update on the progress of these is provided below.

### **What is Information Technology?**

Information Technology (IT) is defined as the development, design, study, implementation and management of computer related information. IT is also defined as the use of computer (hardware and software) to manage information.

### **Overview of SWFRPC Information Technology**

The SWFRPC currently maintains a dedicated local area network (LAN). Within the LAN design the SWFRPC maintains various hardware and software. The goal of the IT Team is to continue to enhance services through cost effective methods and to operate and provide technology services within the agency.

### **Website and Social Media**

For the past year, the IT team's webmaster has been working to design and launch a new SWFRPC website with new format and enhanced content. The previous major revision of the SWFRPC website was more than four years ago.

The new website roll-out date is February 17, 2011. The domain name will not change; the website can be found at: [www.swfrpc.org](http://www.swfrpc.org).

One of the primary goals of the new website is to facilitate information transfer to the Council members, citizens and residents more effectively. In redesigning the SWFRPC home page, information available through the website may get moved causing links to be "broken;" we ask for your patience as all of the information will still be available, it just may be in a new location.

In a few weeks, SWFRPC will post a survey and give you an opportunity to share your feedback on what changes work well and what aspects of the website need improvement. We greatly appreciate your feedback and suggestions as we continue to improve our site to better meet your needs.

After extensive, the SWFRPC decided it was time to actively participate in the many social media opportunities. The SWFRPC now has a *Facebook* and *Twitter* account. These two social media are another way to notify the public and interested parties about upcoming meetings, events, etc. With the current economy and reduced budgets, social media can be a cost effective means to reach out to new demographics. Click on the *Facebook* link on the new website and "like" the SWFRPC!

### **Collaboration – Lee County Clerk of Courts**

For the past several years, the SWFRPC has been researching ways to increase the network connectivity without a price increase. Through collaboration efforts, the SWFRPC was able to demonstrate keys benefit to belong to the Lee County Clerk of Courts (Clerks) Internet Service Provider (ISP). On October 21, 2010, the SWFRPC signed a memorandum of understanding for

shared internet access and service with the Clerks. On January 14, 2011, after numerous testing sessions the transition was made from the current provider to the Clerks. The SWFRPC now has a 10MB connection from the 1.5MB previous connection. This change provides the Council a Savings of \$904.80 per year on direct internet cost.

Ms. Toni Bleiweiss, Technology Services Manager from the Clerk's Office will present information relating to the collaboration efforts as well.

**RECOMMENDED ACTION:** Information purposes only.

02/2011

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# Agenda

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# Item

4d

SWFRPC SRPP Update

4d

4d

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

At its January 20, 2011 meeting, the Council received the second and continuing update from staff regarding the Strategic Regional Policy Plan (SRPP) Evaluation and Appraisal Report (EAR) as required by the Department of Community Affairs contract with the Council. During the last month, staff has held its first meeting on January 27, 2011 with the EAR Technical Advisory Committee which includes planners and State agency representatives throughout the region. Based on this meeting, staff has already received input from several of the State agencies.

In addition, Council staff has been preparing to receive public input for the EAR by organizing meetings at various locations throughout the region. The initial public meetings have been set for the following times and places: 1) 6:00 pm on February 15, 2011 in Room 244 of the North Port City Hall; 2) 6:00 pm on March 3, 2011 in the La Belle Civic Center; 3) 6:00 pm on March 29, 2011 in Estero at the Estero Community Park Recreation Building. The public will be invited through advertisements in the local newspapers. Council members and other public officials are urged to attend and provide local input into the EAR process.

In addition, Council staff has been updating the Council's web page by adding a copy of the People, Prosperity, Preservation document which provides the Regional context information for the EAR. The document contains a Southwest Florida Regional Vision that will lead into the EAR assessment. The Council webpage has also been updated with a comments document that will serve as a tool for anyone interested on making comments relating to the Goals, Strategies, Actions and Indicator measures that are currently found in the SRPP. Council staff will utilize these documents for the technical and non-technical participants to provide specific input into the EAR.

**RECOMMENDED ACTION:** Presented by staff for informational purposes. No action is required. Council staff would request that the Council members review the webpage documents and provide comments on any of the existing Goals, Strategies and Actions based on the Plan's indicators. Council staff would also request that Council members provide any information that they believe would strengthen the SRPP with respect to issues that may not be currently addressed in the Plan.

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# Agenda

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# Item

4e

Community Collaborative  
Initiative Issues

4e

4e

## **A REVIEW OF THE IDENTITY, PURPOSE AND USE OF REGIONAL PLANNING COUNCILS**

This item has been placed on the agenda to provide the Council with a reason for being a Southwest Florida Regional Planning Council member and collaborating with local governments on intergovernmental solutions to greater than local issues.

The creation of the Regional Planning Councils by the State of Florida is intended to provide the State with tools needed to address policy and program implementation, and planning processes in an effective and efficient manner. The State of Florida's Regional Planning Councils (RPCs) are government agencies organized by Florida Statutes created and operated under Interlocal Agreements between local governments. This document shows the need for regional planning and RPCs is recognized under Florida Law. The Councils are available to assist in the planning and implementation of State, Federal, and Local Government programs and have the benefit of still being available the statutes in the future to address follow-up activities. Use of the RPCs by State and Local entities is widely encouraged in. In many cases the RPC staff seamlessly act as an extensions of another agencies staff providing project management or support for programs for several years. Additionally, RPCs serve as surge staff to State and Local agencies when emergency support is needed.

The staffs of the Councils represent a wide variety of skill sets and are experienced in planning, and program design, and when necessary Council staff can be augmented to meet a programs need. Working with the Councils through an agreement does not require an RFP; this alone saves time, but the Councils are designed to maximize program dollars thus ensuring your program is implemented in an efficient and cost effective manner. Additionally, as a governmental agencies our public policy goals are aligned. The Council Board is legislatively directed consisting of locally elected officials and gubernatorial appointees.

**RECOMMENDED ACTION:** Information purposes only



## FLORIDA'S REGIONAL PLANNING COUNCILS - STATEMENT OF QUALIFICATIONS

Florida's Regional Planning Councils (RPCs) are multi-purpose regional entities that plan for and coordinate intergovernmental solutions on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each of Florida's eleven planning regions. Florida's RPCs provide strategic planning for natural resources, housing, emergency management, transportation and economic development. The RPCs are also a resource through which Florida's county and municipal governments develop economies of scale by joining together with neighboring jurisdictions to address problems and provide services to their residents.

Because Florida's RPCs address a wide range of issues, RPC staffs are comprised of individuals that are experienced and skilled in a number of different areas. Some of the specific skill sets housed at Florida's RPCs that are related to regional broadband planning include:

- Strategic regional planning and policy development
- Project management
- Public involvement and outreach
- Event planning
- Community facilitation
- Team building
- Working with diverse audiences
- Geographic Information Systems (GIS) and related mapping services
- Information Technology (IT) and network administration
- Website design, content development and maintenance
- Graphic arts design
- Economic development and data analysis
- Drafting and implementation of resolutions, rules, ordinances, and statutes

Florida's eleven RPCs have been the conveners of their respective regions since their inception in the 1960s and 70s. Long-standing relationships with local communities put Florida's RPCs in position to develop effective regional plans that are implementable and improve the quality of life for residents. The RPCs identify and engage local stakeholders for a number of different planning projects, which ensures and encourages public involvement in those planning efforts. Over the last 40-plus years, Florida's RPCs have a proven track record of developing planning initiatives by engaging and working with diverse constituencies from all levels of government, the business community and economic development partners, key community leaders, and the general public.

## **Additional Activities of the Regional Planning Council**

**Local Emergency Planning Committees** – The local emergency planning committees are staffed by the RPCs. The most significant factor of this staffing is that the local businesses have developed a trusted working relationship with the RPC staff. Companies seeking to comply with the law are willing to work with the RPC staff to find ways to become compliant. This Buffer between the State and the local businesses has provided a high level of compliance and a quality program that is studied by other States to attempt to copy. Successful implementation of the Superfund Amendments and Reauthorization Act Title III program in Florida is almost always attributed to the staffing provided by the RPCs, the lack of which in other States is identified as the reason other State struggle with the program. The RPCs also provide training to the local first responders through this program.

**Small Quantity Generators** – The SQG program is designed to ensure the proper handling and disposal of hazardous waste generated in smaller quantities at the county level. These wastes would dramatically impact the environment if disposed of inappropriately even in the smaller quantities. Many smaller counties can not afford to maintain this program without imposing large fees on local businesses. By working with the RPCs, many counties in the State have lowered or removed fees, because the RPCs program run efficiently realizing the economies of combined programs. Since many of the companies are also in the SARA Title III program the familiarity of working with the RPC also provides local business a local contact regarding compliance questions and assistance. The RPCs also provide training and information to companies regarding management of hazardous waste.

**Statewide Regional Evacuation Studies** - The statewide regional evacuation studies would not have been completed without the RPCs. The RPCs are able to address the local issues by bringing together the local agencies and applying statewide programs to local needs. The consistency and expertise created through the program has provided the State with a cadre of professional planners and analysts capable of assisting local governments in the process required to transition from old technology to a new and evolving evacuation decision making process to address the newest understanding of the threats. It is also clear that continued analysis and maintenance of the products of the SRES are best addressed at the regional level.

**General Training and Exercises** – The RPCs are a significant source of low cost, high quality planning and training experts. Because the RPCs support counties and State agencies in several programs they are also a source of experts when developing a training course or training exercise. Annually, the RPCs provide cost effective training to first responders both public and private in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre and Post Disaster Planning, Continuity of Operations and Governance.

**Community Planning** - The RPCs are also a significant source of low cost, high quality community planning experts. Many rural counties and small cities rely upon RPCs to assist them with community planning and development needs ranging from comprehensive planning, land development regulations, and grant application and management assistance. The combined familiarity of local communities by RPCs and economies of scale in service provision by RPCs result in considerable savings to local governments with limited financial resources.

**Metropolitan Planning Organization** – The SWFRPC administers the Lee County Metropolitan Organization (MPO). The Lee County MPO's mission is to provide leadership in planning and promoting a comprehensive intermodal surface transportation system that will provide for regional mobility, encourage a positive investment climate and foster sustainable development sensitive to community and natural resources. The Lee County MPO's vision is to have a multi-jurisdictional, integrated multi-modal transportation system that safely and efficiently moves people and goods to, through, and within our area, and which enables Lee County and the surrounding areas to flourish in the global marketplace. The Lee County MPO strives to include and promotes public participation in every aspect of its' planning processes.

The Lee County MPO Board is comprised of elected and appointed officials from Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel, Unincorporated Lee County, FDOT and the Southwest Florida Regional Planning Council. The Board meets monthly to provide direction in planning future transportation projects and improvements.

Prior to making decisions, the MPO receives recommendations from the Citizens' Advisory Committee (CAC), the Technical Advisory Committee (TAC), the Transportation Disadvantaged Local Coordinating Board (LCB), and Bicycle Pedestrian Coordinating Committee (BPCC).

A metropolitan planning organization is a federally-mandated and federally-funded transportation policy-making organization in the United States that is made up of representatives from local government and governmental transportation authorities. In 1962, the United States Congress passed legislation that required the formation of an MPO for any urbanized area (UZA) with a population greater than 50,000. Federal funding for transportation projects and programs are channeled through this planning process. Congress created MPOs in order to ensure that existing and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive (“3-C”) planning process. Statewide and metropolitan transportation planning processes are governed by federal law (23 U.S.C. sec. 134 – 135). Transparency through public access to participation in the planning process and electronic publication of plans now is required by federal law. As of 2005, there are 385 MPOs in the U.S.

In creating the requirements for MPOs and a metropolitan planning process, Congress identified several key reasons MPOs are essential:

- transportation investment means allocating scarce federal and other transportation funding resources appropriately;
- planning needs to reflect the region’s shared vision for its future;
- adequate transportation planning requires a comprehensive examination of the region’s future and investment alternatives; and
- an MPO is needed to facilitate collaboration of governments, interested parties, and residents in the planning process.

In other words, the federal government wishes to see federal transportation funds spent in a manner that has a basis in metropolitan region-wide plans developed through inter-governmental collaboration, rational analysis, and consensus-based decision-making.

**Economic Development District** – The SWFRPC administers the Economic Development District (EDD) of the U.S. Economic Development Administration (EDA). The EDA's investment policy is designed to establish a foundation for sustainable job growth and the building of durable infrastructure. The Economic Development Administration (EDA) was established under the Public Works and Economic Development Act of 1965 (42 U.S.C. § 3121), as amended, to generate jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas of the United States. EDA assistance is available to rural and urban areas of the Nation experiencing high unemployment, low income, or other severe economic distress. In fulfilling its mission, EDA is guided by the basic principle that distressed communities must be empowered to develop and implement their own economic development and revitalization strategies. Based on these locally-and regionally-developed priorities, EDA works in partnership with state and local governments, regional economic development districts, public and private nonprofit organizations, and Indian tribes. The EDD helps distressed communities address problems associated with long-term economic distress, as well as sudden and severe economic dislocations including recovering from the economic impacts of natural disasters, changing trade patterns, and the depletion of natural resources.

The ED builds upon two key economic drivers - innovation and regional collaboration. Innovation is the key to global competitiveness, new and better jobs, a resilient economy, and the attainment of national economic goals. Regional collaboration is essential for economic recovery because regions are the centers of competition in the new global economy and those that work together to leverage resources and use strengths to overcome weaknesses will fare better than those that do not. The EDD encourages its partners around the region to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.

**National Estuary Program** – - Estuaries are places where rivers meet the sea. Estuaries are critical to the health of coastal environments and to our enjoyment of them. The Southwest Regional Planning Council administers services to the Charlotte harbor National Estuary Program (CHNEP).

The Environmental Protection Agency's (EPA) National Estuary Program was established by Congress in 1987 to improve the quality of estuaries of national importance. The Clean Water Act Section 320 directs EPA to develop plans for attaining or maintaining water quality in an estuary. This includes protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on water, requires that control of point and nonpoint sources of pollution to supplement existing controls of pollution. In addition to water quality improvements, habitat restoration and protection is one of the major focuses of the National Estuary Program.

The success of the Charlotte Harbor National Estuary Program is largely a result of the programs' ability to develop a long term sustainable finance strategy. The CHNEPs is effective, efficient, collaborative, and an adaptive community-based program. The CHNEP has succeeded because:

- Focus on the watershed,
- Use science to inform decision-making,
- Emphasize collaborative problem solving, and
- Involve the public.



# Florida Regional Planning Councils

## A review of their Identity, Purpose, and Use

### 2011

Florida's Regional Planning Councils (RPCs) are government agencies recognized by Florida Statutes and created by Interlocal Agreements between local governments. The RPCs are available to assist in the planning and implementation of State, Federal, and Local Government programs. The staffs of the Councils represent a wide variety of skill sets and are experienced in program design. Working with the Councils through an agreement / Purchase order or contract will maximize your program dollars by ensuring your program is implemented in an efficient and cost effective manner. Additionally, as a governmental agency our public policy goals are aligned and we are always available for follow-up activities.

The Following are excerpts from the Florida Statutes that help explain the purpose and creation of the Florida Regional Planning Councils.

#### **Regional Coordination and Planning is needed:**

The issues of public safety, education, health care, community and economic development and redevelopment, protection and conservation of natural and historic resources, transportation, and public facilities transcend the boundaries and responsibilities of individual units of government. Coordination among all levels of government is necessary to promote intergovernmental coordination and the effective allocation of resources. The RPC's provide an effective mechanism is assisting the State in articulating its policies/programs at the regional and local levels.

FROM:

#### **CHAPTER 186 STATE AND REGIONAL PLANNING**

186.002 Findings and intent. --

(1) The Legislature finds and declares that:

(a) The issues of public safety, education, health care, community and economic development and redevelopment, protection and conservation of natural and historic resources, transportation, and public facilities transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(b) Coordination among all levels of government is necessary to ensure effective and efficient delivery of governmental services to all the citizens of the state. It is therefore necessary to establish an integrated planning system and to ensure coordinated administration of government policies that address the multitude of issues posed by the state's continued growth and development.

(c) To promote intergovernmental coordination and the effective allocation of resources, the state should set goals to provide direction and guidance for state, regional, and local governments and agencies in the development and implementation of their respective plans, programs, and services. The preservation and enhancement of the quality of life of the people of this state require that a state comprehensive plan be adopted by the Legislature to provide policy direction for all state and regional agencies and local governments.

**The State and Local government need Regional Councils:**

There is a need for regional planning agencies to assist local governments to resolve their common problems, engage in area wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area wide basis...

FROM:

**CHAPTER 186  
STATE AND REGIONAL PLANNING**

186.501 Short title.--Sections 186.501-186.513 shall be known and may be cited as the "Florida Regional Planning Council Act."

186.502 Legislative findings; public purpose

(1) The Legislature finds and declares that:

(a) The problems of growth and development often transcend the boundaries of individual units of local general-purpose government, and often no single unit can formulate plans or implement policies for their solution without affecting other units in their geographic area.

(b) There is a need for regional planning agencies to assist local governments to resolve their common problems, engage in area wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area wide basis.

### **The State and Local government should use Regional Councils:**

The financial and technical assistance of the state should be provided to regional planning agencies to maximize the effective use of regional programs undertaken with the authorization of local, state, or federal governments serving the citizens of this state. The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region

FROM:

#### **CHAPTER 186 STATE AND REGIONAL PLANNING**

186.502 Legislative findings; public purpose

(c) Federal and state programs should have coordinated purposes and consistent policy direction in order to avoid the proliferation of overlapping, duplicating, and competing regional agencies. To further this end, these efforts should result in 1entities agencies, which effectively carry out a wide variety of federal and state program designations.

(d) The financial and technical assistance of the state should be provided to regional planning agencies to maximize the effective use of regional programs undertaken with the authorization of local, state, or federal governments serving the citizens of this state.

(2) It is the declared purpose of this act to establish a common system of regional planning councils for area wide coordination and related cooperative activities of federal, state, and local governments; ensure a broad-based regional organization that can provide a truly regional perspective; and enhance the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.

(3) The regional planning council is designated, as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.

(4) The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. A council shall not act as a permitting or regulatory entity.

(5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

**The Regional Council is an Agency of the State:**

"Agency" means: Regional planning agency.

A public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise

An interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council constituted pursuant to the agreement.

FROM:

**CHAPTER 120  
ADMINISTRATIVE PROCEDURE ACT**

120.52 Definitions. --As used in this act: (1) "Agency" means: (a) The Governor in the exercise of all executive powers other than those derived from the constitution. (b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.
2. Authority, including regional water supply authority.
3. Board, including the Board of Governors of the State University System and a state university board of trustees when acting pursuant to statutory authority derived from the Legislature.
4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.
5. Regional planning agency.

FROM:

**Chapter 163**

163.01 Florida Interlocal Cooperation Act of 1969. --

(1) This section shall be known and may be cited as the "Florida Interlocal Cooperation Act of 1969."

(2) It is the purpose of this section to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

(3) As used in this section:

(a) "Interlocal agreement" means an agreement entered into pursuant to this section. "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity created under subsection (7), an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

(4) A public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.

(5) A joint exercise of power pursuant to this section shall be made by contract in the form of an interlocal agreement, which may provide for:

(a) The purpose of such interlocal agreement or the power to be exercised and the method by which the purpose will be accomplished or the manner in which the power will be exercised.

(b) The duration of the interlocal agreement and the method by which it may be rescinded or terminated by any participating public agency prior to the stated date of termination.

(c) The precise organization, composition, and nature of any separate legal or administrative entity created thereby with the powers designated thereto, if such entity may be legally created.

(6) An interlocal agreement may provide for one or more parties to the agreement to administer or execute the agreement. One or more parties to the agreement may agree to provide all or a part of the services set forth in the agreement in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any contribution other than such services. The parties may provide for the use or maintenance of facilities or equipment of another party on a cost-reimbursement basis.

**The Regional Council is treated as a Government entity of the State:**

A separate legal or administrative entity created by an interlocal agreement shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement.

FROM:

**Chapter 163**

163.01 Florida Interlocal Cooperation Act of 1969. --

(1) This section shall be known and may be cited as the "Florida Interlocal Cooperation Act of 1969."

(7)(a) An interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council constituted pursuant to the agreement.

(b) A separate legal or administrative entity created by an interlocal agreement shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. The entity may, in addition to its other powers, be authorized in its own name to make and enter into contracts; to employ agencies or employees; to acquire, construct, manage, maintain, or operate buildings, works, or improvements; to acquire, hold, or dispose of property; and to incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the parties to the agreement.

(9)(a) All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; and pensions and relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extraterritorially under the provisions of any such interlocal agreement.

(b) An interlocal agreement does not relieve a public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by one or more of the parties to the agreement or any legal or administrative entity created by the agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

**The Regional Council is a Local Government owned entity treated as a government agency:**

All of the privileges and immunities from liability and exemptions from laws, ordinances, and rules which apply to the municipalities and counties of this state apply to the same degree and extent to any separate legal entity, created pursuant to the provisions of this section, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties of this state, unless the interlocal agreement creating such entity provides to the contrary.

FROM:

**Chapter 163**

163.01 Florida Interlocal Cooperation Act of 1969. --

(1) This section shall be known and may be cited as the "Florida Interlocal Cooperation Act of 1969."

(c) All of the privileges and immunities from liability and exemptions from laws, ordinances, and rules which apply to the municipalities and counties of this state apply to the same degree and extent to any separate legal entity, created pursuant to the provisions of this section, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties of this state, unless the interlocal agreement creating such entity provides to the contrary. All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; and pension and relief, disability, and worker's compensation, and other benefits which apply to the activity of officers, agents, employees, or employees of agents of counties and municipalities of this state which are parties to an interlocal agreement creating a separate legal entity pursuant to the provisions of this section shall apply to the same degree and extent to the officers, agents, or employees of such entity unless the interlocal agreement creating such entity provides to the contrary.

**The Regional Councils are here, and will be here in the future to help,  
and State and Local government can use them:**

Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act. To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality when approved by the council and to act as an agency to receive and expend federal funds for planning and to cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management under s. 252.34.

FROM:

**CHAPTER 186**

186.505 Regional planning councils; powers and duties

186.505 Regional planning councils; powers and duties. --Any regional planning council created hereunder shall have the following powers:

- (1) To adopt rules of procedure for the regulation of its affairs and the conduct of its business and to appoint from among its members a chair to serve annually; however, such chair may be subject to reelection.
- (2) To adopt an official name and seal.
- (3) To maintain an office at such place or places within the comprehensive planning district as it may designate.

(4) To employ and to compensate such personnel, consultants, and technical and professional assistants as it deems necessary to exercise the powers and perform the duties set forth in this act.

(5) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.

(6) To hold public hearings and sponsor public forums in any part of the regional area whenever the council deems it necessary or useful in the execution of its other functions.

(7) To sue and be sued in its own name.

(8) To accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources. Each regional planning council shall render an accounting of the receipt and disbursement of all funds received by it, pursuant to the federal Older Americans Act, to the Legislature no later than March 1 of each year.

(9) To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality when approved by the council and to act as an agency to receive and expend federal funds for planning.

(10) To act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.

(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management under s. 252.34(4).

**Government Agencies can contract with each other without RFP -  
such as a State Agency and a Regional Council:**

The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section: Services or commodities provided by governmental agencies.

FROM:

**CHAPTER 287**

287.057 Procurement of commodities or contractual services.

(5) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be

made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies. However, such emergency procurement shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the agency determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the state. The agency shall furnish copies of all written determinations certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Chief Financial Officer with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
12. Contracts entered into pursuant to s. 337.11.
13. Services or commodities provided by governmental agencies.

***The creation of the Regional Planning Councils by the State of Florida is intended to provide the State with tools needed to address policy and program implementation, and planning processes in an effective and efficient manner. The State of Florida's Regional Planning Councils (RPCs) are government agencies organized by Florida Statutes created and operated under Interlocal Agreements between local governments. This document shows the need for regional planning and RPCs is***

*recognized under Florida Law. The Councils are available to assist in the planning and implementation of State, Federal, and Local Government programs and have the benefit of still being available the statutes in the future to address follow-up activities. Use of the RPCs by State and Local entities is widely encouraged in. In many cases the RPC staff seamlessly act as an extensions of another agencies staff providing project management or support for programs for several years. Additionally, RPCs serve as surge staff to State and Local agencies when emergency support is needed.*

*The staffs of the Councils represent a wide variety of skill sets and are experienced in planning, and program design, and when necessary Council staff can be augmented to meet a programs need. Working with the Councils through an agreement does not require an RFP; this alone saves time, but the Councils are designed to maximize program dollars thus ensuring your program is implemented in an efficient and cost effective manner. Additionally, as a governmental agencies our public policy goals are aligned. The Council Board is legislatively directed consisting of locally elected officials and gubernatorial appointees.*

## Regional Planning Council benefits

Florida's 11 Regional Planning Councils (RPC's) are public organizations that serve as bridges between local and state governments. RPC's provide comprehensive planning and intergovernmental coordination for managed, responsible growth. Florida Statutes 186.502(4)(1) recognize RPCs as Florida's only multipurpose regional entities in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region.

The mission of the Southwest Florida Regional Planning Council ("SWFRPC," "RPC" or "Council") 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.*

The RPC is a voluntary association of counties and cities, created in 1973 by an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties and comprising the 9th Comprehensive Regional Planning District as provided for by the Florida Statutes. The agency was formed to enable local jurisdictions to make the most efficient use of their powers to cooperate for mutual advantages. These advantages relate to providing services and facilities, and optimizing employment of geographic, human, economic and natural resources in support of economic, natural resource, social, land use, transportation and public safety development. The purposes of the Council include:

- responsibilities set forth by Chapters 163, 180 and 186 of Florida Statutes and other applicable state, federal and local law;
- to serve as a regional coordinator for members, to exchange, interchange and review various programs of member jurisdictions relating to regional problems;
- to promote communication between members for the conservation and compatible development within the region; and
- to cooperate with federal, state, local and non-governmental agencies to accomplish these objectives.

While some of the statutes relating to regional planning councils have changed through the years, the benefits and value of regional collaboration and cooperation are more important than ever. Regional planning regional agencies assist local governments in resolving their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid or other programs, provide technical assistance, conduct research related to regional issues, and provide a regional focus in regard to multiple programs undertaken on an areawide basis. These programs and services include transportation planning, economic development, emergency preparedness planning, ecological services such as research and scientific studies, dispute resolution, workshop and event coordination and any other activity that facilitates member jurisdiction collaboration for mutual advantage.

In 1992, the SWFRPC was designated an Economic Development District (EDD) by the Economic Development Administration of the U.S. Department of Commerce. The SWFRPC staffs the Southwest Florida Regional Economic Development Coalition, which includes representatives from the Region and was established to address the area's economic problems and challenges from a regional perspective.

In accordance with Florida Statutes, the agency is directed by a Council (currently 40 members) composed of 25 county commissioners and municipal elected officials, 10 gubernatorial appointees from all counties within the region including an elected school board member, and five ex-officio (non-voting) gubernatorial appointees representing the Florida Department of Transportation, the Florida Department of Environmental Protection, statewide economic development interests, and water management districts.

The SWFRPC acts as a regional information clearinghouse, conducts research to develop and maintain area wide goals, objectives, and policies, and assists in implementing a number of local, state, and federal programs. The Council serves as an advocate for the Region with State and Federal agencies, including the Legislature and Congress.

#### **Our RPC meets monthly to...**

- **Develop agreement on a common vision for the region and assess the progress we are making toward reaching that vision,**
- **Deliberate on proposed projects deemed developments of regional impact and on proposed changes to local comprehensive plans, review federal projects, programs and documents of statewide significance that may affect the region,**
- **Collaborate on projects and programs that benefit multiple jurisdictions, and**
- **Discuss issues that emerge as matters of regional interest, for example infrastructure needs and proposed growth management initiatives**
- **Share best practices from multiple jurisdictions, address challenges and discuss solutions**

Since its creation, the Southwest Florida Regional Planning Council (SWFRPC) has worked with and on behalf of local governments to promote the creation of jobs and protect natural resources within our six county region. Our professional staff has over 240 years of combined experience and includes some of the most-respected professionals in the State of Florida in their respective fields.

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

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**REGIONAL ISSUES**

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\_\_\_\_\_ Item

5a

The Impact of Multiple Freezes  
on Agriculture Presentation

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## **THE IMPACT OF MUTIPLE FREEZES ON AGRICULTURE**

This item has been placed on the agenda to provide the Council with an update on the freezes that have impacted much of the Southwest Florida Region. Mr. Robert Halman of the Southwest Florida Research and Education Center, Institute of Food and Agricultural Sciences (IFAS), Collier County Agricultural Extension office in Immokalee will present the discussion item.

**RECOMMENDED ACTION:** Information purposes only.

02/2011

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

5b

TABOR Report

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## **TAXPAYERS BILL OF RIGHTS (TABOR)**

TABOR is an acronym that stands for Taxpayer Bill of Rights and refers generally to a one-size-fits-all measure that caps state and/or local government (counties, municipalities, school districts and special districts) spending and revenue to a defined base amount, often tied to Consumer Price Index rates and population growth, and sometimes linked to inflation rates or other indices. Referenda are required to exceed the capped amounts or for any new or increased tax or fee. TABOR measures often require some form of refund for over-collected revenues and penalties for over-spent amounts.

TABOR proposals are opposed by the Florida Association of Counties, Florida League of Cities, and the Florida School Board Association. TABOR proposals concentrate more authority at the state level for tax and budget decisions involving local governments. Colorado voters approved a TABOR amendment to the state constitution in 1992, and suspended the TABOR amendment for five years in 1995; Colorado is the only state where a TABOR amendment has been adopted.

No TABOR legislation has been introduced in the Florida Legislature yet this year, though most analysts expect the issue to be raised in the next Legislative Session.

The Florida League of Cities reports:

The 2011 legislative session will see introduction of a bill that proposes an amendment to Florida's constitution that would require state and local governments to cap spending and revenue to a defined base amount, with some periodic adjustment for population growth and inflation. If passed by a 2/3 vote in both the House and the Senate, the proposal will be put before Florida voters. Past proposals are similar to TABOR (Taxpayer Bill of Rights), a proposal being promoted in various states by national special interest groups. Colorado voters incorporated TABOR into their constitution in 1992. Past legislative bills on this issue have included the following components:

- revenues (fees, taxes, assessments, etc.) collected by each local government for any fiscal year will be limited to revenues collected in the 2010-2011 fiscal year plus an annual adjustment for growth.
- Local governments would be prohibited from imposing fees, taxes, etc. expected to exceed the revenue cap, as projected each fiscal year. Excess revenues may not be spent without voter approval.
- Local governments would be prohibited from withdrawing any money from their budget stabilization funds except pursuant to criteria established by the legislature for purposes of covering revenue shortfalls and funding in an emergency.
- Local governments may be allowed to exceed the revenue limit in a given fiscal year if authorized by voters.
- The Legislature may, but is not required, to adjust revenue limits to reflect limited state or federal mandates.

- Local governments must obtain approval by supermajority vote of the electors prior to imposing a new tax, fee, assessment or charge, or to incur multiple-year financial obligations.

The Florida School Board Association reports:

Florida: Since June 2007, the Florida Legislature has instituted local property tax cuts and caps totaling more than \$24 billion. One county – Bradford – is considering the possibility of opening the courthouse only four days a week and taking more sheriff's deputies off the streets. As if that weren't enough, Florida's Taxation and Budget Reform Commission, which meets every 20 years, considered placing a TABOR measure before voters but wisely decided against it in April 2008. Likewise, members of the panel now appear to be backing away from swapping property taxes for higher sales taxes in the state. However, House leadership is considering a 1.35 percent revenue cap on local governments.

Web links of interest:

[http://www.fl-counties.com/Pages/Advocacy/Hot\\_Topics/TABOR.aspx](http://www.fl-counties.com/Pages/Advocacy/Hot_Topics/TABOR.aspx)

Florida Association on Counties

<http://www.floridaleagueofcities.com/Advocacy.aspx?CNID=3984>

FL League of Cities

[http://www.fsba.org/userfiles/File/FSBA%20Issue%20Brief.TABOR\(2\).pdf](http://www.fsba.org/userfiles/File/FSBA%20Issue%20Brief.TABOR(2).pdf)

Florida School Boards Assoc

<http://www.seiufpublicservicesunion.org/politics/tabor/default.aspx>

Florida Public Services Union

<http://www.cbpp.org/cms/index.cfm?fa=view&id=2521>

<http://www.cbpp.org/files/policybasics-tabor.pdf>

Center on Policy and Budget Priorities, Washington, D.C.

<http://bellpolicy.org/content/colorados-tabor>

The Bell Policy Center, Denver, CO

<http://www.county.org/taxcap/docs3/TABOR.pdf>

Texas Assoc of Counties

<http://www.ci.minneapolis.mn.us/legislativeaffairs/RevenueCap-TABOR.asp>

City of Minneapolis

**RECOMMENDED ACTION:** Provided for Council information.

2/2011

**Collaborative initiatives include:**

- Health Planning and Sustainability
- Green Conferences & Expos and Regional Sustainability
- Climate Prosperity Project
- Agriculture and Food Systems Planning
- Statewide Broadband Implementation
- Creating a Multi-Region Energy Implementation Plan
- Regional Transportation Public-Private Partnership Alliance
- Babcock Steering Committee and the Conservation Blueprint
- Strategic Regional Policy Plan (SRPP) and A Regional Vision: People, Prosperity and Preservation: Working Together for a Better Tomorrow (<http://www.swflregionalvision.com>)

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# Agenda

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# Item

5c

Health and the Integration  
of Planning

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## PRINCIPLES OF HEALTH SYSTEMS AND THE INTEGRATION OF PLANNING

Discussing health systems after the Council has spent months discussing agriculture and food systems is logical and promotes an interdisciplinary approach to the integration of all aspects of planning. As the Council discussed the sustainability of agriculture and food in terms of creating incentives for farm jobs and protecting natural resources, the integration of health can be tied to the sustainable concept of meeting the regional health needs by addressing food and nutritional needs without compromising the ability to meet the needs of future generations. Through the Council's discussion and action, the Council has displayed knowledge of integration by supporting economically, socially and environmentally sustainable food systems that promote the current and future **health** of individuals, communities and the natural environment.

A **healthy**, sustainable food/non-food system emphasizes the interdependent and inseparable relationship between all sectors and characteristics of integrated planning. A **healthy** sustainable community also links land-use planning, community design, public health and all sectors and characteristics of integrated planning.

The integration of **health and planning** has significant implications for the many multi-disciplinary urban, rural and regional planners that collaborate with outside partners and health professionals. Why the integration of planning? Planners are often considered as the professional group that elected and appointed officials turn to, to solve community problems. The Southwest Florida Regional Planning Council is considered a multi-purpose regional entity that plans for and coordinates intergovernmental solutions on greater-than-local issues. In addition, planners have a skill set particularly useful for analyzing problems and opportunities and for developing strategies that address these issues. The issues to be analyzed are many; a few of the health and planning related interests beyond food systems are:

- ✓ The built environment (transportation and land use)
- ✓ Aging in place
- ✓ Climate change
- ✓ Water quality and availability
- ✓ Air quality
- ✓ Environmental preservation
- ✓ Housing choice
- ✓ Access to healthy choices
- ✓ Etc.

The American Planning Association (APA) has created the Planning and Community Health Research Center. The work of the Center advances communities that reduce the impact of the built environment on peoples' **health**.

APA states on their Center web site that the way a community is planned – its land development patterns, transportation options, or community design- bears heavily on the **health** of those living there. By working closely with outside partners, policy makers, experts and other community members, planners work to create healthier communities, eliminating adverse conditions and building better places for everyone to live, work and play.

Food system planning and planning for healthy communities are integrated through the identification and elimination of food deserts, childhood obesity and access to healthy choices and the protection of the natural environment.

Policymakers, collaborative partners and planners – tasked with discussing sustainability – are integral to addressing social, economic and environmental issues throughout the region. Through discussion, education, development review and job creation the Council has an opportunity to help create livable communities and to help people have an improved quality of life by evaluating the built and natural environment.

**RECOMMENDED ACTION: For Information Purposes Only.**

2/2011

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

5d

Legislative Summary  
Report

5d

5d

## LEGISLATIVE SUMMARY REPORT AS OF FEBRUARY 7, 2011

Attached you will find the latest FRCA update for the legislative committees which includes summaries of current bills that affect local governments, including those on Medicaid reform, pension reform and information on the state budget.

The Governor's proposed budget released last week is consistent with the Department of Community Affairs Secretary Buzzett's earlier proposal to cut funding to the RPCs. The Secretary was scheduled to make his presentation to the Senate Transportation and Economic Development Appropriations Committee during the week of February 7<sup>th</sup>.

Also attached is the latest bill tracking report from the American Planning Association, Florida Chapter; background and information on proposed legislation including provisions which would preempt local fertilizer ordinances; and material outlining major changes to Chapters 163 and 380 being drafted and proposed by the Florida Chamber of Commerce and Associated Industries of Florida.

This information will be supplemented by verbal reports by Council members and Council staff.

**Recommended Action:** For information purposes only.

2/2011

# **FRCA BILL TRACKING REPORT**

# Legislative Committee Week

## January 24 – 28, 2011

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As committee meetings move into the end of January, the pace has accelerated for the state legislature. Working together, the Governor and both the House and Senate leadership are focused on new ideas of making government efficient and productive. The primary focal point for the upcoming legislative session is and will continue to be job creation and streamlining government. In committees this week, various executive branch departments presented legislators with their recommended proposals of 15% in cuts. With what seems to be moving toward an almost \$5 billion projected deficit, the discussions regarding these proposed cuts were necessary but will likely prove to be part of a painful upcoming legislative session. Below is information on budget issues as well as on legislation that affect local governments.

### **Appropriations**

House and Senate leaders approved a short extension for Governor Scott to unveil his budget proposal, which is now due on February 7. Governor Scott has indicated that his budget will have deep cuts, not only to services, but also planned cuts to corporate taxes and property taxes. Although the Governor and his staff have been tight-lipped about the proposal, in a brief banter with the Capitol Press Corps yesterday, he suggested his cuts would be in the \$5 billion range. Senator JD Alexander, Chair of the Senate Budget Committee told his committee members yesterday that the Senate would likely have to cut close to \$5 billion to double Florida's reserves so that the state's credit rating is not impacted. Doubling the size of Florida's existing reserve fund would cost about \$1.2 billion, bringing the total budget shortfall to \$4.8 billion.

The question remains, how will they cut \$5 billion? It is likely to come from a number of sources, including Medicaid, Education and cuts to state employee pay and benefits packages. Requiring Florida's state employees to contribute to their pensions frees up some dollars, as does changing the way Florida delivers health benefits. Currently, Florida offers employees choices of three plans: and HMO, a PPO and a large deductible health savings account. Florida's employee health benefits cost about \$2 billion, with approximately \$1.45 billion from the state. Last session, for the first time in Florida's history, legislators required executive officials and lawmaker to contribution to their monthly premium. Widespread contributions to premiums, health savings accounts and

even cash supplements to state employees instead of health insurance are under consideration.

In education, cuts to the FEFP (Florida's education funding formula), are also likely. The debate will probably focus internally on how much the cut should be rather than if there should be a cut. The cut could be up to 5 percent.

Legislators will also look to make significant cuts in Medicaid spending. While Medicaid Reform continues to be at the top of the agenda, legislators probably won't see much in savings for 2011 for the reforms they make now. As a result, it is likely that they will look at rate cuts to hospitals and HMOs, and may consider eliminating some optional Medicaid services. Other cuts that may be considered are cuts to mental health and substance abuse services for non-Medicaid individuals.

The Legislature will be hard at work again beginning in February. Important dates to note:

<b>February 7:</b>	<b>Release of Governor Scott's budget recommendations</b>
<b>February 7-10:</b>	<b>House and Senate Interim Committee meetings</b>
<b>February 14-17:</b>	<b>House and Senate Interim Committee meetings</b>
<b>February 21-24:</b>	<b>Last week of House and Senate Interim Committee meetings</b>
<b>March 8:</b>	<b>Official start of the 2011 Legislative Session</b>

### **Medicaid Reform**

We continue to wait for the release of House and Senate proposals on Medicaid reform. While it is generally understood that most of the "reform" will be about moving patients into managed care plans, the rest remains a bit of a mystery. We know the House and Senate have discussed breaking up the state into 6 districts and dividing the Medicaid population up in those districts amongst various managed care entities including HMO's and provider service networks. In a lengthy House public hearing on reform this week, many interested stakeholders testified with concerns about the number of districts and the make-up of the districts and urged the members to consider expanding the number of districts.

While the House plan is likely to follow the same outline as last session, we are not quite as sure about the Senate plan. In this week's Subcommittee on Health and Human Services, members looked closely at the KidCare model and discussed how it could apply to the state's Medicaid population. They discussed the pricing of premiums for KidCare participants and the general access to specialist and specialty care that is available.

Both the House and Senate are likely to continue taking public testimony until they release their bills later this month.

### **State Pension and Retirement Reform**

It was reported this week, that the Senate is near completion of its pension reform plan for state and local government employees. Senator Ring who chairs the Senate Governmental Oversight and Accountability committee has noted that discussions are ongoing and he

expects to have legislation filed within the next two weeks. The most debate revolves around whether public employees would begin contributing to their retirement plans. In light of the growing budget shortfall, the collective feel in the legislature is that pension system must be addressed. During his first few weeks in office, Governor Scott has also favorably viewed the idea of employees paying into the pension system and moving the pension system in the direction of ones that mirror the private sector. At this time, the thought is that any changes would be prospective in nature.

### **Growth Management**

(SB 174 by Senator Bennett and HB 7001 by the committee on Community & Military Affairs Subcommittee and its Chairman Representative Workman) Reenacts provisions relating to the definition of "urban service area" and "dense urban land area" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act. Reenacts provisions relating to certain required and optional elements of a comprehensive plan, concurrency requirements for transportation facilities, a required notice for a new or increased impact fee, the process for adopting a comprehensive plan or plan amendment.

SB 174 has been referred to Community Affairs; Governmental Oversight and Accountability; Budget and has passed Community Affairs and is on the agenda for Governmental Oversight for February 8.

HB 7001(formerly proposed committee bill [PCB] CMA1) was submitted by House Community Affairs as a committee bill this week by a vote of 9 – 5.

### **Growth Policy**

(HB 4001 by Representative Diaz) This bill repeals Urban Infill and Redevelopment Assistance Grant Program.

HB 4001 has been referred to Community & Military Affairs Subcommittee; Economic Affairs Committee

### **Compensation of County Officials**

(HB 19 by Representative Mayfield) Would allow each county commissioner, circuit court clerk, county comptroller, sheriff, supervisor of elections, property appraiser, & tax collector to reduce his or her salary on voluntary basis.

HB 19 has been referred to Government Operations Subcommittee; State Affairs Committee

### **Public Officers**

(SB 88 by Senator Gaetz and HB 43 sponsored by Representative Smith) Prohibits severance pay for nonelected public officers. It clarifies the term "severance pay" as the actual compensation, including salary, benefits, or perquisites, for employment services yet to be rendered for a term greater than weeks before or immediately following termination of employment. The bill defines the term as not including compensation for: a) Earned and accrued annual, sick, compensatory, and administrative leave. b) Early retirement under

provisions established in an actuarially funded pension plan subject to part VII of chapter 112, Florida Statutes.

Further it states that on or after July 1, 2011, a public officer serving in a nonelected position may not receive severance pay unless: (a) severance pay is paid from wholly private funds, the payment and receipt of which do not otherwise violate part III of chapter 112, Florida Statutes. (b) severance pay is administered under part II of chapter 112, Florida Statutes, on behalf of an agency outside Florida. (c) severance pay represents the settlement of an employment dispute; however, such settlement may not include provisions that limit the ability of any party to the settlement to discuss the dispute or settlement.

SB 88 has been referred to Community Affairs; Judiciary; Governmental Oversight and Accountability

HB 43 is identical to SB 88. HB 43 has been referred to Government Operations Subcommittee; Appropriations Committee; State Affairs Committee

### **Financial Emergencies**

(SB 90 sponsored by Senator Gaetz) Requires counties and municipalities that are in a state of financial emergency and therefore subject to review and oversight by the Governor, to include a structure and services consolidation plan in local government plans that seek to improve the efficiency, accountability, and coordination of delivering local government services, and the plan's implementation. This bill authorizes financial emergency review boards for local governmental entities and district school boards to consult with other governmental entities for the consolidation of all administrative direction and support services when the entity is declared to be in a state of financial emergency. The bill allows the Governor or Commissioner of Education to require local government entities and district school boards to develop a plan for consolidation in the entity's financial emergency plan.

SB 90 has been referred to Community Affairs; Education Pre-K - 12; Governmental Oversight and Accountability and the Budget committees. This week, SB 90 passed Community Affairs

### **Group Insurance for Public Employees**

(SB 92 by Senator Gaetz) Requires that each school district in this state enter into a type of interlocal agreement and establish the School District Insurance Consortium and would require the consortium to advertise for competitive bids for health, accident, or hospitalization insurance, as well as insurance plans.

SB 92 has been referred to Education Pre-K - 12; Governmental Oversight and Accountability and Budget committees.

### **Security Cameras**

(SB 172 by Senator Bennett and HB 93 by Representative Steube) Reenacts Section 163.31802, to state that a county, municipality, or other entity of local government may not adopt or maintain in effect an ordinance or rule that establishes standards for security cameras that require a lawful business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law. The bill further states that nothing in this section of the bill should be construed to limit the ability of a county, municipality, airport, seaport, or other local governmental entity to adopt standards for security cameras in publicly operated facilities, including standards for private businesses operating within such public facilities pursuant to a lease or other contractual arrangement.

SB 172 has been referred to Community Affairs; Judiciary; Budget, and has passed both the committees on Community Affairs and on Judiciary to date.

HB 93 has been referred to Community & Military Affairs Subcommittee; Economic Affairs Committee and has passed the Community & Military Affairs Subcommittee.

### **Affordable Housing**

(SB 176 by Senator Bennett and HB 7003 by the committee on Community & Military Affairs Subcommittee and its Chairman Representative Workman) Reenacts a specified provision relating to the state allocation pool used to confirm private activity bonds. Reenacts a specified provision relating to lands that are owned by a community land trust and used to provide affordable housing. Reenacts a provision relating to a tax exemption provided to organizations that provide low-income housing. Reenacts a provision relating to a property exemption for affordable housing owned by a nonprofit entity.

HB 7003 (Formerly PCB CMA2) was submitted by House Community Affairs as a committee bill this week by a vote of 13 – 1.

### **Public Meetings**

(SB 310 by Senator Negron and HB 285 by Representative Eisnaugle) Provides the right to any member of the public, to be heard at meetings of governmental boards and commissions, on any item. Requires that governmental entities put forth a clear plan including speaker forms, defined time constraints and code of conduct. This bill also makes exceptions in emergency situations.

SB 310 has been referred to Governmental Oversight and Accountability; Community Affairs; Rules

HB 285 has not been referred to date.

### **Property Taxation**

(SB 478 by Senator Thrasher) Tolls the statute of limitations relating to proceedings involving tax lien certificates or tax deeds during the period of an intervening bankruptcy. Revises, updates, and consolidates provisions of ch. 197, F.S., relating to definitions, tax

collectors, lien of taxes, returns and assessments, unpaid or omitted taxes, discounts, interest rates, Department of Revenue responsibilities, tax bills, judicial sales, prepayment of taxes.

SB 478 has been referred to Community Affairs; Budget

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

# **APA FLORIDA BILL TRACKING REPORT**

**APA Florida Bill Tracking Report January 20, 2011**

Sorted by Bill Number

- HB 0013**     **Relating to Onsite Sewage Treatment and Disposal Systems**     Coley  
 Onsite Sewage Treatment and Disposal Systems: Revises legislative intent; eliminates provisions directing DOH to create & administer statewide septic tank evaluation program; eliminates procedures & criteria for evaluation program; terminates grant program for repair of onsite sewage treatment disposal systems identified pursuant to evaluation program, to conform; eliminates provisions authorizing DOH to collect evaluation report fee & provisions relating to disposition of fee proceeds & revenue-neutral fee schedule. Effective Date: upon becoming a law  
**Current Committee of Reference:** Agriculture & Natural Resources Appropriations Subcommittee  
 1/10/2011     HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee
- HB 0037**     **Relating to Transportation Funding**     Rogers  
 Transportation Funding: Increases percentage of state revenues deposited into State Transportation Trust Fund to be committed by DOT for public transportation projects; directs portion of those revenues to be used for public transit pursuant to specified provisions. Effective Date: July 1, 2011  
**Current Committee of Reference:** Transportation & Economic Development Appropriations Subcommittee  
 1/10/2011     HOUSE Now in Transportation & Economic Development Appropriations Subcommittee
- HB 0089**     **Relating to Effective Public Notices by Governmental Entities**     Workman  
 Effective Public Notices by Governmental Entities: Authorizes local government to use its publicly accessible website for legally required notices & advertisements; defines "publicly accessible website"; provides conditions for utilization of publicly accessible website for such purposes; provides for optional receipt of legally required public notices & advertisements via first class mail or e-mail; provides requirements for legally required advertisements & public notices published on publicly accessible website; provides that specified notice, advertisement, or publication on publicly accessible website constitutes legal notice; provides that advertisements directed by law or order or decree of court to be made in county in which no newspaper is published may be made by publication on publicly accessible website; provides clarifying & conforming language. Effective Date: October 1, 2011  
**Current Committee of Reference:** Government Operations Subcommittee  
 1/10/2011     HOUSE Now in Government Operations Subcommittee
- HB 0135**     **Relating to Procurement of Architectural, Engineering, and other Professional Services by a Governmental Agency or School Board**     Costello  
 Procurement of Architectural, Engineering, and other Professional Services by a Governmental Agency or School Board: Allows compensation to be a considering factor during the competitive selection process for architectural, engineering, & other professional services by a governmental agency or school board; authorizes the agency or board to reopen negotiations with a selected firm following termination of negotiations with other firms. Effective Date: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/6/2011     HOUSE Filed
- HB 0167**     **Relating to Onsite Sewage Treatment and Disposal Systems**     Coley  
 Onsite Sewage Treatment and Disposal Systems: Revises date by which DOH must create & administer onsite sewage treatment & disposal system evaluation program; revises date by which Surgeon General must determine revenue neutral fee schedule for specified onsite sewage treatment & disposal system services  
**Current Committee of Reference:** No Current Committee  
 1/12/2011     HOUSE Withdrawn prior to introduction
- SB 0174**     **Relating to Growth Management**     Bennett  
 Growth Management; Reenacts provisions relating to the definition of "urban service area" and "dense urban land area" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act. Reenacts provisions relating to certain required and optional elements of a comprehensive plan, concurrency requirements for transportation facilities, a required notice for a new or increased impact fee, the process for adopting a comprehensive plan or plan amendment, etc. EFFECTIVE DATE: upon becoming a law  
**Current Committee of Reference:** Governmental Oversight and Accountability  
 1/11/2011     SENATE Now in Governmental Oversight and Accountability
- SB 0176**     **Relating to Affordable Housing**     Bennett  
 Affordable Housing; Reenacts a specified provision relating to the state allocation pool used to confirm private activity bonds. Reenacts a specified provision relating to lands that are owned by a community land trust and used to provide affordable housing. Reenacts a specified provision relating to a tax exemption provided to organizations that provide low-income housing. Reenacts a specified provision relating to a property exemption for affordable housing owned by a nonprofit entity, etc. EFFECTIVE DATE: upon becoming a law  
**Current Committee of Reference:** Governmental Oversight and Accountability  
 1/11/2011     SENATE Now in Governmental Oversight and Accountability

- HB 0219 Relating to Renewable Energy** Rehwinkel Vasilinda  
 Renewable Energy; Requires electric utilities to collect monthly systems charge from residential, commercial, & industrial customers; provides for deposit of collected funds into Sustainable & Renewable Energy Policy Trust Fund; creates direct-support organization for Florida Energy & Climate Commission; requires contract between office & direct-support organization; provides for use of funds; requires annual audit; requires that purchase contract offered to producers of renewable energy contain payment provisions for energy & capacity based upon public utility's equivalent cost-recovery rate for certain clean energy projects; extends period of time for which residents are eligible to receive rebates for specified solar energy systems; provides schedule for rebate amounts. Effective Date: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/14/2011 HOUSE Filed
- HB 0221 Relating to Trust Funds/Sustainable and Renewable Energy Policy Trust Fund/Florida Energy Office/DEP** Rehwinkel Vasilinda  
 Trust Funds/Sustainable and Renewable Energy Policy Trust Fund/Florida Energy Office/DEP; Creates Sustainable and Renewable Energy Policy Trust Fund within Florida Energy Office of DEP; provides for sources of funds, purposes, & annual carryforward of funds; provides for future review & termination or re-creation of trust fund; provides for contingent effective date. EFFECTIVE DATE: on the same date that House Bill 219 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law  
**Current Committee of Reference:** No Current Committee  
 1/14/2011 HOUSE Filed
- SB 0232 Relating to Century Commission for a Sustainable Florida** Bennett  
 Century Commission for a Sustainable Florida; Revises provisions relating to the Century Commission for a Sustainable Florida. Revises the findings and intent to include the necessity for a specific strategic plan addressing the state's growth management system. Revises the planning timeframes to include a 10-year horizon. Requires that the Department of Community Affairs provide a specific line item in its annual legislative budget request to fund the commission during a specified period, etc. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** Community Affairs  
 1/14/2011 SENATE On Committee agenda - Community Affairs, 01/25/11, 8:30 am, 412 K
- HB 0239 Relating to Numeric Nutrient Water Quality Criteria** Williams (T)  
 Numeric Nutrient Water Quality Criteria; Prohibits implementation of certain federal numeric nutrient water quality criteria rules by DEP, water management districts, & local governmental entities; authorizes DEP to adopt numeric nutrient water quality criteria for surface waters; provides that certain total maximum daily loads & associated numeric interpretations constitute site specific numeric nutrient water quality criteria; provides for effect, governance, & challenge of such criteria. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/18/2011 HOUSE Filed
- HB 0261 Relating to Century Commission for a Sustainable Florida** Pilon  
 Century Commission for a Sustainable Florida: Revises provisions relating to Century Commission for a Sustainable Florida; revises findings & intent; revises planning timeframes; revises membership of commission; deletes obsolete provisions; provides for election of chair; provides meeting requirements for commission; provides & revises powers & duties of executive director & commission; provides voting requirements; provides for reimbursement for per diem & travel expenses; requires that commission, in cooperation with interested state agencies, local governments, & nongovernmental stakeholders, develop strategic plan & submit plan to Governor & Legislature by specified date; provides commission reporting requirements; provides that executive director be appointed by Secretary of Community Affairs & ratified by commission; requires that DCA provide specific line item in its annual legislative budget request to fund commission during specified period; authorizes department to obtain additional funding through external grants; requires that department provide sufficient funding & staff support to assist commission in its duties; provides for future expiration & abolishment of commission. Effective Date: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/18/2011 HOUSE Filed
- SB 0284 Relating to Sustainable & Renewable Energy Policy Trust Fund** Bennett  
 Sustainable & Renewable Energy Policy Trust Fund; Creates the Sustainable and Renewable Energy Policy Trust Fund within the Florida Energy and Climate Commission. Provides for sources of funds and purposes. Provides for annual carryforward of funds. Provides for the future review and termination or re-creation of the trust fund. EFFECTIVE DATE: Contingent  
**Current Committee of Reference:** Communications, Energy and Public Utilities  
 1/5/2011 SENATE Referred to Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; Governmental Oversight and Accountability; Budget
- HB 0285 Relating to Public Meetings** Eisnagle  
 Public Meetings; Provides right for members of public to be heard at meetings of certain governmental boards &

commissions; prescribes conditions qualifying, & exceptions to, such right; provides for adoption of rules governing conduct of, & behavior at, such meetings. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/20/2011 HOUSE Filed

- HB 0287**      **Relating to Economic Development**      **Eisnaugle**  
 Economic Development; Revises definitions of new business & expansion of existing business; authorizes board of county commissioners of charter county to call & hold referendum to determine whether to grant economic development ad valorem tax exemptions; revises language of ballot questions relating to authority to grant economic development tax exemptions; provides for application of provision limiting calling of another referendum within certain time period; specifies additional information that must be included in written application requesting adoption of ordinance granting economic development ad valorem tax exemption; specifies factors for board of county commissioners or governing authority of municipality to consider when deciding whether to approve or reject applications for economic development tax exemptions; provides legislative intent; limits allowable duration of economic development tax exemption granted by county or municipal ordinance; authorizes written tax exemption agreements consistent with act upon approval of tax exemption application; specifies that written tax agreement must require applicant to report certain information at specific time before expiration of exemption; authorizes board of county commissioners or governing authority of municipality to revoke, in whole or in part, exemption under certain circumstances. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/20/2011 HOUSE Filed
- SB 0310**      **Relating to Public Meetings**      **Negron**  
 Public Meetings; Provides a right for members of the public to be heard at meetings of certain governmental boards and commissions. Prescribes conditions qualifying, and exceptions to, the right. Provides for the adoption of rules governing the conduct of, and behavior at, the meetings. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** Governmental Oversight and Accountability  
 1/5/2011 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules
- SB 0410**      **Relating to Impact Fees**      **Bennett**  
 Impact Fees; Reenacts provision relating to the burden of proof required by the government in an action challenging an impact fee. Provides for retroactive operation of the act. Provides for an exception under specified circumstances. EFFECTIVE DATE: upon becoming a law, and shall operate retroactively to July 1, 2009  
**Current Committee of Reference:** No Current Committee  
 1/12/2011 SENATE Filed
- SB 0456**      **Relating to Working Waterfront Property**      **Diaz de la Portilla**  
 Working Waterfront Property; Specifies property that is eligible for classification as working waterfront property. Authorizes a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances. Requires property owners to notify the property appraiser of changes in use or ownership of property. Imposes a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided  
**Current Committee of Reference:** No Current Committee  
 1/14/2011 SENATE Filed
- SB 0468**      **Relating to Community Redevelopment**      **Bullard (L)**  
 Community Redevelopment; Expands the definition of the term "blighted area" to include land previously used as a military facility. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/19/2011 SENATE Filed
- SB 0506**      **Relating to Economic Development**      **Bogdanoff**  
 Economic Development; Authorizes the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem tax exemptions. Revises the language of ballot questions relating to the authority to grant economic development tax exemptions. Provides for application of a provision limiting the calling of another referendum within a certain time period, etc. EFFECTIVE DATE: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/20/2011 SENATE Filed
- HB 4001**      **Relating to Growth Policy**      **Diaz**  
 Growth Policy; Repeals Urban Infill & Redevelopment Assistance Grant Program. Effective Date: July 1, 2011  
**Current Committee of Reference:** No Current Committee  
 1/12/2011 HOUSE Filed
- HB 4007**      **Relating to Driver Licenses**      **Workman**  
 Driver Licenses; Repeals provisions relating to effect of classified licensure on persons holding chauffeur's

license; repeals provisions for licensure of such persons under appropriate license classification. Effective Date:  
July 1, 2011  
**Current Committee of Reference:** No Current Committee  
1/12/2011 HOUSE Filed

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# **Fertilizer Ordinances and Preemption**

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# Fertilizer ban will save tax dollars

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The Tampa Tribune

Published: December 8, 2009

A rainy-season ban of nitrogen-based fertilizers would curtail a major water polluter and spare Hillsborough County millions of dollars in cleanup costs.

And it wouldn't keep residents from having green lawns.

Hillsborough commissioners, scheduled to discuss the proposal at a Wednesday workshop, should direct the Environmental Protection Commission to develop a summertime ban.

Sarasota County, St. Petersburg and about 20 other Florida governments already have adopted such restrictions. Pinellas gave initial approval to a tough rule last week.

State lawmakers last session adopted a measure that requires local governments adjacent to impaired waters to adopt, at a minimum, a rule proscribing the use of residential nitrogen fertilizer when heavy rain is forecast.

Hillsborough must comply because parts of Tampa Bay and all the waterways that run into it, including the Hillsborough and Alafia rivers, are listed as impaired, partly because of rainfall washing fertilizers into waterways.

Too, the U.S. Environmental Protection Agency is in the process of adopting nitrogen limits for Florida that will require cleanup steps.

The state's modest rule offers mostly good intentions. But a model ordinance developed by the Tampa Bay Estuary Program, which coordinates restoration work and education programs for the bay, would have teeth.

The agency recommends prohibiting the use of the polluting fertilizers from June 1 to Sept. 30 and to make the restriction enforceable, it suggests the sale of fertilizers be banned during this period.

The fertilizer ban would apply only to residential fertilizer use, not to agriculture, nurseries or golf courses.

The restriction wouldn't prevent homeowners from having green lawns. Alternatives to nitrogen fertilizers, such as potash and magnesium, are available. Slow-release nitrogen fertilizers will work for months.

A report by the University of Florida's Institute of Food and Agricultural Science warned that such a rule could cause homeowners to over fertilize before and after the ban.

But Sarasota County adopted a summer fertilizer ban in 2007 and has found no evidence of such a reaction.

Nitrogen pollution is serious. Nutrients cloud the water, choke sea grasses and can cause massive fish-killing algae blooms.

Holly Greening, director of the estuary program, estimates that if just 50 percent of residents complied with a ban, nitrogen pollution would be reduced by about 30 tons a year. Such a reduction would likely save Hillsborough between \$1 million and \$6 million a year in the stormwater treatment costs, because adding cleanup structures such as retention ponds can cost anywhere from \$40,000 to \$200,000 a ton.

Banning summertime sales of the troublesome fertilizers would be effective and simple to enforce, but some commissioners are reluctant to be that stringent.

Sarasota County's summertime ban does not include a retail ban and appears to work. Whatever course commissioners choose, they should focus on public education. No one suggests fertilizer patrols.

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No doubt, some people would ignore an ordinance. But most people want to do the right thing.

Commissioners needn't worry about the grass being greener elsewhere. They should be concerned about making our waters cleaner.

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**Fertilizer Matrix Route from  
Resolution to Ordinance**  
Southwest Florida Regional Planning Council  
January 31, 2011

| City or County           | Resolution Approved by SWFRPC | Ordinance Under Review by Local Jurisdiction | Ordinance Approved by Local Jurisdiction                              | Ordinance Legislation Effective                                  | Ordinance Citation                                         |
|--------------------------|-------------------------------|----------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------|
| Name                     | Date                          | Date                                         | Date                                                                  | Date                                                             |                                                            |
| <b>Sarasota County</b>   | 03-15-07                      | 4-07                                         | 8-27-07                                                               | 8-27-07                                                          | 2007-062                                                   |
| City of Sarasota         | 03-15-07                      | 4-07                                         | 10-15-07                                                              | 10-15-07                                                         | 07-4768                                                    |
| City of Venice           | 03-15-07                      | 4-07                                         | Agreement to comply with Sarasota County Ordinance                    | 10-15-07                                                         | By reference 07-4768                                       |
| Town of Longboat Key     | 03-15-07                      | 4-26-07                                      | 5-5-08                                                                | 5-5-08                                                           | 2008-04                                                    |
| City of North Port       | 03-15-07                      | 11-11-07                                     | 11-26-07                                                              | 11-26-07                                                         | 07-45                                                      |
| <b>Charlotte County</b>  | 03-15-07                      | 11-8-07                                      | 3-18-08                                                               | 3-18-08                                                          | 2008-028                                                   |
| City of Punta Gorda      | 03-15-07                      | 11-6-07                                      | 12-16-11 on agenda in review                                          | Incorporated in Climate Change Adaptation Plan approved 11-18-09 | Informational brochures and tip cards are in distribution. |
| <b>Lee County</b>        | 03-15-07                      | 8-28-07                                      | 5-13-08                                                               | 5-13-08                                                          | 08-08                                                      |
| City of Bonita Springs   | 03-15-07                      | 11-13-07 to 11-18-08                         | 11-19-08                                                              | 11-19-08                                                         | 08-11-0543                                                 |
| City of Cape Coral       | 03-15-07                      | 10-29-07 to Draft 8-31-10                    | 11-29-10                                                              | 11-29-10                                                         | 86-10                                                      |
| City of Fort Myers       | 03-15-07                      | 1-1-08                                       | 11-17-08                                                              | 11-17-08                                                         | 3489                                                       |
| City of Sanibel          | 03-15-07                      | 2-20-07 first<br>8-21-07 amended             | 3-6-07 first adoption<br>9-18-07 amended                              | 3-6-07 first<br>9-18-07 amended                                  | 07-003                                                     |
| Town of Fort Myers Beach | 03-15-07                      | 7-18-08                                      | 12-18-08                                                              | 12-18-08                                                         | 08-61808                                                   |
| <b>Collier County</b>    | 03-15-07                      | 8-4-07                                       | Discussed as part of Watershed Management Plan in development by 2011 |                                                                  |                                                            |
| City of Naples           | 03-15-07                      | 6-7-2006                                     | 6-7-2006                                                              | 10-10-06                                                         | 06-11245                                                   |
| City of Marco Island     | 03-15-07                      | Utilizing the Rookery Bay Greenscape BMPs    |                                                                       |                                                                  | Utilizing the Rookery Bay Greenscape BMPs                  |
| Everglades City          | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |
| <b>Glades County</b>     | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |
| City of Moore Haven      | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |
| <b>Hendry County</b>     | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |
| City of LaBelle          | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |
| City of Clewiston        | 03-15-07                      | No Action to Date                            |                                                                       |                                                                  |                                                            |

# **Proposed Changes to Chapters 163 and 380 F.S.**

Here are drafts of proposed changes to Chapters 163 and 380 developed by the Florida Chamber of Commerce and Associated Industries of Florida (AIF). These changes are substantial. Some of which are summarized below. This legislation has not yet been introduced or heard in Committee. This is a much abbreviated summary of proposed changes.

1. Contemplates the elimination of DCA with the functions being carried on by a Division of Community Planning placed somewhere in State Government.
2. Contemplates the repeal of Rule 9J-5.
3. Makes the current Alternative Review process the norm, i.e. must get the Administration Commission's (Gov. and Cabinet) blessing on an administrative challenge (no more ORCs or NOIs) and higher standard.
4. Eliminates the concept of financial feasibility
5. Eliminates references to energy and climate change
6. Adds a broad New Town definition.
7. Once designated, locks DULA status in place, irrespective of subsequent annexations for municipalities.
8. Adds broad TOD definition.
9. Weakens "Mobility Plan" definition.
10. Eliminates the need for plans to be internally consistent.
11. Weakens the "needs test."
12. Eliminates the concept of co-location of schools and parks.
13. Eliminates the need for mapping aquifer recharge areas.
14. Eliminates requirements for manatee protection.
15. Does something to a whole bunch of school stuff that I don't understand.
16. Eliminates standards for optional circulation element subcategories.



## **PROPOSED CHAPTER 163 CHANGES**

1. **Change Role of DCA from Compliance Review to Technical Assistance –**
  - Change name of state land planning agency to Division of Community Planning (only as placeholder).
  - Remove DCA comment and review everywhere, not just USAs. Other agencies may review and comment but are limited to only their area of expertise. For example, DEP cannot comment on transportation nor DOT on environmental issues.
  
2. **Rule 9J-5 and Rule Making –**
  - Repeal 9J-5 and remove references to 9J-5 in the statute.
  - Legislature sets out pared down requirements for locals; limited rulemaking so language being interpreted is the Legislature's.
  
3. **Plan Amendment Process –**
  - DCA no longer conducts compliance review and determination
  - No limitation on number of plan amendments; up to local government
  - Evaluation and Appraisal Reports (EAR) removed; not required by state
  - Small scale amendment process modified to increase maximum size of amendment to qualify to 20 acres, maximum acres per year to 200, allow text changes that are directly related to the amendment like notes on the maps and delete restrictions on use of small scale including prohibition if same property granted change in last 12 months and if the same owner has property within 200 feet and was granted change in past 12 months.
  
4. **Compliance Finding / Challenges –**
  - No change to citizen challenges. For compliance, the standard will be fairly debatable and the matter will be sent to DOAH with the ALJ submitting the recommended order to the Administration Commission to issue the Final Order. If Administrative Commission finds not in compliance, then they will specify remedial measures. At that point it goes back to the local government.
  - A State agency must first seek the approval of the Administration Commission before it can challenge a comprehensive plan amendment.
  
5. **Future Land Use –**
  - Need changed to a minimum
  - Add requirement that amount of land required for future land use map be based on more than just projected population.
  - Allow timeframes beyond the planning timeframe for projects and specific components
  - Add a definition for new town. Allow local government to designate new towns as a DULA.
  - Add definition of urban sprawl and add criteria in statute for urban sprawl. Include provision that urban villages, new towns etc. are recognized methods of discouraging

urban sprawl and are deemed consistent with SCP, SRPP and Ch. 163 for discouraging proliferation of urban sprawl.

- Remove requirement for state land planning agency to consider land use compatibility issue in the vicinity of all airports in coordination with FDOT and adjacent or in close proximity to military installations in coordination with the DOD. Military base and airport planning are still addressed in 163.3177(6)(a).

6. **Public Facilities/Capital Improvement Schedule –**

- Remove financial feasibility requirement.
- Allow Capital Improvements Schedule to be adopted by ordinance with no plan amendment required.
- Modify definition of public facilities to delete health systems and spoil disposal sites

7. **School Planning –**

- Make school concurrency optional but, if adopted, require level of service be based district wide
- Remove requirement for public school facilities element.
- Remove many of the requirements related to school concurrency
- Remove prohibition on plan amendments for not addressing school siting requirements.
- Remove collocation of parks and schools; up to local government
- Modify public schools interlocal agreement requirements to remove schedule for review, waiver for small local governments and DCA review of agreement

8. **Optional Sector Planning**

- Remove DCA role in review of sector plan
- Remove limitations on number of sector plans and increase minimum size to 25,000 acres
- Modify requirements for sector plan clarifying that only general information is required at conceptual phase and detailed information when detailed plan is approved
- For conceptual map no demonstration of need is required and not limited to planning timeframe.
- Detailed map not limited to planning timeframe. Need for detailed plan may be demonstrated through reference to population growth, creation of workplaces for job creation and new employment, remediation of pre-existing development patterns in the vicinity that exhibit the characteristics of urban sprawl or any other professionally acceptable methodology.
- Require consistency of conceptual plan with state and regional plans

9. **Urban Service Area / Urban Infill**

- Expand definition of urban infill to include planned or committed facilities by the local government or developer.

- Modify definition of urban service area to include both existing facilities and those included in all five years of the capital improvements schedule, not just the first three years
- Remove encouragement for local government which adopts urban service area to provide full cost accounting for new development outside the boundary
- Remove requirement for local government with USA that predates July 1, 2005 to go back before the DCA for a determination of consistency with new requirements.
- Amend criteria for Urban Service Area, deleting requirement to be contiguous and limited to 10 year planning period
- Remove urban infill and redevelopment areas

**10. Transportation Planning**

- Add a definition for transit oriented development and mobility plan
- Remove requirement to adopt mobility strategies to support and fund mobility and criteria for mobility plan
- Modify requirements for TCEA including removing consultation with DCA and assessing impacts on the regional transportation facilities and requirement for local government to provide a plan for mitigation of impacts to SIS. Also, delete requirement for OPPAGA report on TCEAs
- Delete de minimus impact reporting requirement to DCA
- Delete requirement for TCMAs existing prior to July 1, 2005 to meet new requirements
- Replace term “backlog” with “deficient”
- Modify proportionate share calculation/methodology requiring a two step process in order to determine which roadways are solely the responsibility of state or local government (backlog) and which roads may require developer mitigation
- Remove requirement for pre-existing MMTDs to be updated to meet new requirements. (dates have passed)
- Delete pilot program for MMTD
- Modify proportionate fair-share mitigation provisions including FDOT requirement for model ordinance (completed), modify to state mitigation shall be applied as a credit against impact fees “on a dollar for dollar basis” and remove requirement to be used for the same capital improvement
- Rename Transportation Concurrency Backlog Authorities to Transportation Deficiency Authorities and change requirements for supporting plans to allow mass transit improvements outside of identified area if requirements are met.

**11. Environmental**

- Remove requirements for topo map depicting prime groundwater recharge for Floridan or Biscayne aquifers and requirement to give special consideration for these areas.
- Delete requirement for soil surveys showing suitability of soils for septic tanks.
- Remove reference to encouraging recreational surface water policies and criteria for manatee protection.

- Leave areas of critical state concern legislation but remove all but Monroe County.
12. **Rural Land Stewardship Areas (RLSA)**
- Remove limitations on number of sector plans.
  - Remove requirement for an agreement with DCA
13. **Developments of Regional Impact –**
- Remove requirement for DRI to include mix of uses and encourage pedestrian activity to use proportionate share.
  - Give developer ability to build improvement rather than make payment.
14. **Dense Urban Land Areas –**
- Any area designated as a DULA will remain a DULA even if an annexation results in the local government no longer meeting the criteria. But the DULA only applies to the portion of the local government that met the criteria.
14. **Update 163** - Reduce the size of 163 by removing sections that are not needed, have already been implemented, rarely used or covered elsewhere in the statute.
- Delete 163.3246 Local Government Comprehensive Planning Certification Program
  - Remove process for public financed capital improvement projects
15. **Other Revisions Included –** Delete the following:
- 163.3202 Land Development Regulations including minimum requirements for LDRs and Administrative Review of LDRs (163.3213)
  - 163.3247 Century Commission
  - Prohibit little home towns by prohibiting land use charter amendments.
  - Internal consistency requirement of the comprehensive plan
  - Most provisions added under HB697 including energy efficient land use patterns and green house gas reduction strategies
  - Reference to affordable housing needs assessment
  - Standards for security devices (163.31802)
  - Community visioning provisions
  - DCA evaluation of effectiveness of accessory units to address affordable housing

## **OUTLINE OF 1-19-11 DRAFT OF PROPOSED CHAPTER 380 CHANGES**

1. DRI Exemptions and Thresholds
  - a. Exempt from DRI Review the following uses: airports, attraction/recreation, industrial, mining, hotel/motel, schools, transit oriented design (TOD) and alternative energy projects.
  - b. Increase/Modify DRI thresholds as follows:
    - i. Office – increase to 600,000 SF or 800,000 in County with a population of 250,000 or more
    - ii. Retail – increase to 600,000 SF and delete parking spaces as threshold
    - iii. Multi-use – increase to 160% or 200% for a DRI with 3 or more land uses with at least 100 residential units.
  - c. Increase Substantial deviation thresholds for Office to 100,000 SF and Retail to 60,000 SF
  - d. Don't account for impacts of uses exempt from DRI review in the impact analysis if those uses (e.g. hospital) are in a DRI.
  - e. DRI exemptions provided in 380 will automatically apply even when a comprehensive plan provision or an agreement requires DRI review. You do not have to wait for those documents to be amended to use the exemptions.
2. Extend DRI phase and buildout dates by 7 years if requested by the Developer by 12/31/11 for all valid and active DRIs.
3. Amend essentially built out criteria to eliminate DRI review once unbuilt portions of a project goes below 100% of all applicable DRI thresholds if all mitigation requirements have been met. Biennial reports would not be required if essentially built out.
4. Replace Administration Commission with Division of Community Planning or DCP (placeholder for DCA functions) for adopting guidelines and standards
5. Binding Letters – reduce time for DCP to issue binding letter to 30 days and permit developer to request 1 year extension to binding letter with mutual agreement with DCP thereafter.
6. Reduce review time for Notice of Proposed Change (NOPC) to 30 days. Must publish ad for hearing no later than 30 days.

7. Regional Planning Councils:
  - a. Require RPC to hold preapplication conference within 45 days of the request from the developer and issue preapplication conference report within 20 days of conference.
  - b. Limit DRI review to direct impacts from land use, environmental protection and public facilities including transportation
  - c. Affordable Housing not required to be addressed unless local government has ordinance of general applicability for all development.
  - d. RPCs recommendations and standards in regional report limited to those required by state permitting agencies or the local government's comprehensive plan or land development regulations. RPC can not apply a standard unless adopted by local government in ordinance of general applicability.
8. DRIs in Dense Urban Land Areas (DULA)
  - a. Allows a DRI exemption for a DRI partially within a DULA if less than 75% of the DRI is outside of the DULA
  - b. DRI exemption remains even if local government loses DULA designation due to annexation for the portion of local government that met the criteria but DULA only applies to portion of the local government that met criteria.
9. Amend credits against local impact fees to the same type of facilities on a dollar-for-dollar basis at fair market value
10. Amend 380 to reflect changes proposed to comprehensive plan process in 163 amendments including deleting references to urban infill and redevelopment areas, removing DCA from comprehensive plan amendment process and revise 163 citations.