



SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Thursday, April 21, 2011

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

**Southwest Florida Regional Planning Council
1st Floor Conference Room
1926 Victoria Avenue
Fort Myers, FL 33901**

AGENDA

Mission Statement

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

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL – Mrs. Nichole Gwinnett

PUBLIC COMMENTS

INTRODUCTION OF NEW MEMBERS:

- Commissioner Donna Fiala, Collier County BOCC

- | | |
|--|-----------------|
| 1. AGENDA | Page 1 |
| 2. MINUTES OF MARCH 17, 2011 | Page 9 |
| 3. CONSENT AGENDA | Page 18 |
| a) Intergovernmental Coordination and Review | Page 21 |
| b) Financial Statement for March 31, 2011 & Grant Activity Status Sheet | Page 26 |
| c) Collier County Comprehensive Plan Amendments (DCA 11D-1) | Page 48 |
| d) Charlotte County Comprehensive Plan Amendments (DCA 11-01) | Page 62 |
| e) Lee County Comprehensive Plan Amendments (DCA 10-ER3) | Page 86 |
| f) City of LaBelle Comprehensive Plan Amendments (DCA 11-ER1) | Page 104 |
| g) Heritage Bay DRI – NOPC | Page 121 |
| h) Hendry County Small Quantity Generator's (SQG) Hazardous Waste Assessment Contractual Agreement | Page 127 |
| i) Executive Director Summary - 2 nd Quarter | Page 132 |
| 4. ADMINISTRATIVE ISSUES (Presentations from 9:15 to 10:00 am) | |
| a) SWFRPC SRPP Update (Estero SRPP EAR Meeting) – Mr. David Crawford | Page 136 |
| b) SWFRPC Draft Strategic Regional Policy Plan (SRPP) – Mr. David Crawford | Page 138 |

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.

Page 139

c) SWFRPC Committee Reports

1. Budget & Finance Committee - **Commissioner Carolyn Mason**

Page 141

2. Estero Bay Agency on Bay Management –**Commissioner Brian Bigelow**

Page 145

3. Legislative Affairs Committee – **Commissioner Karson Turner**

Page 156

4. Regional Watersheds Committee – **Councilman Mick Denham**

Page 158

5. **REGIONAL ISSUES (10:00 to 11:15 a.m.)**a) Community Collaborative Initiative Issues – **Mr. Ken Heatherington**

Page 172

b) Pill Mills Presentation – **Commissioner Karson Turner**

Page 183

c) 2010 Evacuation Study – **Mr. Dan Trescott**

Page 216

d) Legislative Summary Report – **Mr. Dave Hutchinson**

Page 218

6. **DIRECTOR'S COMMENTS**7. **STATE AGENCIES COMMENTS/REPORTS**8. **COUNCIL ATTORNEY'S COMMENTS**9. **COUNCIL MEMBERS' COMMENTS**10. **ADJOURN**

NEXT SWFRPC MEETING DATE: May 19, 2011

Note: Both the SWFRPC's Executive Committee and Regional Watersheds Committee are scheduled to meet immediately following the SWFRPC Board Meeting.

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

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Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils 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. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAW - Florida Administrative Weekly

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

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

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

_____ Agenda
_____ Item

2

Minutes

2

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MARCH 17, 2011**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **March 17, 2011** at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Chuck Kiester** called the meeting to order at **9:01 a.m.** **Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Robert Skidmore, Ms. Andrea Messina, Councilwoman Rachel Keesling, Mr. Michael Grant

Collier County: Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Mr. Bob Mulhere

Glades County: Commissioner Kenneth “Butch” Jones

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

Lee County: Commissioner Frank Mann, Councilman Mick Denham, Mayor John Sullivan, Commissioner Brian Bigelow, Councilman Forrest Banks, Councilwoman Martha Simons, Ms. Laura Holquist

Sarasota County: Commissioner Christine Robinson, Commissioner Tom Jones, Councilman Kit McKeon, Mr. Felipe Colón, Mr. George Mazzarantani

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

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy

Collier County: Ms. Pat Carroll

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas, Ms. Shannon Hall

Hendry County: Commissioner Joseph Miller, Commissioner Daniel Akin

Lee County: Councilman Tom Babcock, Mr. Paul Pass

Sarasota County: Commissioner Carolyn Mason

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

PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #1 AGENDA

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

AGENDA ITEM #2 MINUTES OF FEBRUARY 17, 2011

Commissioner Skidmore moved and Commissioner Mann seconded to approve the minutes of February 17, 2011 as presented. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Skidmore moved and Ms. Messina seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for February 28, 2011 & Grant Activity Status Sheet; Agenda Item #3(c) Collier County Comprehensive Plan Amendments (DCA 11-ER3); Collier County Comprehensive Plan Amendments (DCA 11D-1) - Withdrawn; Fountains DRI Sufficiency Response Extension Request; and SWFRPC 2011 Committee Appointments. The motion carried unanimously.

AGENDA ITEM #4(a) SWFRPC SRPP Update (LaBelle SRPP EAR Meeting)

Mr. David Crawford of staff presented this item. He indicated that staff has been receiving comments through the Council's website which staff has been compiling. Staff is preparing a draft of the SRPP's EAR for Council's review at its April meeting.

Commissioner Bigelow asked Mr. Crawford to put the EAR process into context since the counties have finalized their EARs. Mr. Crawford explained that the SRPP EAR is similar to the local government's plans, where in terms that for the SRPP EAR is every five years, but for the cities and counties it is every seven years. The SRPP EAR is reviewed and assessed whether the goals, objectives and strategies were working.

Commissioner Bigelow asked how the counties' efforts are going to be incorporated into the Council's SRPP EAR efforts and then are the cities following this process. Mr. Crawford explained that there are only a couple of counties that are ongoing; most of them have been approved within the region. The EARs for the local plans are staggered so they don't come in at the same time and go out at the same time.

AGENDA ITEM #4(b)1
Budget & Finance Committee - Ms. Janice Yell

Ms. Janice Yell of staff presented this item. She announced that the Budget & Finance Committee is scheduled to meet on Monday, March 28th at 2:00 p.m.

AGENDA ITEM #4(b)2
Estero Bay Agency on Bay Management (EBABM) - Mr. James Beever

Mr. James Beever of staff presented this item. He explained that the ABM had met on March 14th which there were three presentations: Estuaries Report Card, FGCU's Plan Change, and CHNEP's Information Demonstrating the Ethnicity via Fertilizer Ordinances in the Sarasota and Venice Area.

Mr. Beever explained that Councilman Tom Babcock (ABM's Vice-Chair), who is the SWFRPC's representative on the ABM did not run for re-election and will be departing the ABM, so the Council will need to appoint a new representative to the ABM.

Commissioner Skidmore stated that the State is proposing to not allow local governments to pass fertilizer ordinances greater than what is in the State's Fertilizer Ordinance. Mr. Beever explained the issue will be discussed at the ABM's next meeting and it will also be reviewed by the Regional Watersheds Committee and there are bills in both the House and Senate to prevent any local government from having a fertilizer ordinance stricter than the State's standard.

Commissioner Bigelow volunteered to serve on the ABM as the Council's representative as Councilman Babcock's replacement.

Commissioner Mann moved and Commissioner Skidmore seconded to appoint Commissioner Bigelow as the Council's representative on the Estero Bay Agency on Bay Management (ABM). The motion carried unanimously.

AGENDA ITEM #4(b)3
Legislative Affairs Committee - Commissioner Karson Turner

Commissioner Karson Turner gave an overview of the Legislative Affairs Committee meeting of March 1st with Florida Representative Gary Aubuchon. He explained that Representative Aubuchon had spoken about the uncertainty of the funding issues for the regional planning councils and what is going to happen with the scaling down of DCA. Councilwoman Heitmann

stated that she wanted to make sure that Representative Aubuchon heard the Committee's voice with the importance of the regional planning councils. Representative Aubuchon did state that it is up to the elected officials to reach out person-to-person because at the end of the day it comes down to dollars and cents.

Councilwoman Heitmann noted that it is important to know that Representative Aubuchon is part of the Committee who reviews the restructuring of committees throughout the state, so he does have some say and leadership on whether the regional planning councils remain viable or not.

Commissioner Turner noted that Representative Aubuchon stated that Representative Grimsley is in the RPC's corner and that she has a huge voice with being the Chair of the Joint Legislative Budget Committee.

AGENDA ITEM #4(b)4
Regional Watersheds Committee - Councilman Mick Denham

Councilman Mick Denham presented this item. He announced that the Committee will be holding its first meeting immediately following the Council meeting.

Councilman Banks moved and Councilman McKeon seconded to approve the letter in "Opposition to State Fertilizer Rule Preemption of Local Ordinances House Bill 457 and Senate Bill 606" as presented. The Council also recommended that copies are sent to the Southwest Florida Legislative Delegation, Members of the Senate and House Committees, regional planning councils, Select Water Policy Committee, Agricultural and Natural Resources Committee, and SWFRPC Council Members. The motion carried unanimously.

Chair Kiester announced that the Executive Committee will meet immediately following the April 21st SWFRPC meeting. The Committee will discuss developing procedures to follow during the transition of officers.

Chair Kiester explained that he is planning on asking the Executive Committee to approve on giving the Committee annual responsibility of recommending to the full Council of which committees are to be kept and the memberships thereof. In addition, he also requested that the Committee add the immediate past Chair to the Committee to help in the transition of officers.

AGENDA ITEM #5(a)
Community Collaborative Initiative Issues - Mr. Ken Heatherington

Mr. Kenneth Heatherington presented this item.

Commissioner Mann referred to the Quality of Life Survey which was included in the packet and the two paragraph disclaimer. He asked staff how long has the current survey been ongoing and what is done with the information after it has been obtained. Mr. Heatherington explained that staff is currently in the process of updating the survey and it will be placed on the Council's

website. He explained that they are hoping to have a quality of life survey done on the region, what the Council is thinking about, what types of responses are being received, and does it make sense to track it.

Commissioner Mann asked staff how have the responses from the past quality of life surveys benefited the Council in the past and what it going to be done with the new information from the new quality of life survey. Mr. Heatherington explained that it will be noted on the survey that it will be noted that the survey will be available for six months.

Commissioner Skidmore asked staff a couple of questions about how do they know who is taking the survey and what vehicle is used to deliver the message to the public to let them know that the survey is available. Mr. Heatherington stated that he is currently having that discussion with staff and that there was the question about it.

Ms. Messina stated that in last set of minutes it was stated that staff when staff works on a project they need to be able to charge their time to the various programs and/or grants. She then asked what does staff charge their time when they are working on the survey, because that would be some indication on who is using the survey or what purpose that it was intended to serve. Mr. Heatherington explained that the IT professionals usually charge to indirect or local.

Mayor Sullivan asked staff how they know if the data is accurate if there is no valid sample. Does the survey prove anything? If there is no science in the data then there is no accuracy to the data. Also, if there is a limited amount of the people that know about the survey then that also makes the survey not accurate.

Councilwoman Heitmann noted that at the Legislative Affairs Committee meeting, one of the items that were mentioned by Representative Aubuchon was what the Council doing is. The Committee made a few good points to Representative Aubuchon of what the Council was doing as a region. She then stated maybe that is what needs to be done is make a point of what the Council is and what it is doing.

Councilman Denham referred to the Council's mission statement and said that both staff and members should be concentrating on what the statement states.

Commissioner Mann then referred back to the disclaimer and Quality of Life Survey and asked staff the question the reasoning behind doing the survey when the legislature is looking for reasons of why the regional planning councils don't need to exist. The regional planning councils are over 30 years old and were established because Florida was going without planning and there was a lack of communication between the local governments. The question is have the regional planning councils out lived their time since every local government have their own local government comprehensive plans.

Ms. Holquist noted that the Sunshine State Survey is done annually which is very similar to the Council's Quality of Life Survey. The Sunshine State Survey is done through a national organization online. The survey was just completed within the last month. The survey is done on both a local and regional levels.

Taking It To The Streets Challenge

Mr. Hutchinson of staff reviewed the item as presented.

AGENDA ITEM #5(b)

**Health Planning, Land Use and the Fit-Friendly Southwest Florida Initiative – Dr. Judith Hartner,
Lee County Health Department**

Dr. Judith Hartner gave a PowerPoint presentation.

Ms. Holquist asked Dr. Hartner what she has seen over her tenure and what can be done differently to help move forward because currently the streets in Lee County are not pedestrian and bicyclist friendly. Dr. Hartner explained that it is a critical thing in terms of transportation planning. If you want people to walk or ride their bikes to lunch or work then they have to feel safe and much of the roadways have been built for the automobile. Lee County has adopted the “Complete Streets” as a planning assumption which states that if you are going to build or fix a roadway then it also has to accommodate pedestrians, bicycles and other means of traffic in addition to the automobile. That is also critical if you want to encourage people to use mass transit, because they need to feel safe walking to the bus terminals.

The Council discussed how local governments have created incentives by giving them the flexibility in their lunch hour to use the wellness center or other fitness facilities. One local government instituted a healthy lifestyle of employees and another had their employees lose over 200 pounds by walking on the walking trail and also they have the option to attend stop smoking classes. All of these have helped in reducing health care costs. Some have been able to reduce their health care costs by 3.5%.

AGENDA ITEM #5(c)

Legislative Summary Report – Mr. David Hutchinson

Mr. David Hutchinson of staff reviewed the item as contained within the agenda packet.

Ms. Holquist asked staff what they felt the trend is going to be with the growth management legislation. Staff explained that the Governor has proposed eliminating the DCA and transferring some of their functions to DEP. The trend line is a reduction in oversight/regulation at the State level, including growth management legislation.

AGENDA ITEM #6

DIRECTOR’S COMMENTS

Mr. Heatherington referred to staff to give an overview of projects that they have been working on.

Ms. Jennifer Pellechio of staff gave a brief overview of the status of video conferencing.

Mr. James Beever of staff announced that he was invited to be a keynote speaker at a Resilient Tampa Bay Conference at the Center for Global Solutions at the University of South Florida. The conference involved international participation from Denmark and other countries around world. Our work from the Council was acknowledged as the leading edge of Climate Change Adaptation Planning and the City of Punta Gorda's work on the project was acclaimed. He announced that the CHNEP's Watershed Summit is scheduled to be held March 30-31 at the Charlotte Harborside Event Center in Punta Gorda.

Mr. Dan Trescott of staff gave an overview of the 2010 Southwest Florida Evacuation Study and DRI activity. The Council had a discussion on the funding for emergency preparedness and what tasks staff does under emergency preparedness. The Council also discussed the various hurricane evacuation issues that are faced throughout the region (Glades County and the intersection of Logan Boulevard and CR951).

AGENDA ITEM #7 STATE AGENCIES COMMENTS/REPORTS

SFWMD - Mr. Flood reminded everyone that water resources are continuing to decline as a result of the lack of precipitation. The Governing Board declared a water shortage warning which is the predecessor to water restrictions. The aquifers continue to dwindle and Lake Okeechobee is below 12 feet and some of the recreational locks have been closed to the lake on the north side.

SWFWMD - Ms. Davies announced that the District has declared a Phase 1 Water Shortage and is asking everyone to follow the year round conservation measures.

Mr. Heatherington asked both Mr. Flood and Ms. Davies if there is a document which lists the conservation regulations. Both replied yes. Mr. Flood explained that the SFWMD has the Water Shortage Warning which was issued. Ms. Davies also stated that the SWFWMD's is located on their website www.watermatters.org and click on the icon called water restrictions.

FDEP - Mr. Iglehart stated that they are focusing on the numeric nutrient legislation.

AGENDA ITEM #8 COUNCIL ATTORNEY'S COMMENTS

Counsel Donley announced that the US Corps of Engineers had published their Notice of Intent for the Areawide EIS for phosphate. They are holding two scoping meetings: March 23rd in Lakeland and March 25th in Punta Gorda. In conjunction with the scoping meetings for the Areawide EIS on March 28th and 29th in Punta Gorda the USEPA is hosting a workshop on State of Science with regards to phosphate.

**AGENDA ITEM #9
COUNCILMEMBERS' COMMENTS**

Ms. Holquist discussed the Century Commission compiling the Strategic Plan for the State of Florida and how it would fit into the Council's Quality of Life Survey. She encouraged staff to invite the Leadership Collier to give a presentation to the Council. Mr. Heatherington indicated that they would like to have the presentation at the May meeting.

Councilman Heitmann noted that while at a meeting in Washington, USEPA stated that they would like to work with local governments on the issues that they are facing. She suggested inviting representatives from EPA to a future Council meeting to give a presentation on how they plan on helping the local governments.

Commissioner Tom Jones thanked the CHNEP for their efforts, particularly for establishing background standards for phosphate throughout the region. The Council also discussed the issue of Pill Mills and how important it is.

**AGENDA ITEM #10
ADJOURN**

The meeting adjourned at 11:20 a.m.

Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the March 11, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 10.

_____ Agenda
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Consent Agenda

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CONSENT AGENDA

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

Approve the administrative action on the Clearinghouse Review items.

Agenda Item #3(b) – Financial Statement for March 31, 2011 & Grant Activity Sheet

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

Agenda Item #3 (c) – Collier County Comprehensive Plan Amendments (DCA 10R-1)

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

Agenda Item #3(d) – Charlotte County Comprehensive Plan Amendments (DCA 11-01)

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

Agenda Item #3(e) – Lee County Comprehensive Plan Amendments (DCA 10-ER3)

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

Agenda Item #3(f) – City of LaBelle Comprehensive Plan Amendments (DCA 11-ER1)

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

Agenda Item #3(g) – Heritage Bay DRI - NOPC

Notify Collier County, the Florida Department of Community Affairs (DCA) and the applicant that the proposed changes do not create additional regional impacts and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.

Request that Collier County provide a copy of any development order amendment related to the proposed changes to the SWFRPC in order to ensure that the amendment is consistent with the Notice of Proposed Change.

Agenda Item #3(h) – Hendry County Small Quantity Generator’s (SQG) Hazardous Waste Assessment Contractual Agreement

Authorize Chairman to execute the SWFRPC/Hendry County Hazardous Waste Program Contractual Agreement.

Agenda Item #3(i) – Executive Director Summary – 2nd Quarter

For information purposes only.

RECOMMENDED ACTION: Approve consent agenda as presented.

4/2011

_____ Agenda
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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 March 1, 2011 and ending March 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.

4/2011

ICR Council - 2011

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2011-09	Ms. Lauren Milligan	FDEP - Florida State Clearinghouse	Glades & Hendry Counties	USACOE, Jacksonville District Corps of Engineers - Environmental Assessment for the Herbert Hoover Dike Major Rehabilitation, Culvert Replacement and Removal - Okeechobee, Martin, Palm Beach, Hendry and Glades Counties, Florida.			Regionally Significant and Consistent
2011-11	Dr. Lainie Edwards, Environmental	FDEP - Environmental Permitting	Collier County	FDEP - City of Marco Island - Collier Bay Entrance Channel.			Regionally Significant and Consistent
2011-12	Mr. Mike Halpin, P.E.	FDEP - Office of Siting Coordination	Charlotte County	Seminole Electric Cooperative, Inc. - Hardee Power Station to Lee Substation Transmission Line.			Less Than 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>
2011-14			Collier County	FDEP - Bureau of Mining and Minerals Regulation - Drilling Application for BreitBurn Florida LLC Permit No. 416AHL.			Review in Progress

_____ Agenda
_____ Item

3b

Financial Statement
For March 31, 2011 and
Grant Activity Sheet

3b

MONTHLY FINANCIAL CONTENTS
For the month ending March 31, 2011

	Pages
Financial Reports:	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
This page is a 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 most recent 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
March-11**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
ASSETS AND OTHER DEBIT					
Cash and cash equivalents	\$ 251,105	\$ -	\$ -	\$ -	\$ 251,105
Investments	482,275	-	-	-	482,275
Receivables - grants and contracts	-	362,714	-	-	362,714
Receivables - other	3,200	-	-	-	3,200
Due from other funds	-	(131,817)	-	-	(131,817)
Other assets	980	-	-	-	980
Property and equipment, net	-	-	1,588,012	-	1,588,012
Amount to be provided for retirement of general long-term debt	-	-	-	1,295,054	1,295,054
TOTAL ASSETS AND OTHER DEBIT	\$ 737,560	\$ 230,897	\$ 1,588,012	\$ 1,295,054	\$ 3,851,522
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	\$ 63,179	\$ -	\$ -	\$ -	\$ 63,179
Retainage payable	57,654	-	-	-	57,654
Due to other governments	-	-	-	-	-
Due to other funds	(131,817)	-	-	-	(131,817)
Deferred revenue - grants and contracts	-	230,897	-	-	230,897
Accrued compensated absences	-	-	-	107,458	107,458
Notes payable	-	-	-	1,187,596	1,187,596
TOTAL LIABILITIES	(10,984)	230,897	-	1,295,054	1,514,966
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,588,012	-	1,588,012
Fund balance					
Reserved, designated	644,000	-	-	-	644,000
Unreserved, undesignated	104,544	-	-	-	104,544
TOTAL FUND EQUITY AND OTHER CREDIT	748,544	-	1,588,012	-	2,336,556
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	\$ 737,560	\$ 230,897	\$ 1,588,012	\$ 1,295,054	\$ 3,851,522

SWFRPC
Balance Sheet
March 31, 2011

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	250,904.52
Cash - Iberia CDs		454,428.61
Cash - FL Local Gov't Pool		17,592.34
Cash - FL Gov't Pool-Fund B		10,254.43
Petty Cash		200.00
Accounts Receivable		299,083.20
Accounts Receivable-Assessment		(3,099.00)
Accounts Receivable-MPO		66,729.30
Bulk Mail Prepaid Postage		979.78
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		1,187,596.40
		<hr/>
Total Current Assets		2,395,327.11
Property and Equipment		
Property, Furniture & Equip	2,029,003.19	
Accumulated Depreciation	(440,991.63)	
		<hr/>
Total Property and Equipment		1,588,011.56
		<hr/>
Total Assets	\$	<u>3,983,338.67</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	62,661.64
Retainage Payable		57,653.89
Deferred Income		230,896.66
United way Payable		211.75
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		28,332.00
Long Term Debt - Bank of Am.		1,187,596.40
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		1,646,783.12
		<hr/>
Total Liabilities		1,646,783.12
Capital		
Fund Balance-Unrestricted		36,091.62
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assets		1,588,011.56
Net Income		68,452.37
		<hr/>
Total Capital		2,336,555.55
		<hr/>
Total Liabilities & Capital	\$	<u>3,983,338.67</u>

SWFRPC
Income Statement
Compared with Budget
For the Six Months Ending March 31, 2011

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	234,993.67	354,641	1,725,063.44	4,255,690	40.54
Expenses					
Salaries Expense	163,955.99	142,167	807,692.00	1,706,000	47.34
FICA Expense	9,024.01	10,833	50,589.64	130,000	38.92
Retirement Expense	15,322.94	15,108	75,226.76	181,300	41.49
Health Insurance Expense	31,110.70	15,000	103,686.09	180,000	57.60
Unemployment Comp. Expense	0.00	417	2,926.65	5,000	58.53
Workers Comp. Expense	359.00	417	2,154.00	5,000	43.08
Grant/Consulting Expense	16,064.50	3,333	23,670.42	40,000	59.18
NEP-Contractual	1,885.21	14,500	80,389.02	174,000	46.20
MPO-Contractual	17,595.20	37,667	116,244.63	452,000	25.72
Audit Services Expense	820.00	3,917	42,220.00	47,000	89.83
Travel Expense	5,742.07	6,250	15,933.60	75,000	21.24
Telephone Expense	1,961.66	729	6,693.42	8,750	76.50
Postage / Shipping Expense	933.45	2,333	14,507.31	28,000	51.81
Equipment Rental Expense	6,129.82	2,683	22,031.80	32,200	68.42
Insurance Expense	0.00	2,767	17,868.84	33,200	53.82
Repair/Maint. Expense	1,556.30	2,083	10,387.75	25,000	41.55
Printing/Reproduction Expense	4,529.80	7,792	64,807.45	93,500	69.31
Utilities (Elec, Water, Gar)	1,770.55	2,333	11,169.81	28,000	39.89
Advertising/Legal Notices Exp	1,096.20	1,088	6,755.93	13,050	51.77
Other Misc. Expense	225.35	375	1,278.22	4,500	28.40
Office Supplies Expense	2,632.27	1,542	8,450.84	18,500	45.68
Computer Related Expense	9,044.64	3,250	32,241.51	39,000	82.67
Publication Expense	609.12	317	1,468.77	3,800	38.65
Prof. Develop./Dues Expense	5,252.50	2,833	29,667.00	34,000	87.26
Meetings/Events Expense	20,838.91	4,650	41,064.18	55,800	73.59
Capital Outlay Expense	0.00	2,083	3,609.91	25,000	14.44
Capital Outlay - Building	0.00	833	0.00	10,000	0.00
Long Term Debt	10,645.92	10,667	63,875.52	128,000	49.90
Reserve for Operations Expense	0.00	56,674	0.00	680,090	0.00
Total Expenses	329,106.11	354,641	1,656,611.07	4,255,690	38.93
Net Income	\$ (94,112.44)	0	\$ 68,452.37	\$ 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

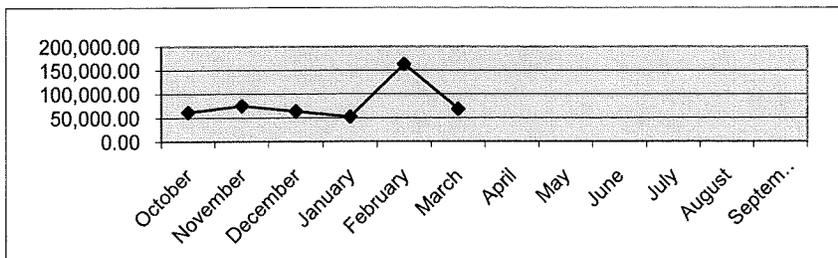
SWFRPC
Income Statement - Two Years
For the Six Months Ending March 31, 2011

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	234,993.67	340,342.38	1,725,063.44	1,674,301.93
Expenses				
Salaries Expense	163,955.99	162,397.38	807,692.00	806,683.27
FICA Expense	9,024.01	12,071.10	50,589.64	59,052.16
Retirement Expense	15,322.94	13,320.21	75,226.76	67,108.00
Health Insurance Expense	31,110.70	27,127.50	103,686.09	97,242.22
Unemployment Comp. Expe	0.00	0.00	2,926.65	3,850.00
Workers Comp. Expense	359.00	424.00	2,154.00	2,544.00
Grant/Consulting Expense	16,064.50	13,800.00	23,670.42	15,900.60
NEP-Contractual	1,885.21	60,023.57	80,389.02	100,213.53
MPO-Contractual	17,595.20	27,895.30	116,244.63	107,817.64
Audit Services Expense	820.00	3,200.00	42,220.00	43,116.00
Travel Expense	5,742.07	7,545.50	15,933.60	23,754.53
Telephone Expense	1,961.66	1,455.18	6,693.42	4,740.22
Postage / Shipping Expense	933.45	5,523.83	14,507.31	14,454.54
Storage Unit Rental	0.00	0.00	0.00	224.00
Equipment Rental Expense	6,129.82	935.68	22,031.80	16,392.81
Insurance Expense	0.00	0.00	17,868.84	21,564.15
Repair/Maint. Expense	1,556.30	1,631.77	10,387.75	8,203.35
Printing/Reproduction Expen	4,529.80	482.34	64,807.45	43,963.93
Utilities (Elec, Water, Gar)	1,770.55	1,523.03	11,169.81	9,226.03
Advertising/Legal Notices Ex	1,096.20	2,141.25	6,755.93	7,013.59
Other Misc. Expense	225.35	891.48	1,278.22	1,836.91
Office Supplies Expense	2,632.27	2,013.48	8,450.84	9,466.18
Computer Related Expense	9,044.64	2,436.77	32,241.51	14,762.14
Publication Expense	609.12	358.70	1,468.77	702.10
Prof. Develop./Dues Expens	5,252.50	4,810.50	29,667.00	31,892.54
Meetings/Events Expense	20,838.91	1,036.74	41,064.18	15,852.63
Capital Outlay Expense	0.00	0.00	3,609.91	3,770.02
Long Term Debt	10,645.92	10,645.92	63,875.52	63,875.52
Total Expenses	329,106.11	363,691.23	1,656,611.07	1,595,222.61
Net Income	\$ (94,112.44)	\$ (23,348.85)	\$ 68,452.37	\$ 79,079.32

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 46.33%
 The percentage of the RPC Budget spent is 57.58%
 The percentage of the MPO Budget spent is 33.34%
 The percentage of the NEP Budget spent is 44.83%

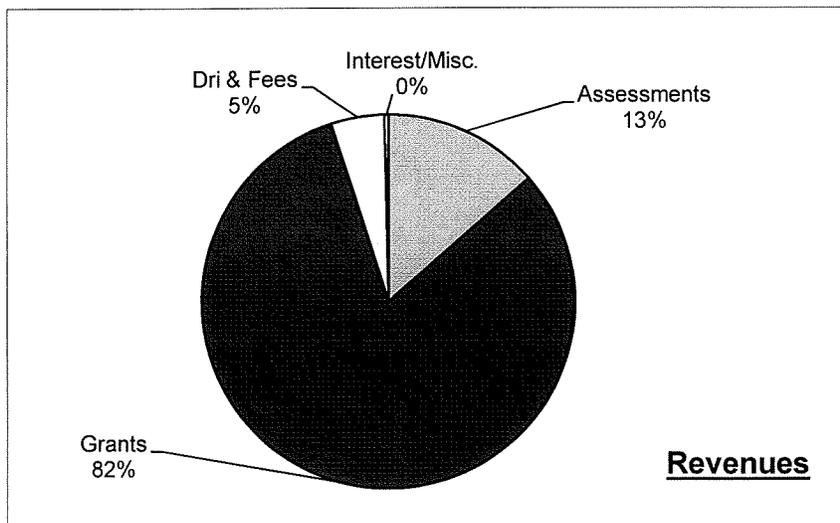
For the month ending March 31, 2011 **\$68,452** is our net income.



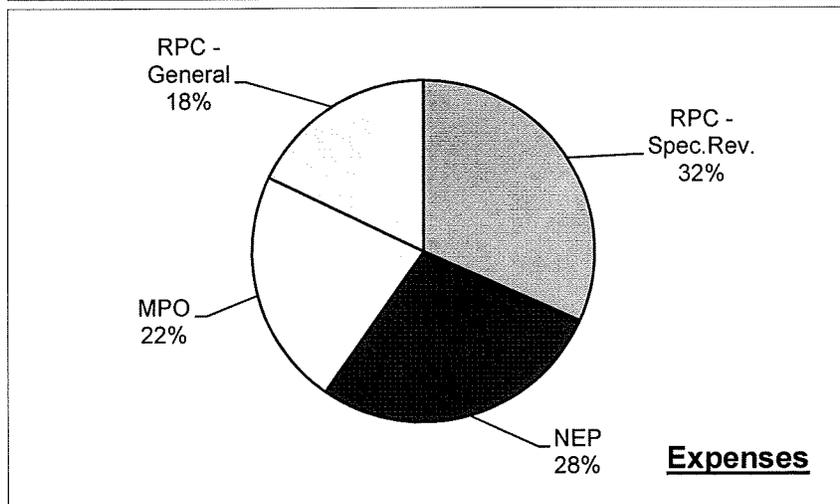
Net Income (unaudited)

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

Total Revenues	1,725,063
Total Expenses	<u>1,656,611</u>
Net Income	<u><u>68,452</u></u>



Assessments	233,334
Grants	1,406,545
Dri & Fees	78,876
Interest/Misc.	6,308
	<u>1,725,063</u>



RPC - Spec.Rev.	524,641
NEP	464,772
MPO	371,426
RPC - General	295,772
	<u>1,656,611</u>

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

	Combined Actual	Combined Adopted Budget	Combined Total YTD Amendments	Combined Amended Budget	Combined VARIABLE	50.00%
Revenues						
Membership Dues	233,334	466,669	0	466,669	233,335	50.00%
Federal/State/Local Grants	1,406,545	2,878,931	0	2,878,931	1,472,386	48.86%
Dri/Monitoring Fees	78,876	200,000	0	200,000	121,124	39.44%
Interest And Miscellaneous	6,308	30,000	0	30,000	23,692	21.03%
Carry Over Fund Balance		655,716	24,374	680,090		
Total Income	1,725,063	4,231,316	24,374	4,255,690	1,850,537	48.25%
Expenditures						
<u>Direct:</u>						
Salaries	807,692	1,706,000	0	1,706,000	898,308	47.34%
FICA	50,590	130,000	0	130,000	79,410	38.92%
Retirement	75,227	181,300	0	181,300	106,073	41.49%
Health Insurance	103,686	180,000	0	180,000	76,314	57.60%
Workers Compensation	5,081	10,000	0	10,000	4,919	50.81%
Total Personnel	1,042,275	2,207,300	0	2,207,300	1,165,025	47.22%
Consultant Fees	23,670	40,000	0	40,000	16,330	59.18%
NEP Contractual	80,389	174,000	0	174,000	93,611	46.20%
MPO Contractual	116,245	452,000	0	452,000	335,755	25.72%
Audit Fees	42,220	47,000	0	47,000	4,780	89.83%
Travel	15,934	75,000	0	75,000	59,066	21.24%
Telephone	6,693	8,750	0	8,750	2,057	76.50%
Postage	14,507	28,000	0	28,000	13,493	51.81%
Equipment Rental	22,032	32,200	0	32,200	10,168	68.42%
Insurance	17,869	33,200	0	33,200	15,331	53.82%
Repair/Maintenance	10,388	25,000	0	25,000	14,612	41.55%
Printing/Reproduction	64,807	93,500	0	93,500	28,693	69.31%
Utilities (Elec, Gas, Water)	11,170	28,000	0	28,000	16,830	39.89%
Advertising	6,756	13,050	0	13,050	6,294	51.77%
Other Miscellaneous	1,278	4,500	0	4,500	3,222	28.40%
Office Supplies	8,451	18,500	0	18,500	10,049	45.68%
Computer Related Expenses	32,242	39,000	0	39,000	6,758	82.67%
Publications	1,469	3,800	0	3,800	2,331	38.65%
Professional Development	29,667	34,000	0	34,000	4,333	87.26%
Meetings/Events	41,064	55,800	0	55,800	14,736	73.59%
Capital Outlay-Operations	3,610	25,000	0	25,000	21,390	14.44%
Capital Outlay-Building	0	10,000	0	10,000	10,000	0.00%
Long Term Debt	63,876	128,000	0	128,000	64,124	49.90%
Allocation of Fringe/Indirect		0	0	0	0	
Reserve for Operation Expense		655,716	24,374	680,090	680,090	
Total Cash Outlays	1,656,611	4,231,316	24,374	4,255,690	2,599,079	46.33%
Net Income/(Loss)	68,452	0	0	0		

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

	CHNEP Actual	CHNEP Adopted Budget	CHNEP YTD Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	50.00%
Revenues						
Membership Dues		0		0	0	
Federal/State/Local Grants	464,772	1,036,700		1,036,700	571,928	44.83%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
Total Income	464,772	1,036,700	0	1,036,700	571,928	
Expenditures						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	0			0	0	
NEP Contractual	80,389	174,000		174,000	93,611	46.20%
MPO Contractual	0			0	0	
Audit Fees	0			0	0	
Travel	6,363	21,000		21,000	14,637	30.30%
Telephone	349	650		650	301	53.77%
Postage	7,007	20,000		20,000	12,993	35.04%
Equipment Rental	0	200		200	200	0.00%
Insurance	0			0	0	
Repair/Maintenance	0			0	0	
Printing/Reproduction	62,687	85,000		85,000	22,313	73.75%
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	885	1,500		1,500	615	58.99%
Computer Related Expenses	4,803	6,000		6,000	1,197	80.04%
Publications	0	500		500	500	0.00%
Professional Development	4,640	7,000		7,000	2,360	66.29%
Meetings/Events	37,258	43,800		43,800	6,542	85.06%
Capital Outlay-Operations	1,763	4,000		4,000	2,237	44.08%
Capital Outlay-Building	0			0	0	
Long Term Debt				0	0	
Allocation of Fringe/Indirect	142,883	375,000		375,000	232,117	
Reserve for Operation Expense				0	0	
Total Cash Outlays	464,772	1,036,700	0	1,036,700	571,928	44.83%
Net Income/(Loss)						

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

	MPO Actual	MPO Adopted Budget	MPO YTD Requested Amendments	MPO Amended Budget	MPO VARIABLE	50.00%
Revenues						
Membership Dues		0		0	0	
Federal/State/Local Grants	371,426	1,114,038		1,114,038	742,612	33.34%
Dri/Monitoring Fees		0		0	0	
Interest And Miscellaneous		0		0	0	
Carry Over Fund Balance		0		0	0	
Total Income	371,426	1,114,038	0	1,114,038	742,612	
Expenditures						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	0			0	0	
NEP Contractual	0			0	0	
MPO Contractual	116,245	452,000		452,000	335,755	25.72%
Audit Fees	0			0	0	
Travel	1,232	6,000		6,000	4,768	20.53%
Telephone	679	1,000		1,000	321	67.94%
Postage	1,616	5,000		5,000	3,384	32.32%
Equipment Rental	125			0	-125	
Insurance	0			0	0	
Repair/Maintenance	0			0	0	
Printing/Reproduction	133	6,500		6,500	6,367	2.05%
Utilities (Elec, Gas, Water)	0			0	0	
Advertising	5,252	10,000		10,000	4,748	52.52%
Other Miscellaneous	360	500		500	140	71.96%
Office Supplies	716	2,000		2,000	1,284	35.80%
Computer Related Expenses	0	3,000		3,000	3,000	0.00%
Publications	0	1,500		1,500	1,500	0.00%
Professional Development	1,420	2,000		2,000	580	71.00%
Meetings/Events	1,806	2,000		2,000	194	90.32%
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	134,242	336,538		336,538	202,296	
Reserve for Operation Expense				0		
Total Cash Outlays	371,426	1,114,038	0	1,114,038	742,612	33.34%
Net Income/(Loss)						

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

	Total RPC Actual	RPC Adopted Budget	RPC YTD Requested Amendments	RPC Amended Budget	RPC VARIABLE	50.00%
Revenues						
Membership Dues	233,334	466,669		466,669	233,335	50.00%
Federal/State/Local Grants	570,347	728,193		728,193	157,846	78.32%
Dri/Monitoring Fees	78,876	200,000		200,000	121,124	39.44%
Interest And Miscellaneous	6,308	30,000		30,000	23,692	21.03%
Carry Over Fund Balance		655,716		655,716	655,716	0.00%
Total Income	888,866	2,080,578	0	2,080,578	1,191,712	62.38%
Expenditures						
<u>Direct:</u>						
Salaries						
FICA						
Retirement						
Health Insurance						
Workers Compensation						
Total Personnel						
Consultant Fees	23,670	40,000		40,000	16,330	59.18%
NEP Contractual	0			0	0	
MPO Contractual	0			0	0	
Audit Fees	42,220	47,000		47,000	4,780	89.83%
Travel	8,339	48,000		48,000	39,661	17.37%
Telephone	5,665	7,100		7,100	1,435	79.78%
Postage	5,884	3,000		3,000	-2,884	196.14%
Equipment Rental	21,907	32,000		32,000	10,093	68.46%
Insurance	17,869	33,200		33,200	15,331	53.82%
Repair/Maintenance	10,388	25,000		25,000	14,612	41.55%
Printing/Reproduction	1,987	2,000		2,000	13	99.34%
Utilities (Elec, Gas, Water)	11,170	28,000		28,000	16,830	39.89%
Advertising	1,504	2,500		2,500	996	60.16%
Other Miscelleaneous.	173	2,500		2,500	2,327	6.94%
Office Supplies	6,850	15,000		15,000	8,150	45.67%
Computer Related Expenses	27,439	30,000		30,000	2,561	91.46%
Publications	1,469	1,800		1,800	331	81.60%
Professional Development	23,607	25,000		25,000	1,393	94.43%
Meetings/Events	2,000	10,000		10,000	8,000	20.00%
Capital Outlay-Operations	1,847	15,000		15,000	13,153	12.31%
Capital Outlay-Building	0	10,000		10,000	10,000	0.00%
Long Term Debt	63,876	128,000		128,000	64,124	49.90%
Allocation of Fringe/Indirect	-277,124	-711,538		-711,538	-434,414	38.95%
Reserve for Operation Expense		655,716		655,716	655,716	
Total Cash Outlays	820,413	2,080,578	0	2,080,578	1,260,165	57.58%
Net Income/(Loss)	68,452	0	0	0		

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

	DCA	HMEP/SQG EMERG	Economic Developmt.	Hurricane Evac/Coastal Depth Analysis	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.
Revenues								
Membership Dues								0
Federal/State/Local Grants	178,818	56,046	4,871	22,500	54,095		254,017	570,347
Dri/Monitoring Fees						78,876		78,876
Interest And Miscellaneous								0
Carry Over Fund Balance								0
Total Income	178,818	56,046	4,871	22,500	54,095	78,876	254,017	649,223
Expenditures								
<u>Direct:</u>								
Salaries								
FICA								
Retirement								
Health Insurance								
Workers Compensation								
Total Personnel								
Consultant Fees	0	456	0	0	0	0	17,365	17,820
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	1,417	0	0	0	0	1,206	3,196
Telephone	0	0	0	0	0	0	0	0
Postage	20	15	6	39	33	6	0	119
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	897	897
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0
Advertising	34	0	0	0	678	0	0	712
Other Miscellaneous	0	0	0	0	0	0	0	0
Office Supplies	0	0	0	373	0	0	0	373
Computer Related Expenses	0	0	0	0	0	0	0	0
Publications	0	0	0	0	0	0	649	649
Professional Development	335	0	2,000	0	0	0	0	2,335
Meetings/Events	0	200	13	0	0	0	335	548
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	63,799	11,804	41,607	6,940	16,153	46,956	88,157	275,416
Reserve for Operation Expense								
Total Cash Outlays	115,898	23,354	81,756	12,911	29,809	84,598	176,314	524,641
Net Income/(Loss)								

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

	General	Empl.Bene.	Total RPC General	Total RPC Actual
Revenues				
Membership Dues	233,334		233,334	233,334
Federal/State/Local Grants			0	570,347
Dri/Monitoring Fees			0	78,876
Interest And Miscellaneous	6,308		6,308	6,308
Carry Over Fund Balance			0	0
Total Income	239,643	0	239,643	888,866
Expenditures				
<u>Direct:</u>				
Salaries				
FICA				
Retirement				
Health Insurance				
Workers Compensation				
Total Personnel				
Consultant Fees	5,850	0	5,850	23,670
NEP Contractual	0	0	0	0
MPO Contractual	0	0	0	0
Audit Fees	42,220	0	42,220	42,220
Travel	5,143	0	5,143	8,339
Telephone	5,665	0	5,665	5,665
Postage	5,765	0	5,765	5,884
Equipment Rental	21,907	0	21,907	21,907
Insurance	17,869	0	17,869	17,869
Repair/Maintenance	10,388	0	10,388	10,388
Printing/Reproduction	1,089	0	1,089	1,987
Utilities (Elec, Gas, Water)	11,170	0	11,170	11,170
Advertising	792	0	792	1,504
Other Miscelleaneous	173	0	173	173
Office Supplies	6,477	0	6,477	6,850
Computer Related Expenses	27,439	0	27,439	27,439
Publications	820	0	820	1,469
Professional Development	21,272	0	21,272	23,607
Meetings/Events	1,452	0	1,452	2,000
Capital Outlay-Operations	1,847	0	1,847	1,847
Capital Outlay-Building	0	0	0	0
Long Term Debt	63,876	0	63,876	63,876
Allocation of Fringe/Indirect	-552,540		-552,540	-277,124
Reserve for Operation Expense				
Total Cash Outlays	-83,758	379,530	295,772	820,413
Net Income/(Loss)				68,452

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

Net Income/Loss Statement

	Prior Period	Amended Budget	Current Period	Current Period as % of Rev/Exp	% Change from Prior Period	% of Budget
Revenue						
DCA - GENERAL	165,603		165,603			
DCA - TITLE III	13,215		13,215			
SALT MARSH LANDS	27,267		43,389			
WETLANDS	82,818		82,818			
ECONOMIC DEVELOP.	0		4,871			
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			
COASTAL DEPTH ANALYSIS	0		22,500			
NEFRC Pos: FIN-MARC / I/O / EDWARDS / RTIC / TEP	87,979		88,660			
CLIMATE RESILIENCY	13,921		13,921			
PG EAR	20,229		20,229			
TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)	521,174	728,193	565,347	32.8%	8.5%	77.6%
DRIs/NOPCs - DRI MON.	59,735	200,000	78,876	4.6%	32.0%	39.4%
ASSESSMENTS & MISC INC. (Includes ABM)	242,634	496,669	244,643	14.2%	0.8%	49.3%
CHNEP	365,441	1,036,700	464,772	26.9%	27.2%	44.8%
MPO	301,347	1,114,038	371,426	21.5%	23.3%	33.3%
Total Revenue	1,490,331	3,575,600	1,725,063	100.0%	15.8%	48.2%
Operating Expenses (all 3 entities-RPC,MPO,NEP)						
Salaries and Fringe (all personnel)	822,503	2,207,300	1,042,275	62.9%	26.7%	47.2%
Consultant Fees	7,606	40,000	23,670	1.4%	211.2%	59.2%
NEP Contractual	78,504	174,000	80,389	4.9%	2.4%	46.2%
MPO Contractual	98,649	452,000	116,245	7.0%	17.8%	25.7%
Audit Fees	41,400	47,000	42,220	2.5%	2.0%	89.8%
Travel	10,192	75,000	15,934	1.0%	56.3%	21.2%
Telephone	4,732	8,750	6,693	0.4%	41.5%	76.5%
Postage	13,574	28,000	14,507	0.9%	6.9%	51.8%
Equipment Rental	15,902	32,200	22,032	1.3%	38.5%	68.4%
Insurance	17,869	33,200	17,869	1.1%	0.0%	53.8%
Repair/Maintenance	8,831	25,000	10,388	0.6%	17.6%	41.6%
Printing/Reproduction	60,278	93,500	64,807	3.9%	7.5%	69.3%
Utilities (Gas,Water, Garb.)	9,399	28,000	11,170	0.7%	18.8%	39.9%
Advertising	5,660	13,050	6,756	0.4%	19.4%	51.8%
Other Miscellaneous	1,053	4,500	1,278	0.1%	21.4%	28.4%
Office Supplies	5,819	18,500	8,451	0.5%	45.2%	45.7%
Computer Related Exps.	23,197	39,000	32,242	1.9%	39.0%	82.7%
Publications	860	3,800	1,469	0.1%	70.8%	38.7%
Professional Development	24,415	34,000	29,667	1.8%	21.5%	87.3%
Meetings/Events	20,225	55,800	41,064	2.5%	103.0%	73.6%
Capital Outlay-Operations	3,610	25,000	3,610	0.2%	0.0%	14.4%
Capital Outlay-Building	0	10,000	0	0.0%	-	-
Long Term Debt	53,230	128,000	63,876	3.9%	20.0%	49.9%
Total Operating Expenses	1,327,508	3,575,600	1,656,611	100.0%	24.8%	46.3%
Net Income or (loss)	162,823	0	68,452			

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	156,608	64,733
DCA 11-CP-03-13-00-21-087	DCA - TITLE III	52-006	7/1/10 - 6/30/11		40,909		40,909	42,722	-1,813
EPA CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	98,584	201,141
EPA CD96484907	WETLANDS	66-456	10/1/07 - 12/31/10	470,494			470,494	461,022	9,472
EDA 04-83-06492 (w/match)	ECONOMIC DEVELOP.2010-12	11-300	1/1/11 - 12/31/13	26,500		11,357	37,857	4,871	32,986
DEM 11-DT-83-13-00-21-210	HMEP-PLANNING	20-703	10/1/10 - 09/30/11	18,000			18,000	16,837	1,163
DEM 11-DT-83-13-00-21-210	HMEP-TRAINING	20-703	10/1/10 - 09/30/11	34,546			34,546	6,516	28,030
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	21,903	13,234
TD AQ055	TD LEE	55-002	7/1/10 - 6/30/11		29,702		29,702	18,651	11,051
PO Pending	COASTAL DEPTH ANALYSIS	97-039	10/1/10 - 9/30/11	22,500			22,500	7,235	15,265
NERPC PO # 332/410	RTIC REVIEW & TEP	97-067	NEFPC Grant			31,713	31,713	24,639	7,075
NERPC PO # 420/334/397	FIN-MARC / I/O / EDWARDS	97-055	NEFPC Grant			142,162	142,162	23,070	119,092
LEE PO # 204716	CLIMATE RESILIENCY	N/A	NEFPC Grant			30,000	30,000	24,763	5,237
PO # 42845	PG EAR	N/A	01/10 - 12/10			28,000	28,000	17,657	10,343
Sponsors	ABM	N/A	N/A			5,000	5,000	1,964	3,036
EPA CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/11	518,350		518,350	1,036,700	464,772	571,928
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	545,265	458,527
FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			78,876	78,876	84,598	-5,722

SWFRPC
 Account Reconciliation
 As of Feb 28, 2011
 101000 - Cash - Bank of America Oper.
 Bank Statement Date: February 28, 2011

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance				60,495.54
Add: Cash Receipts				198,284.03
Less: Cash Disbursements				(148,815.86)
Add (Less) Other				<u>(51,444.40)</u>
Ending GL Balance				<u>85,370.04</u>
Ending Bank Balance				85,973.53
Add back deposits in transit				
Total deposits in transit				
(Less) outstanding checks				
	Nov 1, 2010	42330		(51.62)
	Jan 3, 2011	42510		(302.67)
	Jan 3, 2011	42520		(28.48)
	Feb 1, 2011	42556		(63.19)
	Feb 1, 2011	42567		(55.18)
	Feb 1, 2011	42569		(53.40)
	Feb 1, 2011	42576		(20.47)
	Feb 1, 2011	42592		<u>(28.48)</u>
Total outstanding checks				(603.49)
Add (Less) Other				
Total other				
Unreconciled difference				<u>0.00</u>
Ending GL Balance				<u><u>85,370.04</u></u>

SWFRPC
 Account Reconciliation
 As of Feb 28, 2011
 101001 - Cash - Iberia Checking
 Bank Statement Date: February 28, 2011

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance				
Add: Cash Receipts				188,179.77
Less: Cash Disbursements				(183,132.06)
Add (Less) Other				<u>(3.82)</u>
Ending GL Balance				<u>5,043.89</u>
Ending Bank Balance				6,129.86
Add back deposits in transit				
Total deposits in transit				
(Less) outstanding checks				
	Feb 17, 2011	43000	(500.68)	
	Feb 17, 2011	43002	(84.99)	
	Feb 17, 2011	43013	(32.24)	
	Feb 17, 2011	43014	(249.61)	
	Feb 17, 2011	43016	(184.63)	
	Feb 17, 2011	43029	(33.82)	
Total outstanding checks				<u>(1,085.97)</u>
Add (Less) Other				
Total other				
Unreconciled difference				<u>0.00</u>
Ending GL Balance				<u><u>5,043.89</u></u>

SWFRPC
General Ledger

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

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

Account ID Account Description	Date	Trans Description	Debit Amt	Credit Amt	Balance
101000 Cash - Bank of America O	3/1/11	Beginning Balance			85,370.04
		Current Period Change	432,485.68	266,951.20	165,534.48
	3/31/11	Ending Balance			250,904.52
101001 Cash - Iberia Checking	3/1/11	Beginning Balance			5,043.89
		Current Period Change	26,693.83	31,737.72	-5,043.89
	3/31/11	Ending Balance			
101002 Cash - Iberia CDs	3/1/11	Beginning Balance			454,428.61
	3/31/11	Ending Balance			454,428.61
101006 Cash - FL Local Gov't Pool	3/1/11	Beginning Balance			57,376.14
		Current Period Change	216.20	40,000.00	-39,783.80
	3/31/11	Ending Balance			17,592.34
101006B Cash - FL Gov't Pool-Fund	3/1/11	Beginning Balance			10,441.34
		Current Period Change	17.43	204.34	-186.91
	3/31/11	Ending Balance			10,254.43

SWFRPC Upcoming Opportunities				
Name of Project	Funding Source	Due Date, Total Requested & In-kind or Match	Details & Date Grant Submitted	Lead
Partners for Fish and Wildlife Program	USFWS		Technical Assistance	CHNEP
Coastal Partners Initiative	FDEP	October 2011, requires match, but in-kind volunteer hours are eligible, up to \$50,000	Grassroots restoration, education	Liz
Gulf of Mexico Program	US EPA	June 2011,		Liz
Gulf Coast Ecosystem Restoration grants	unknown	unknown	restoration of the Gulf of Mexico ecosystems	CHNEP
Sustainable Communities	HUD/EPA/DOT	sometime this summer	2nd funding of the FY2010 Sustainable Communities Initiative	Nikki and Jennifer
Climate Ready Estuaries	EPA HQ	April/May, 50% to 100% match can use in-kind	Possible request for funding of economic impacts to environment of climate change	Liz
EPA Brownfields	EPA	Oct-11	TBA	John Gibbons

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
EPA 2011 WPDG	CHNEP	EPA Region 4					in pre-proposal stage	3 years	Liz/Jim

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
EPA 2011 WPDG	CHNEP	EPA Region 4					in pre-proposal stage	3 years	Liz/Jim

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
NOAA/GOMP/SeaGrant - 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.
EPA 5 STAR	CHNEP	National Fish and Wildlife Foundation		up to \$40,000	100%		in pre-proposal stage		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
EPA Technical Assistance to Build More Sustainable Communities	SWFRPC/CHNEP	EPA Headquarters	\$100,000	\$100,000	no	\$100,000	31-Mar-11	1 YR.	Liz/Nikki
Pine Island Commercial Marina Seagrass Restoration	CHNEP	USFWS	0	94591	44509	139100	4/8/2011	1 year	TNC

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
EPA Technical Assistance to Build More Sustainable Communities	SWFRPC/CHNEP	EPA Headquarters	\$100,000	\$100,000	no	\$100,000	31-Mar-11	1 YR.	Liz/Nikki
Pine Island Commercial Marina Seagrass Restoration	CHNEP	USFWS	0	94591	44509	139100	4/8/2011	1 year	TNC

_____ Agenda
_____ Item

3c

Collier County Comprehensive
Plan Amendments (DCA 11D-1)

3c

3c

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
COLLIER COUNTY**

The Council staff has reviewed proposed amendments to the Collier County Comprehensive Plan (DCA 011D-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Location</u>	<u>Factors of Regional Significance</u>		
		<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DCA 11D-1 (CP-2006-11)	yes	yes	yes	(1) regionally significant; and (2) conditionally consistent with SRPP

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

04/11

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

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

Attachment I

Comprehensive Plan Amendments

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

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

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

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

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

Regional Planning Council Review

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

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

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

Attachment II

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. Local Government Name:

Collier County

2. Amendment Number:

DCA 1D-1

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

No

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

February 24, 2011

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

March 25, 2011

6. Date the Review was Transmitted to DCA:

March 25, 2011

7. Description of the Amendment:

The proposed amendments seek to amend the County' Growth Management Plan by changing the Plan's Future Land Use Element (FLUE), Future Land Use Map (FLUM), and Conservation and Coastal Management Element. Specifically, the proposed amendments, if approved, will allow the following actions:

- a. Reconfigure the boundary and increase the size of the southeast quadrant of the Mixed Use Activity Center No. 7 (Rattlesnake Hammock Road and Collier Boulevard) The amendment expands the size of the southeast quadrant of the

Activity Center by 9.16 acres in order to increase the intensity of commercial uses within Activity Center No. 7;

- b. Increase the maximum allowable density that may be achieved within the Urban Residential Fringe Subdistrict (URF) portion of the project lying in more than one Future Land Use designation through enhanced utilization of eligible Transferable Development Rights (TDRs). The amendment would allow an increase in the maximum transferred TDR density from 1.0 to 1.3 units per acre and the 2.5 unit-per-acre maximum achievable density to 2.8 units per acre to use all qualifying TDRs within the Hacienda Lakes project. The change would allow an additional 187 residential units to be placed on the developable portion of the project;
- c. Provide a definitive access provision for a Business Park located in the URF portion of the development. This change would allow The Lord's Way roadway to serve as access to a Business Park as well as to various residential areas in the Hacienda Lakes project; and
- d. Allow for native vegetation preservation in the URF portion of a project when the required amount of native vegetation preservation is proportionally increased in the Sending Lands portion of the project – as they relate to the proposed Hacienda Lakes Development of Regional Impact (DRI) and Mixed Use Planned Unit Development (MPUD) requests. This amendment shifts a portion of the FLUE native vegetation preservation from Urban Lands to RFMUD Sending Lands to protect the highest quality wetlands and habitat within the Hacienda Lakes project.

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

Council staff has reviewed the proposed amendments and find that the requested changes are conditionally consistent with the Strategic Regional Policy Plan (SRPP). Council staff finds that they proposed amendments are consistent with the SRPP with the condition that the amendments are only approved at such time as the final Hacienda Lakes DRI Development Order is approved and that the impacts from the Hacienda Lakes development have been properly mitigated.

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

Council staff finds that the proposed amendments are consistent with the following SRPP Goals, Strategies and Actions if the Hacienda Lakes DRI Development Order is approved:

Economic Infrastructure

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

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

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

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

Livable Communities

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

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

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

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

Livable Communities

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

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

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

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

Regional Cooperation

Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.

Strategy: All plans concerning the same resource shall have as objectives the same effective results.

Action 7: The SWFRPC will continue to coordinate with the entities of the South Florida Ecosystem Restoration Task Force Working Group in their restoration efforts.

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

The proposed development that would result if this requested amendments are approved is found by the Council staff to be regionally significant because the southeast quadrant of the subject site is located in the Hacienda Lakes DRI and is therefore regionally significant by definition and therefore will have significant impact on the Picayune Strand National Forest located east of the proposed development and Collier Boulevard (CR 951) which have been

determined to be regional resources. Because a portion of the subject site is also part of the Hacienda Lakes DRI that is currently being processed, significant portions of the impacts from the proposed amendments will be mitigated. Council staff finds that the proposed development's impacts to the Picayune Strand National Forest and CR 951 will be mitigated through the DRI and therefore does not object to the reconfiguration to the boundary and the increase the size of the southeast quadrant of the Mixed Use Activity Center No. 7; the increase in the maximum allowable density that may be achieved within the Urban Residential Fringe Subdistrict (URF) portion of the project lying in more than one Future Land Use designation through enhanced utilization of eligible Transferable Development Rights (TDRs); the improved access provided by The Lord's Way roadway to serve as access to a Business Park as well as to various residential areas in the Hacienda Lakes project; and to native vegetation preservation in the URF portion of a project when the required amount of native vegetation preservation is proportionally increased in the Sending Lands portion of the project – as they relate to the proposed Hacienda Lakes Development of Regional Impact (DRI) and Mixed Use Planned Unit Development (MPUD) requests.

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

Council staff finds that based on the information provided in the amendment application and the County staff and CCPC comments, the new development that would result in the amended Mixed Use Activity Center No. 7 will not have extra-jurisdictional impacts because the project's extra-jurisdictional/regional impacts will be mitigated through the Hacienda Lakes DRI. In addition, the proposed amendments will not have extra-jurisdictional impacts that would be inconsistent with the County's Comprehensive Plan if the development is approved by Collier County as provided in the application material and the future Hacienda Lakes DRI.

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

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

If approved, this amendment will result in commercial and residential development that will be consistent with the local plans if the conditions set by the County are satisfied. The proposed amendment will provide for commercial and residential development at a location where commercial development is already approved. The addition of the 187 new residential units provided through the TDR program is not regional in nature due to its limited magnitude. The impacts of the proposed development changes will be mitigated through the DRI. Council staff has review the proposed land use and site plans for the proposed development and finds that the subject development that will be allowed if the proposed amendments are approved are compatible with the adjacent land uses. The proposed amendments will not impact any military bases.

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

If approved, this amendment will result in an increase in development on the Mixed Use Activity Center No. 7 area and thereby result in more impervious surfaces in the planning area. This action will reduce the groundwater recharge on the subject site and will increase the potable water consumption in the area, but because a portion of the development site is located within the Hacienda Lakes DRI the impacts from the proposed changes will be mitigated. Council staff finds that the requested amendments to Mixed Use Activity Center No. 7 will have impacts on regional resources, but those impacts will be mitigated through the DRI review process and the issuance of a DRI Development Order.

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

The proposed amendment will not have impacts on affordable housing in the County. The development that would result from the proposed amendment would be located in a part of the County where sufficient affordable housing may not be available due to the current economic situation of southwest Florida. However, because the Hacienda Lakes DRI will provide for the mitigation of this issue, Council staff finds that the affordable housing issue will be addressed at the time of the approval of the Hacienda Lakes Development Order.

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

The development that would result from these amendments will have impacts to regionally significant resources as previously identified in this assessment. However, due to limited magnitude of the changes proposed that specifically relate to Mixed Use Activity Center No. 7, the recharge potential to the areas groundwater resources is found by Council staff not to be significant. There are no springs requiring protection on or near the subject site.

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

The commercial and residential development and associated access request on The Lord's Way roadway will not result in significant new impacts regional roadways. The transportation impacts from the proposed development due to these amendments will be mitigated through the Hacienda Lakes DRI. There are no seaports in southwest Florida. The proposed amendments will have no significant impacts to the region's airports, public transportation systems, or future high speed rail or intermodal facilities.

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

The commercial and residential development that would result from the proposed amendment will not significantly impact the adequacy or compatibility with emergency preparedness plans and local mitigation strategies. The proposed commercial project will not significantly impact the availability of hurricane shelters, maintenance of county hurricane clearance times, or hazard mitigation. These issues as they relate to the portion of Mixed Use Activity Center No. 7 will be addressed and mitigated in the Hacienda Lakes DRI.

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

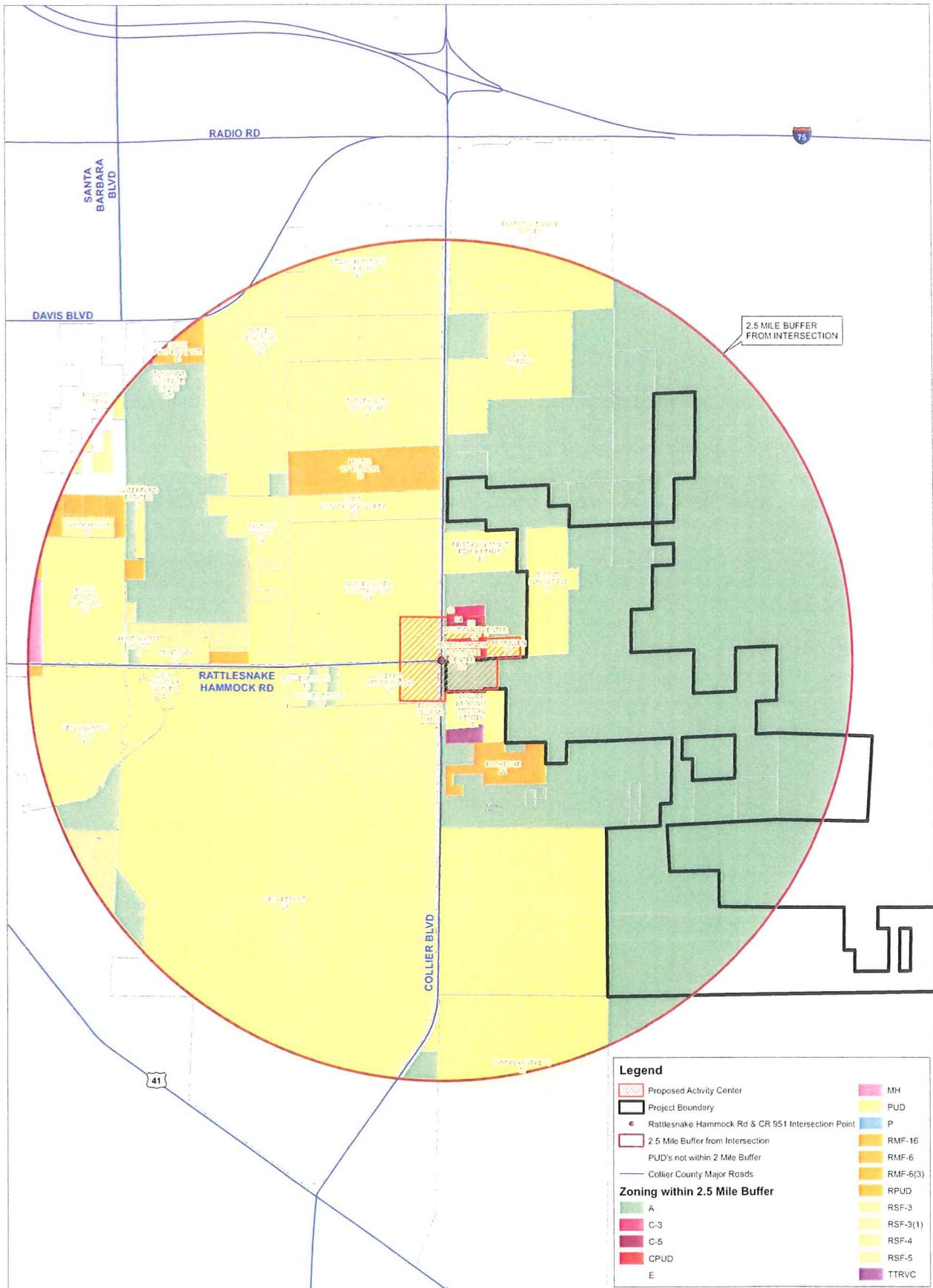
Because the southeastern portion of Mixed Use Activity Center No. 7 is located in the Hacienda Lakes DRI, the development that would result from the requested amendment, there are regionally significant and thereby will have extra-jurisdictional impacts by definition and due to the fact that the proposed development will impact Collier Boulevard (CR 951) and the Picayune Strand National Forest which are regional resources. These impacts however will be mitigated through the DRI review process and the Hacienda Lakes DRI Development Order.

Attachment III

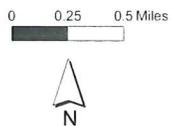
Maps

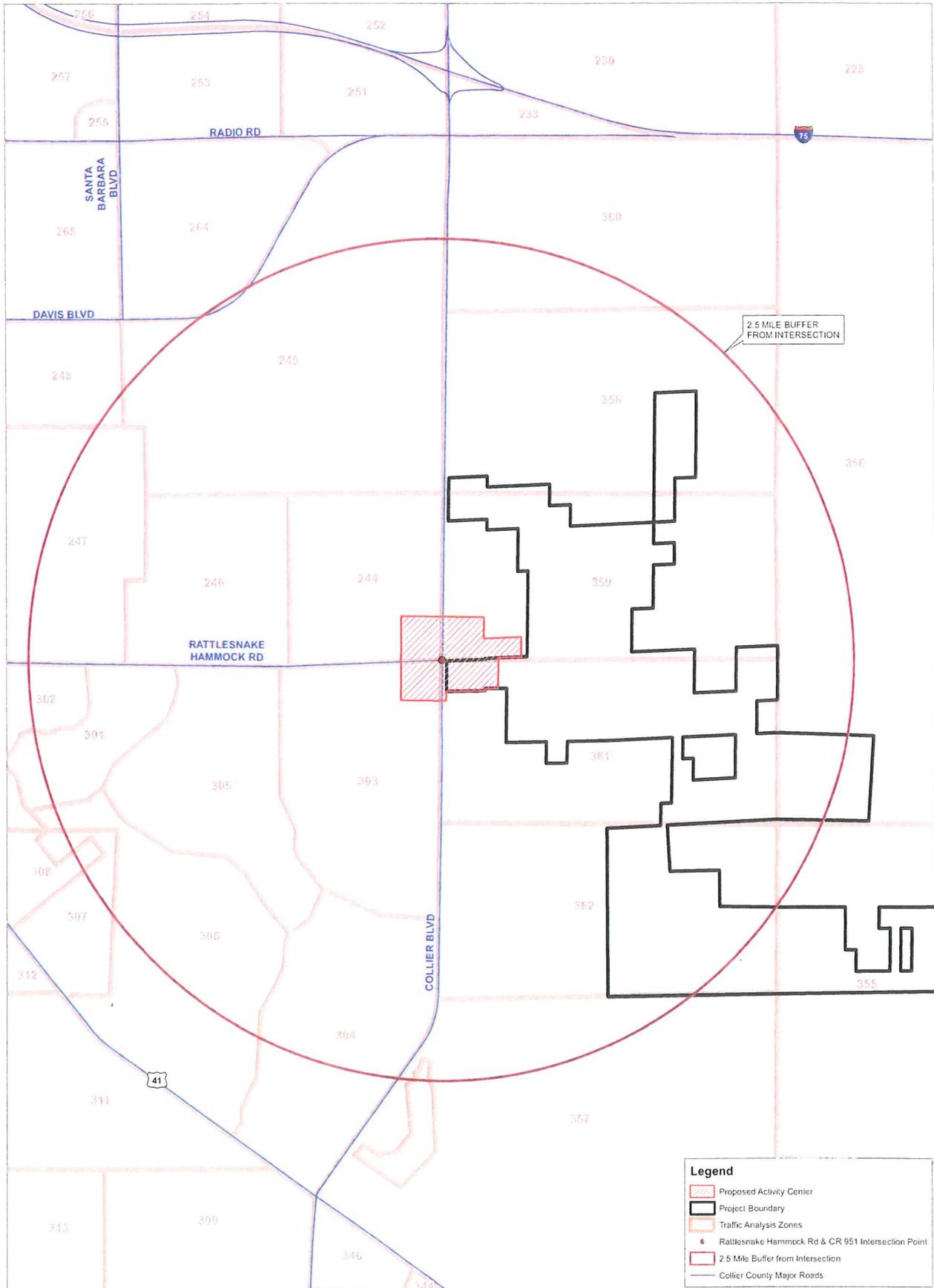
**Collier County
DCA 11D-1**

**Proposed Comprehensive Plan Amendments
Site Locations**



Hacienda Lakes
Study Area 2.5 Miles from Intersection



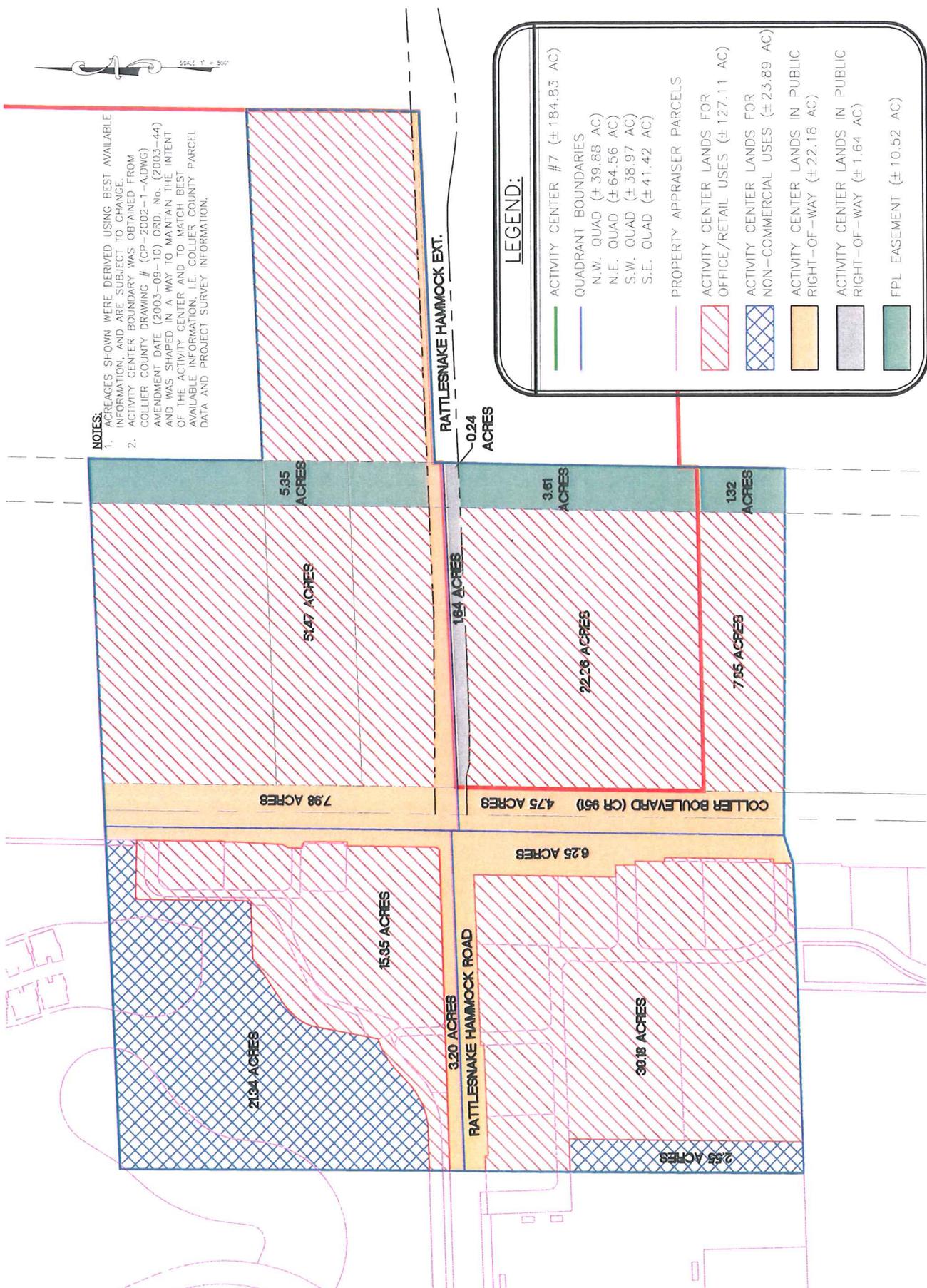


Hacienda Lakes
Traffic Analysis Zones





- NOTES:**
1. AGRAGES SHOWN WERE DERIVED USING BEST AVAILABLE INFORMATION, AND ARE SUBJECT TO CHANGE.
 2. ACTIVITY CENTER BOUNDARY WAS OBTAINED FROM COLLIER COUNTY DRAWING # (CP-2002-1-A.DWG) AMENDMENT DATE (2003-09-10) ORD. No. (2003-44) AND WAS SHAPED IN A WAY TO MAINTAIN THE INTENT OF THE ACTIVITY CENTER AND TO MATCH BEST AVAILABLE INFORMATION, I.E. COLLIER COUNTY PARCEL DATA AND PROJECT SURVEY INFORMATION.



November 11, 2010 1:05 PM 01/2009/050150.02.03 Hacienda Lakes MFUD-ORI-EPP/0001 General Consultation/0001 - Subtask 1.1 General Consultation - Planning\Exam\0501500203PX25.dwg		PROJECT: HACIENDA LAKES	
CLIENT: HACIENDA LAKES OF NAPLES, LLC.	PROJECT NO.: 050150.02.03	SHEET NUMBER: 1	FILE NO.: 051500203PX19
TITLE: ACTIVITY CENTER #7 EXHIBIT 1	CROSS REFERENCE:	PROJECT NO.: 050150.02.03	SHEET NUMBER: 1 OF 1
DATE: 11/11/2010	SCALE: 1" = 500'	DATE: 11/11/2010	SCALE: 1" = 500'
NAME: R.M.J.	DATE: 5-4-10	NAME: D.H.N.	DATE: 5-4-10
DESIGNED:	DRAWN:	CHECKED:	CHECKED:
PIWA CONSULTING Planning Visualization Civil Engineering Surveying & Mapping 6810 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 Fax: (239) 597-0578			

_____ Agenda
_____ Item

3d

Charlotte County Comprehensive
Plan Amendments (DCA 11-01)

3d

3d

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CHARLOTTE COUNTY**

The Council staff has reviewed the proposed amendments to the Charlotte County Comprehensive Plan (DCA 11-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps are found in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
PA-10-02-10-LS (Bermont Road Partnership)	yes	yes	yes	(1) regionally significant; and (2) request is a DRI and conditionally consistent with the SRPP if approved by a DRI DO
PA-10-11-32-LS (KB Home Fort Myers, LLC)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

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

04/11

Attachment I

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

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

Attachment I

Comprehensive Plan Amendments

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

[s. 163.3184(3)(a)]

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

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

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

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

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

Regional Planning Council Review

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

[s. 163.3184(5)]

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

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

Attachment II

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. Local Government Name:

Charlotte County

2. Amendment Number:

DCA 11-1

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

No

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

The RPC received the DCA Notification on March 2, 2011.

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

The DCA Notification set April 7, 2010 for the transmittal deadline date.

6. Date the Review was Transmitted to DCA:

The RPC completed and transmitted the proposed amendment review to DCA on April 6, 2011.

7. Description of the Amendment:

PA-10-02-10-LS (Bermont Road Partnership)

The applicant, Bermont Road Partnership, is requesting an amendment to the 1997-2010 Charlotte County Comprehensive Plan and the 2030 Future Land Use Map (FLUM) to change the existing land use designation from Agriculture to Rural Community Mixed Use. The subject 740± acre site is located north of Bermont Road (CR 74), south of Washington Loop Road, east of Duncan Road (US 17) and west of CR 31, just east of the City of Punta Gorda. The applicant is proposing the amendment to allow for the development of a rural mixed use community containing 1,480 residential units, 3 acres of commercial uses, and 4.5 acres of land planned for horse paddocks.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The petitioner, KB Home Fort Myers, LLC, is requesting an amendment to the Charlotte County Comprehensive Plan FLUM in order to all a split of the subject site's 42 existing homesites to create a new subdivision containing a maximum of 84 single-family homesites. The subject site is located adjacent to and north of South Jones Loop Road, west of 1-75 and east of Taylor Road and is within the Suburban Area of the Urban Service Area as identified in County's 1997-2010 Comprehensive Plan and within the Urban Service Area in the Smart Charlotte 2050 Comprehensive Plan. Although the subject property is currently vacant, it has County Final Site Plan approval and has been platted to allow a clustered residential development of 42 single-family homes. The site's roads, stormwater management and utility facilities have already been constructed.

8. Is the Amendment consistent with the Strategic Regional Policy Plan:**PA-10-02-10-LS (Bermont Road Partnership)**

Council staff finds that the requested changes to the Charlotte County Comprehensive Plan and FLUM land use designations exceeds current DRI thresholds and are therefore found to be regionally significant. In addition, Council staff finds that the proposed amendments may be consistent with the Goals, Strategies and Actions of the Strategic Regional Policy Plan if the proposed project is reviewed and approved through the DRI process and receives an approved DRI Development Order that mitigates the proposed development's future impacts to regionally significant natural systems and infrastructure. Council staff finds that the proposed development is regional in nature due to its magnitude, character and location and is conditionally consistent if its future impacts are mitigated and development form is approved through the DRI review process.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The proposed land use designation change will allow a project that is not regional in size and will have a minimal impact on significant regional resources. Due to its small size and minimal impacts, the project is found by Council staff not to be regionally significant and because it is a redevelopment infill project with resource protection proposed within the site development plan, it is found to be consistent with the Strategic Regional Policy Plan.

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:**PA-10-02-10-LS (Bermont Road Partnership)****Livable Communities**

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

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

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

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

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

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

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

PA-10-11-32-LS (KB Home Fort Myers, LLC)

Livable Communities

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

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

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

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

PA-10-02-10-LS (Bermont Road Partnership)

The proposed development exceeds DRI thresholds and will have significant additional impacts to a variety of issues that are regional in nature, including project impacts to the adjacent Prairie Creek natural ecosystems, impacts to both on- and off-site potable water and sewer infrastructure facilities, potential impacts to the City of Punta Gorda potable water source, impacts to County hurricane evacuation times and shelter space, impacts to area schools, and impacts to the surrounding regional roadway network. These impacts will be mitigated by utilizing the requested Comprehensive Plan Rural Community Mixed Use land use designation and DRI Development Order to cluster development away from sensitive ecosystem areas and provide on-site habitat preservation, while producing a rural village land development scheme that will address other improvements that will be necessary to mitigate the project's impacts and provide assurances the proposed rural development is not identified as urban sprawl. Council staff finds that the project will have significant impacts on regional resources and because the development as proposed

exceeds current DRI thresholds the proposed project must go through the DRI review process in order to adequately mitigate the said impacts.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The proposed development that would be allowed if the proposed land use change is approved is located adjacent to Alligator Creek on Jones Loop Road near I-75, all of which are significant regional resource. In addition, the site has wetlands that are regional resources due to their interconnection to the Alligator Creek. However, the project has an existing develop plan that provides for the site's wildlife (gopher tortoise take permit) and wetlands and minimizes the shoreline impacts of the Alligator Creek with low intensity development. Because of the small size of the project and because the project already has the development's roadways, infrastructure and preserve areas already in place, Council staff finds the proposed development will not have significant impacts on the mentioned regional resources.

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

PA-10-02-10-LS (Bermont Road Partnership)

As proposed, the project proposed for the subject site exceeds DRI thresholds and therefore will produce extra-jurisdiction impacts inconsistent with the affected government by definition. These extra-jurisdictional impacts will be mitigated through provisions required by the DRI and the resultant Development Order. Therefore, Council staff finds that the extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of the affected local government will be addressed and mitigated through the DRI review and resulting Development Order conditions.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The project is relatively small and does not have land uses that will have significant extra-jurisdictional impacts or be inconsistent with the affected local government. Council staff finds that the subject project, while adding 42 additional residential units to a site with an existing road network, infrastructure, preserve areas along Alligator Creek and wildlife mitigation permits, is located within the County's Urban Services Area. Council staff finds that the proposed amendments provides a land use that will a design that is already been found to protect surrounding development and minimize impacts to the Alligator Creek and is therefore not creating extra-jurisdictional impacts that are inconsistent with the Comprehensive Plan of the affected local government.

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

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

PA-10-02-10-LS (Bermont Road Partnership)

The proposed changes to the County's FLUM land use designations produce a project that exceeds DRI thresholds. This proposed development would be incompatible with the local land use plans without proper mitigation of the regional impacts that would be result from the project. The proposed land use designation changes, if approved through the DRI review process will result in a site design that provides a development plan that will be in the village format to eliminate the potential of urban sprawl and provide mitigation that will preserve important habitat ecosystems located on the property. Additionally, a DRI approval will serve to provide a land development plan that will protect preservation areas through the clustering of units and appropriately locate future commercial areas to minimize impacts to the regional roadway network. These actions will provide for an improved site design for the project and provide for additional protections for the regional resources. The subject lands that are affected by the requested land use changes do not impact any military bases.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

Council staff finds that the proposed land use designation change as proposed in the applicant's request is already partially constructed and will not cause compatibility issues within the local plans. The proposed land use designation changes do not affect any military base.

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

PA-10-02-10-LS (Bermont Road Partnership)

As proposed, the subject project will produce significant impacts to important regional resources and facilities that are identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply. Council staff is especially concerned about potential impacts to water quality in Prairie Creek, which serves as a major water source to the City of Punta Gorda. While the development will impact the groundwater recharge characteristics on the site, the developer through the DRI Development Order will be required to provide mitigation through site design and open space preservation in order to mitigate these impacts.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The proposed development will impact Alligator Creek but is not large enough to be regional in nature. The number of lots in the proposed plan is not substantially increasing

the number of already approved lots in the area and thereby will not substantially impact to the creek dues to buffers already approved on the property. The site will have open spaces and setbacks that will facilitate groundwater recharge. Council staff believes that the project proposed will not substantially increase impacts to the creek and will have minor impacts to groundwater recharge.

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

PA-10-02-10-LS (Bermont Road Partnership)

Given the state of the housing market in southwest Florida, the need for affordable housing in this area is not an issue. There are affordable housing units located near the proposed development area that can address the affordable housing issue. In addition, because the proposed development is a DRI, standard affordable housing conditions will be added to the Development Order that require affordable housing opportunities for the future workers in the proposed commercial portions of the DRI.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

Given the state of the housing market in southwest Florida, the need for affordable housing in this area is not an issue. Affordable housing will not be substantially impacted by the requested Comprehensive Plan changes proposed for the site.

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

PA-10-02-10-LS (Bermont Road Partnership)

The proposed development will impact significant natural resources and wildlife impacts to species identified on the Potential Listed Animal Species of the Bermont Road Partnership, Charlotte County in the Order of Endangerment, as of April 5, 2011. These species are identified as follows:

- State Endangered Species
Florida panther (*Puma concolor coryi*), bonneted bat (*Eumops glaucinus floridanus*), wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*)
- State Threatened Species
Florida black bear (*Ursus americanus floridanus*), Florida sandhill crane (*Grus canadensis pratensis*), Florida scrub jay (*Aphelocoma coerulescens*), eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*)
- State Species of Special Concern
Sherman's fox squirrel (*Sciurus niger shermani*), Sherman's short-tailed shrew (*Blarina carolonensis shermani*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), American alligator (*Alligator mississippiensis*)

The subject project is in and adjacent to a potential least-cost pathway for wildlife corridor connection between the Babcock-Webb Wildlife Management Area and the greater Myakka River

conservation lands via the Shell Creek, Peace River, and the PRMWSA preserve (see the attached map).

Because the requested site changes and potential natural resource impacts will be contained within the a DRI, the impacts resulting from the proposed development will be saved or mitigated for through the DRI Development Order conditions. In addition, groundwater and recharge potential will be affected by the proposed development. These impacts will also be required to be addressed in the DRI and conditions will be provided to minimize these impacts. There are no natural springs located on the subject property.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

The proposed project that will be allowed by the land use designation change already protects the natural resources on and adjacent to the site. The existing platted lots that are currently approved for the subject property does not have the magnitude, character or location to be regional in nature. The shore line of the Alligator Creek included in this site will not be exposed to additional development. The gopher tortoises located on the site have already been address via a taking permit. In addition, the open space on the approved site plan will not substantially impact the groundwater resources in the area. There are no springs located on the property.

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

PA-10-02-10-LS (Bermont Road Partnership)

The requested amendment to the FLUM that changes the land use designation will increase roadway impacts on Bermont Road (CR 74), Duncan Road (US 17) and CR 31, all of which are part of the regional roadway network. These traffic impacts will be mitigated through transportation conditions in the DRI review and Development Order. The proposed Rural Community Mixed Use designation will provide an opportunity for more compatible land uses, densities, and intensities when compared to that of relatively high density residential designations in urban areas. The DRI review process will identify additional transportation impacts cause by the future development on the subject site and potential mitigation strategies to eliminate future problem areas related to the project. The proposed development will not have regional impacts on the region's airports, public transportation systems, or the future potential in the region for high speed rail facilities. The project if properly planned could provide for intermodal transportation facilities on the site. There are no seaports in the area of the proposed project, so there are no impacts anticipated for such a facility.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

Based on the information provided, Council staff finds that the proposed increase in development on the subject site will not negatively impact the Jones Loop Road or I-75

which are part of the regional roadway system. The proposed development will not have regional impacts on the seaports, airports, public transportation systems, high speed rail facilities, or intermodal facilities.

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

PA-10-02-10-LS (Bermont Road Partnership)

Council staff finds that the proposed development allowed by the requested Rural Community Mixed Use land use designation will increase the need for emergency preparedness plans and local mitigation strategies. Because the project is a DRI and will result in a DRI Development Order, it will require the impacts on the County's hurricane shelters, maintenance of hurricane clearance times and hazard mitigation to be adequately mitigated in order to be approved. These mitigation requirements will address the regional issues associated with the proposed land use changes and resultant development.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

Because the proposed development allowed by the Comprehensive Plan amendments are not regionally significant, the proposed development will have minimal impacts on the region's emergency preparedness plans or local mitigation strategies, including the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation.

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

PA-10-02-10-LS (Bermont Road Partnership)

The requested land use designation amendments provide for a development that will exceed DRI thresholds. DRI developments are regional by definition and have regional resource impacts and thereby extra-jurisdictional. Because the proposed changes are required to go through the DRI review process, the resultant extra-jurisdictional impacts are mitigated; the developer is required to provide for the mitigation of these extra-jurisdictional impacts. Council staff finds that due to the requirements of the DRI the extra-jurisdictional impact created by the amendment will be mitigated.

PA-10-11-32-LS (KB Home Fort Myers, LLC)

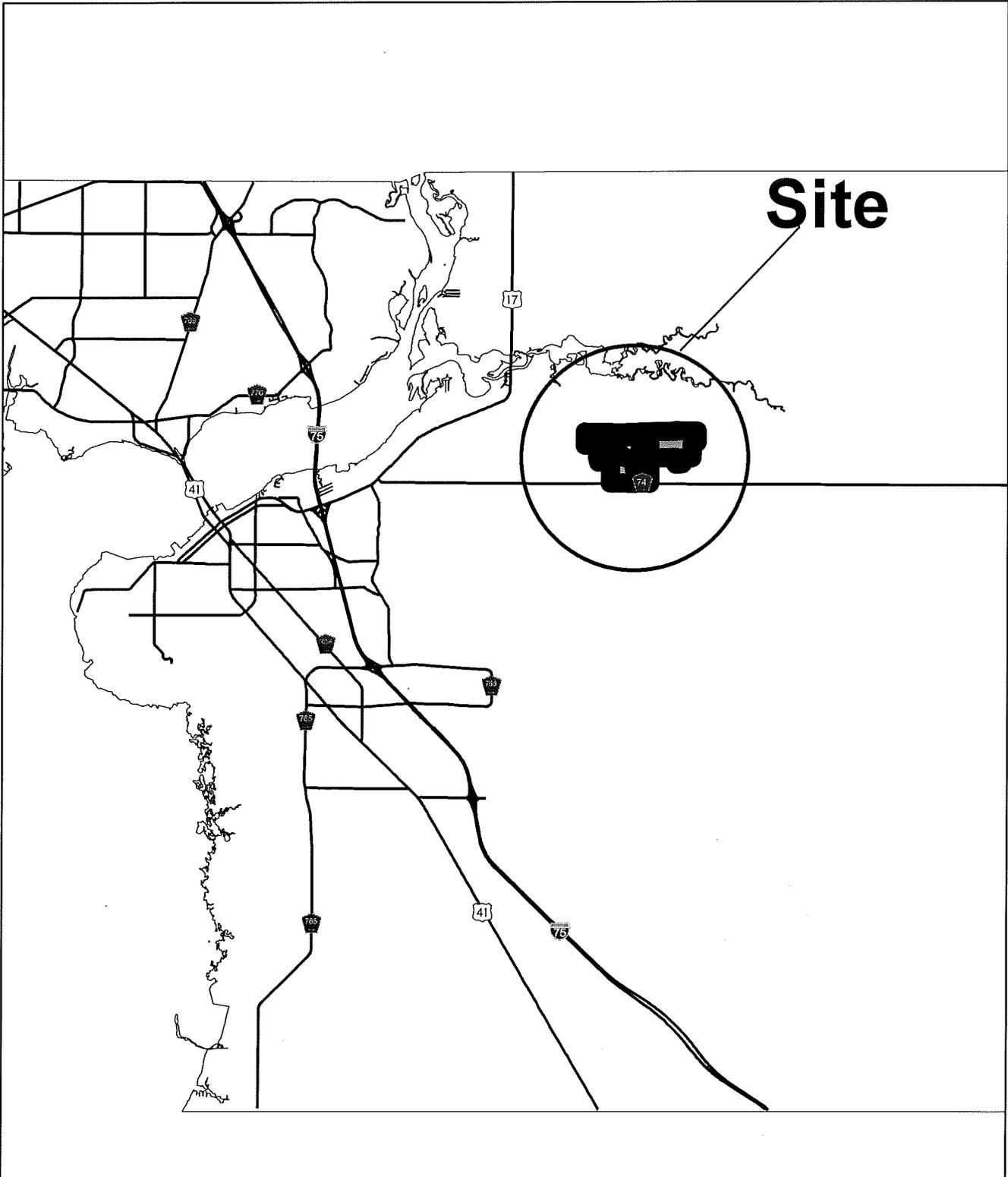
Because this project is of such a small size, Council staff finds that the proposed development that is allowed by the requested land use designation change will not have extra-jurisdictional impacts.

Attachment III

Maps

**Charlotte County
DCA 11-1**

PA-10-02-10-LS Bermont Road Partnership / Rural Community Mixed Use General Area Map



Charlotte County Growth Management
Planning Division
JS on April 26, 2010

Map Page: 6A/27S, 32N, 32S, 33X, 35X

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey or is it to be used for design. Future Land Use & Zoning Designation boundaries are assumed to meet at the centerline of the road right of way unless otherwise determined by the Growth Management Director.



NOT TO SCALE

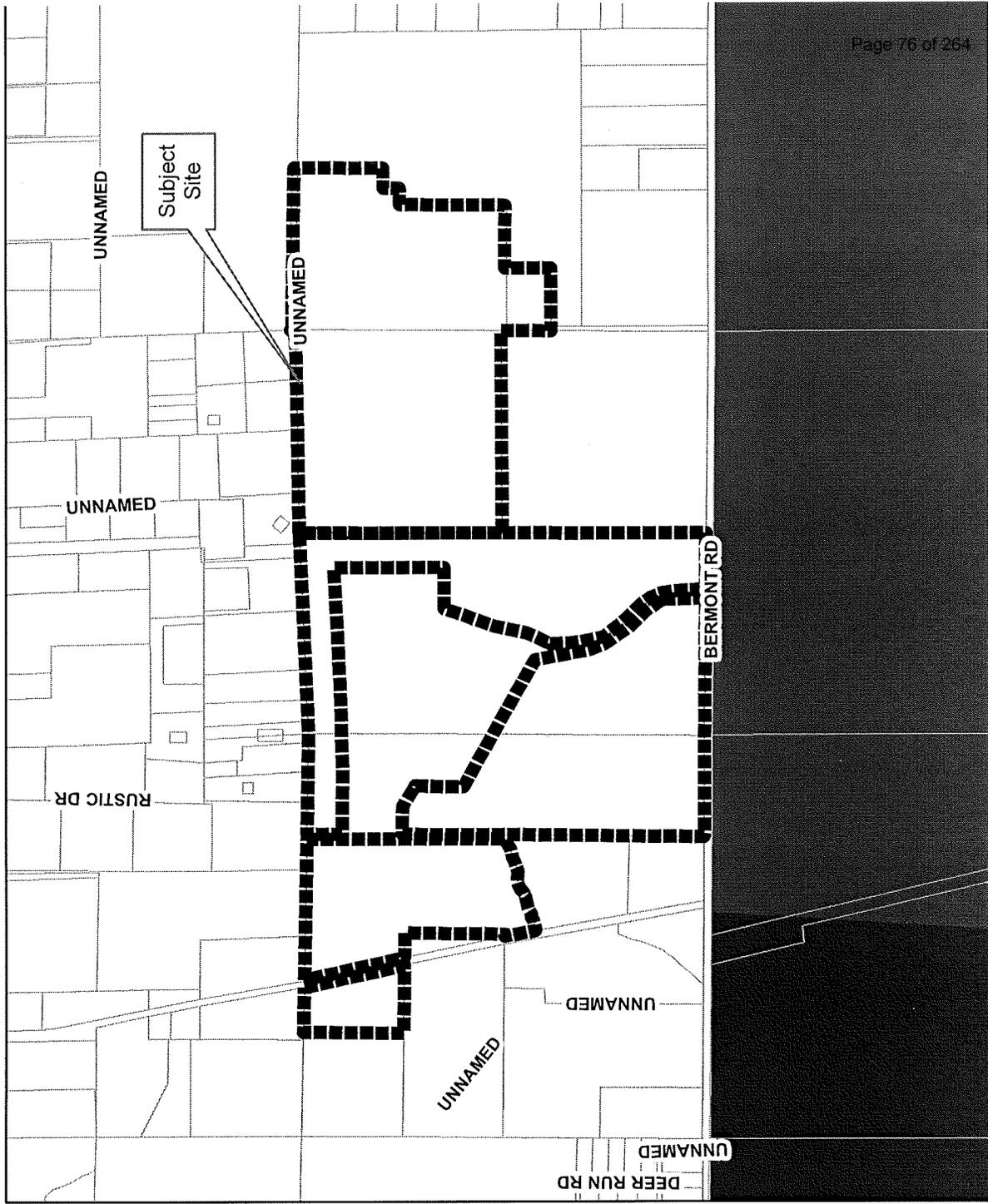


PA-10-02-10-LS Existing 1997-2010 FLUM



Legend

-  Agriculture
-  Babcock Ranch Overlay District
-  City
-  Coastal Residential
-  Commercial
-  Commercial Center
-  Commercial Corridor
-  Commercial Tourist
-  Compact Growth Mixed Use
-  Enterprise Charlotte Airport Park
-  High Density Residential
-  High Intensity Industrial
-  Industrial
-  Limited Development
-  Low Density Residential
-  Low Intensity Industrial
-  Medium Density Residential
-  Mineral Resource Extraction
-  Mixed Use
-  Murdock Village Mixed Use Redevelopment
-  Neighborhood/Residential
-  Parks & Recreation
-  Preservation
-  Public Lands & Facilities
-  Recreational - Non-Public
-  Recreational Vehicle Park
-  Resource Conservation
-  Rural Estate Residential
-  US 41 Overlay Mixed Use
-  Village Residential



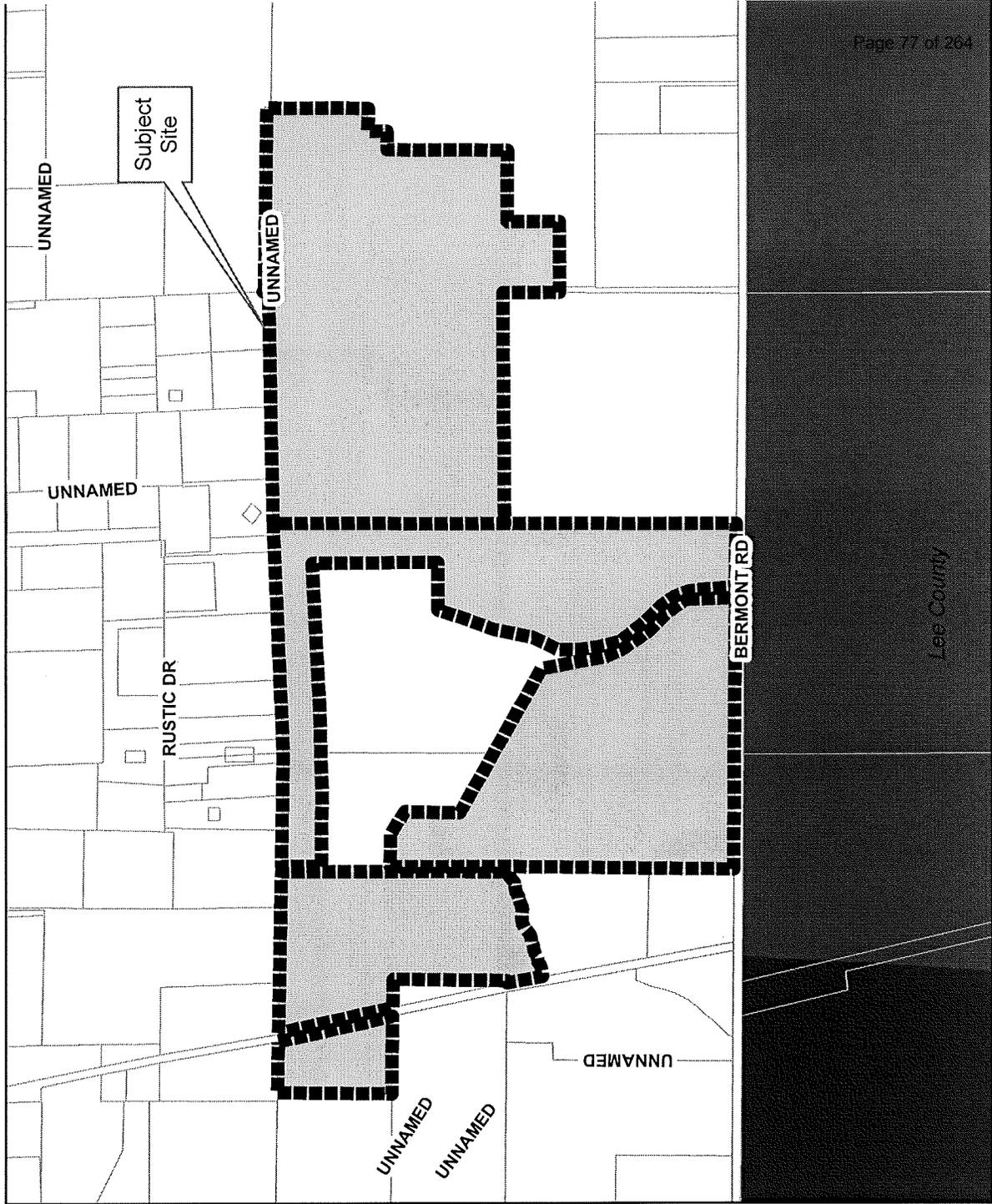


PA-10-02-10-LS Proposed 1997-2010 FLUM



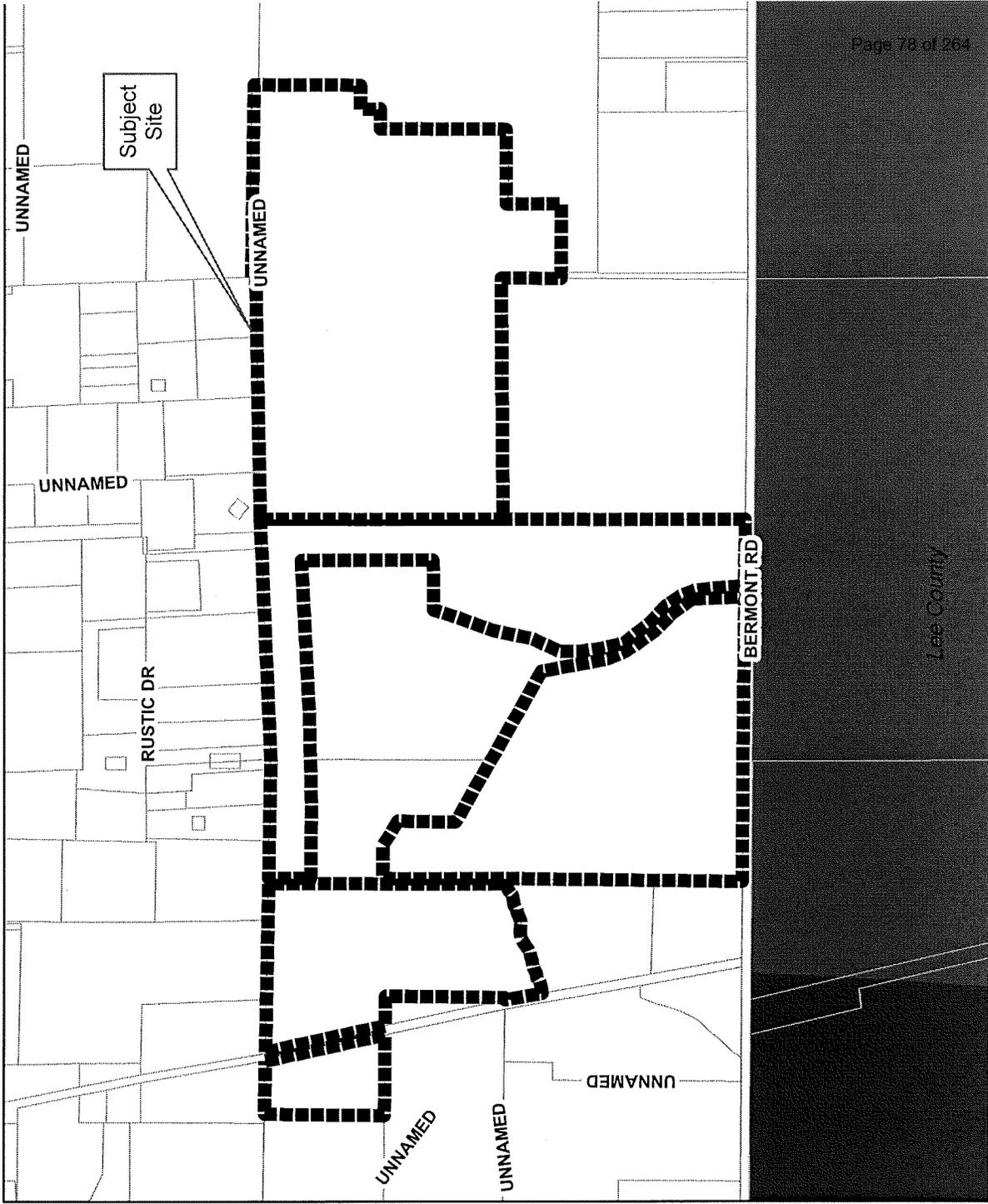
Legend

- Agriculture
- Babcock Ranch Overlay District
- City
- Coastal Residential
- Commercial
- Commercial Center
- Commercial Corridor
- Commercial Tourist
- Compact Growth Mixed Use
- Enterprise Charlotte Airport Park
- High Density Residential
- High Intensity Industrial
- Industrial
- Limited Development
- Low Density Residential
- Low Intensity Industrial
- Medium Density Residential
- Mineral Resource Extraction
- Mixed Use
- Murdock Village Mixed Use Redevelopment
- Neighborhood Residential
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Recreational - Non-Public
- Recreational Vehicle Park
- Resource Conservation
- Rural Community Mixed Use
- Rural Estate Residential
- US 41 Overlay Mixed Use
- Village Residential





PA-10-02-10-LS Proposed 2030 FLUM



Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DR1 Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (Inactivated)
- Rural Estate Residential (inactivated)



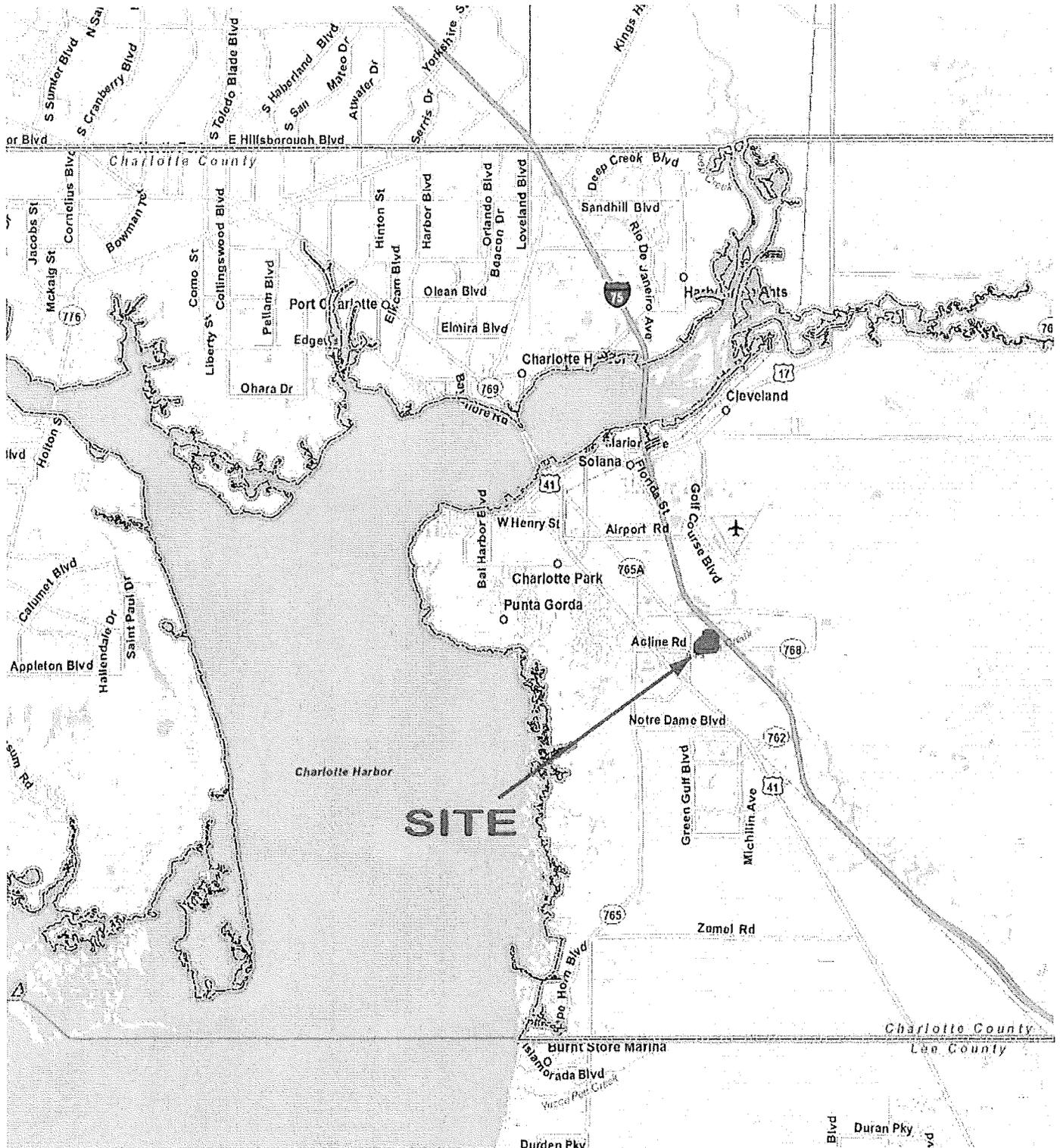
Lee County



Open for Business

PA-10-11-32-LS KB Home Fort Myers / Oak Harbour General Area Map

Map Prepared By
Charlotte County
Growth Management



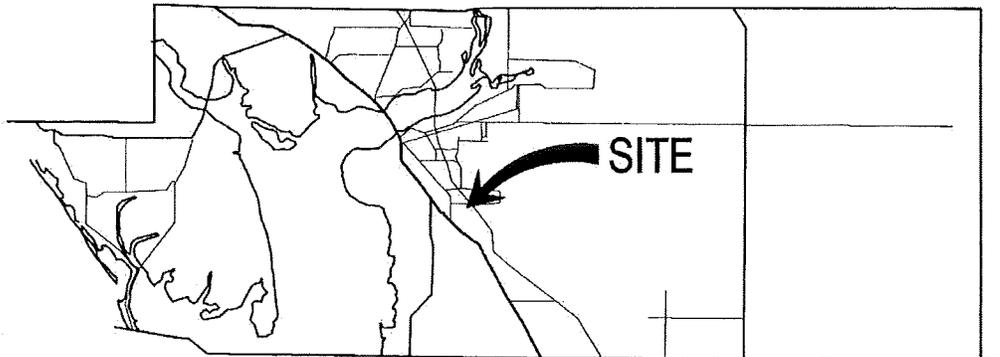
22/41/23 South County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey or is it to be used for design. Future Land Use & Zoning Designation boundaries are assumed to meet at the centerline of the road right of way unless otherwise determined by the Growth Management Director. Created 12/3/2010

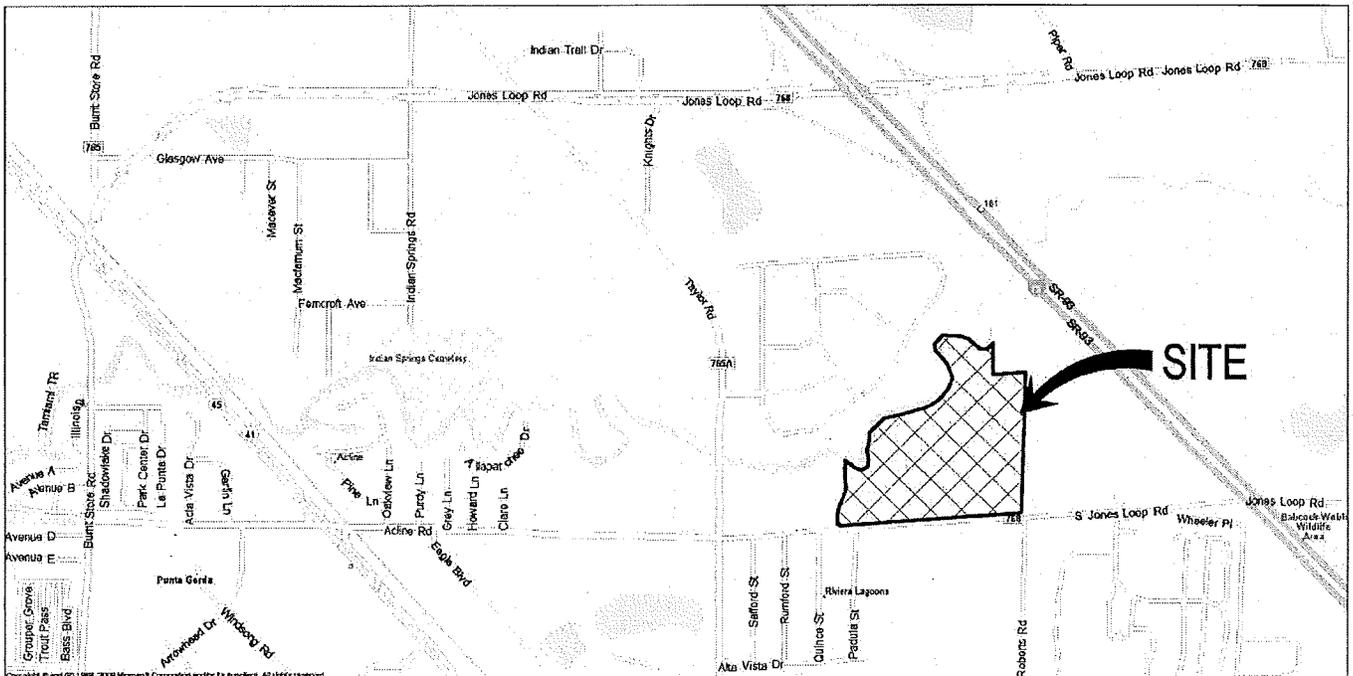




NOT TO SCALE



CHARLOTTE COUNTY, FLORIDA



LOCATION MAP

PROJECT
10-001
S-T-R
22,27-41-23



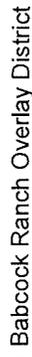
OAK HARBOUR
PROJECT LOCATION MAP

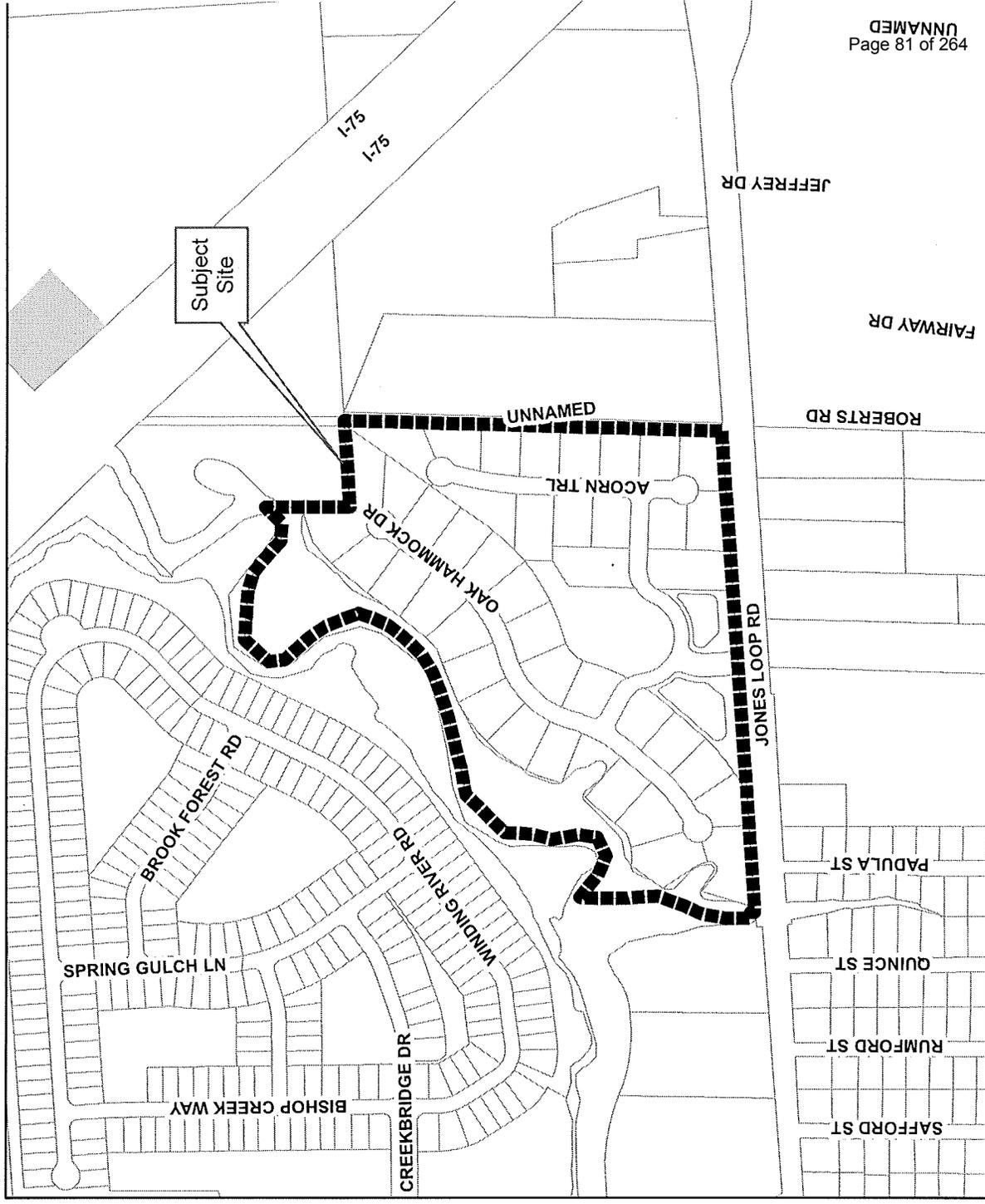


PA-10-11-32-LS Existing 1997-2010 FLUM



Legend

-  Agriculture
-  Babcock Ranch Overlay District
-  City
-  Coastal Residential
-  Commercial
-  Commercial Center
-  Commercial Corridor
-  Commercial Tourist
-  Compact Growth Mixed Use
-  Enterprise Charlotte Airport Park
-  High Density Residential
-  High Intensity Industrial
-  Industrial
-  Limited Development
-  Low Density Residential
-  Low Intensity Industrial
-  Medium Density Residential
-  Mineral Resource Extraction
-  Mixed Use
-  Murdock Village Mixed Use Redevelopment
-  Neighborhood Residential
-  Parks & Recreation
-  Preservation
-  Public Lands & Facilities
-  Recreational - Non-Public
-  Recreational Vehicle Park
-  Resource Conservation
-  Rural Estate Residential
-  US 41 Overlay Mixed Use
- Village Residential



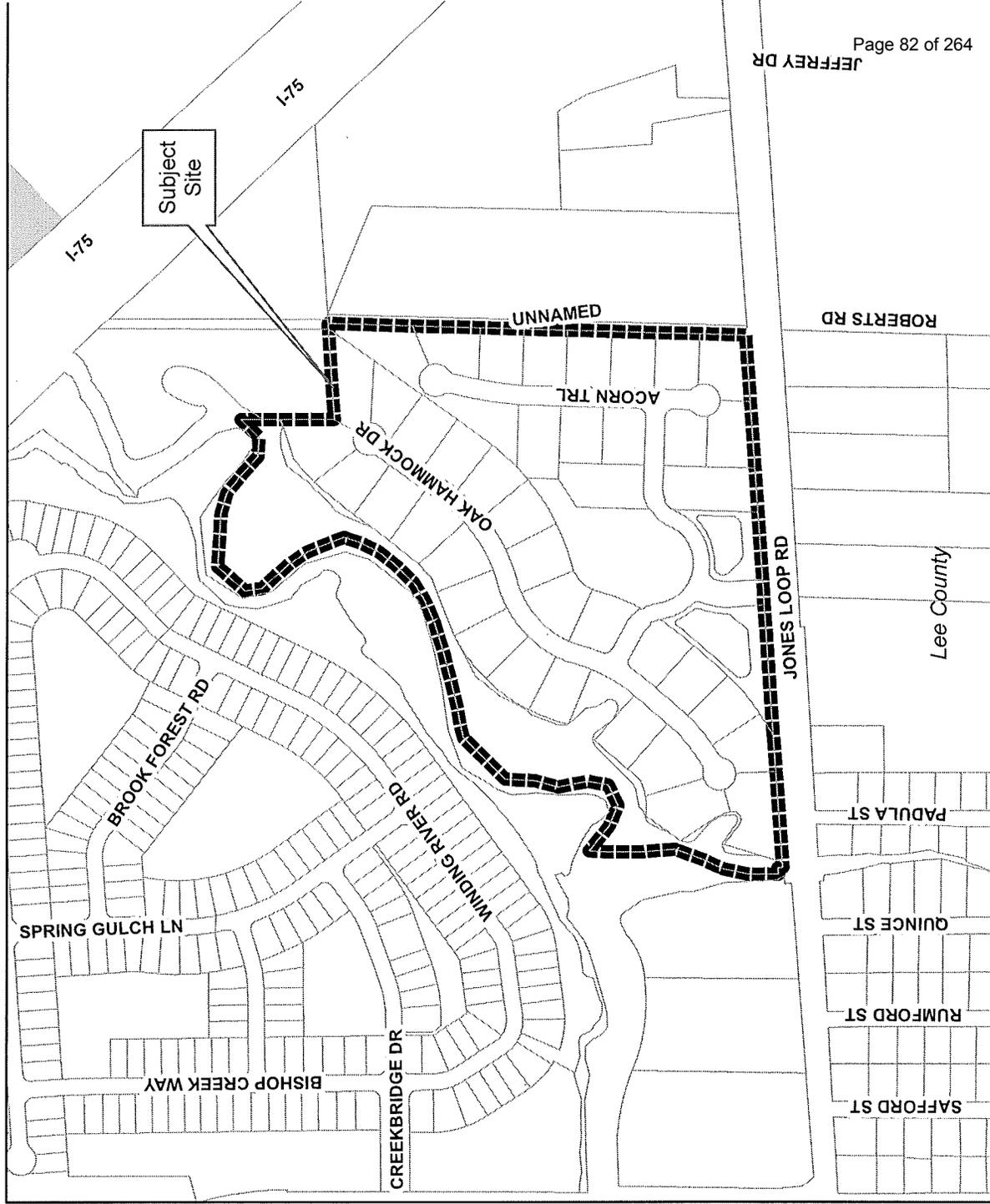


PA-10-11-32-LS Proposed 1997-2010 FLUM



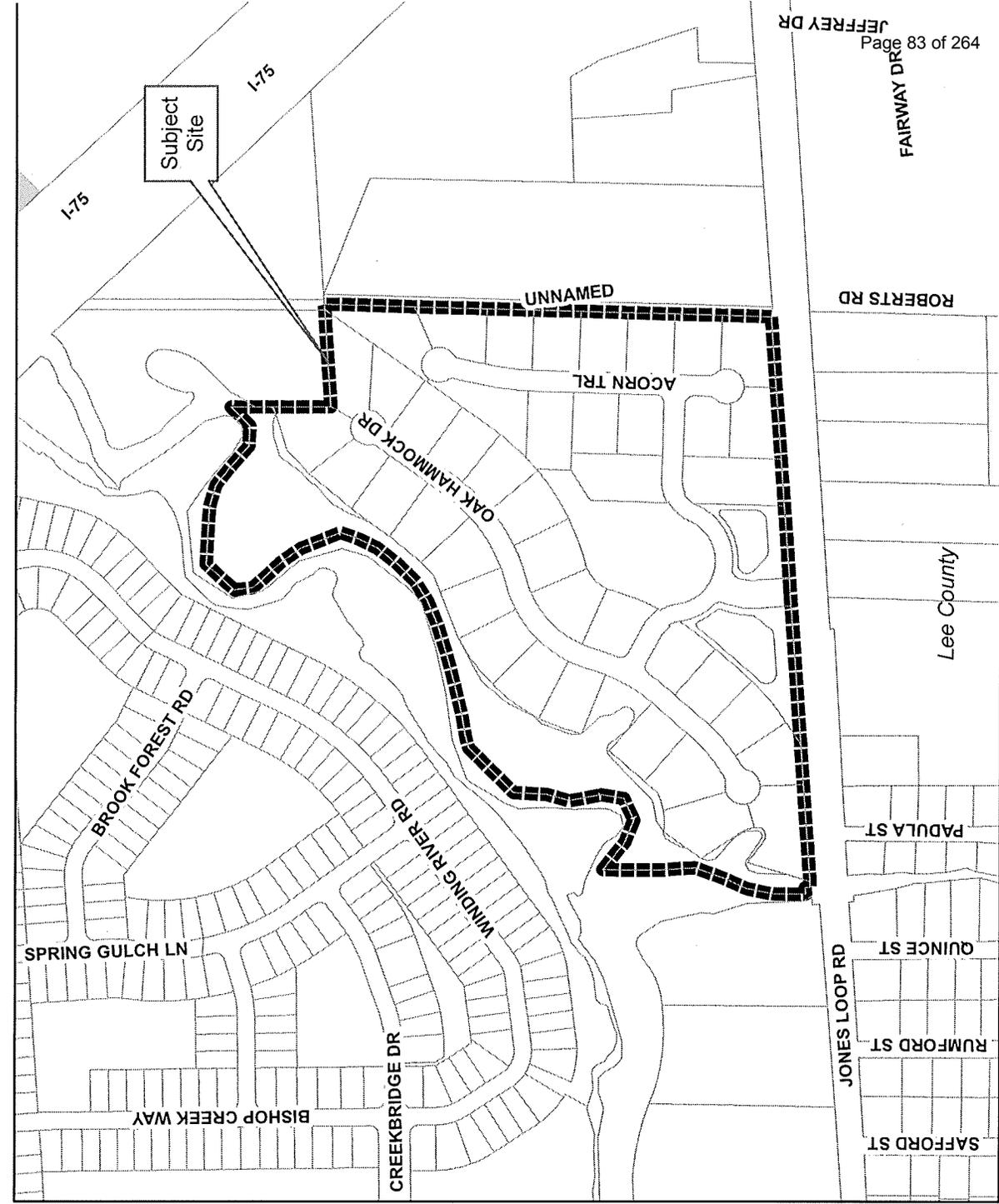
Legend

- Agriculture
- Babcock Ranch Overlay District
- City
- Coastal Residential
- Commercial
- Commercial Center
- Commercial Corridor
- Commercial Tourist
- Compact Growth Mixed Use
- Enterprise Charlotte Airport Park
- High Density Residential
- High Intensity Industrial
- Industrial
- Limited Development
- Low Density Residential
- Low Intensity Industrial
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- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Recreational - Non-Public
- Recreational Vehicle Park
- Resource Conservation
- Rural Community Mixed Use
- Rural Estate Residential
- US 41 Overlay Mixed Use
- Village Residential



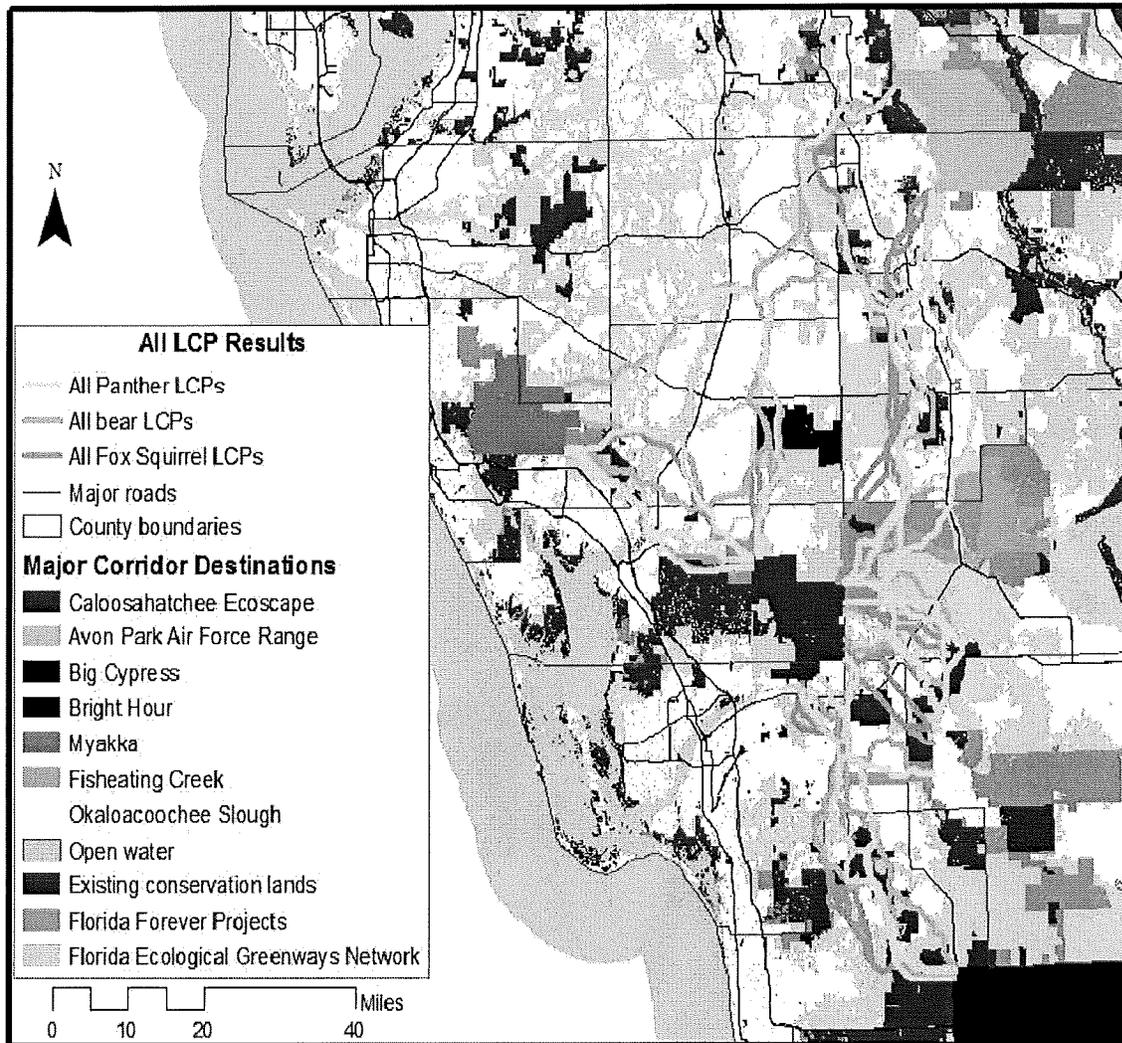


PA-10-11-32-LS Proposed 2030 FLUM



- egend**
- Agriculture
 - Babcock Mixed Use
 - Burnt Store Limited Development
 - Burnt Store Village Residential
 - City
 - Commercial
 - Office & Institutional
 - Enterprise Charlotte Airport Park
 - Mineral Resource Extraction
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Low Intensity Industrial
 - High Intensity Industrial
 - Murdock Village Mixed Use
 - DRI Mixed Use
 - Compact Growth Mixed Use
 - Parks & Recreation
 - Preservation
 - Public Lands & Facilities
 - Resource Conservation
 - Rural Community Mixed Use
 - US 41 Mixed Use
 - Charlotte Harbor Coastal Residential
 - Charlotte Harbor Tourist
 - Charlotte Harbor Mixed Use
 - Charlotte Harbor Commercial
 - Charlotte Harbor Neighborhood Business/Residential
 - Charlotte Harbor Industrial (inactivated)
 - Recreational Vehicle Park (inactivated)
 - Coastal Residential (inactivated)
 - Rural Estate Residential (inactivated)





Map summarizing the predicted Least Cost Paths for all three species (panther, bear, fox squirrel) movement from the Babcock study site to each of the six selected habitat patch destinations. Figure 27 in Babcock Ranch Steering Committee Final Report 2011.

_____ Agenda
_____ Item

3e

Lee County Comprehensive
Plan Amendments (DCA 10-
ER3)

3e

3e

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed the proposed Evaluation and Appraisal Report (EAR) to the Lee County Comprehensive Plan (DCA EAR3). This EAR review was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	Factors of Regional Significance			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DCA EAR3	yes	yes	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

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

04/11

Attachment I

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

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

Attachment I**Comprehensive Plan Amendments**

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

[s. 163.3184(3)(a)]

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

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

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

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

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

Regional Planning Council Review

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

[s. 163.3184(5)]

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

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

Attachment II

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. Local Government Name:

Lee County

2. Amendment Number:

DCA EAR3

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

No

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

March 15, 2011

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

April 13, 2011

6. Date the Review was Transmitted to DCA:

April 11, 2011

7. Description of the Amendment:

The EAR process provided the opportunity for the County to work with community stakeholders to identify Lee County's needs for and concerns about the future, establish a new County vision, and identify planning strategies to achieve that vision in the future. During development of the EAR, the County initiated an extensive community-based effort. This effort focused on allowing stakeholders to provide guidance on two key topics:

- 1) The issues and opportunities they see facing the County, and
- 2) The future they would like to see for Lee County. In addition to this community effort, the planning County's staff conducted several interdepartmental workshops to allow the operational departments within the county to participate in helping to shape a strategic planning response to the county's issues and opportunities.

The recommendations in the County's EAR document are specifically directed toward what Lee County wants to become, which was described as a vibrant, livable, sustainable community. In order to achieve this vision, the EAR recommended amendments to the Lee Plan that was intended to create proactive policies that focused on a countywide integrated land use and transportation vision and to reduce the reactive policies that focused primarily on managing and reacting to development.

According to the information submitted by the County, the recommendations found in the EAR included amending the policies of the Plan to accomplish the following:

1. Take Care of Lee County

According to the EAR, the Comprehensive Plan should place a priority on taking care of those things that makes the County special and unique. This means prioritizing capital improvement decisions to ensure that Lee County will always be a great place to live, conduct business, and visit.

General Recommendations Included:

Reevaluate the priorities of the Capital Improvements Element and capital project expenditures to align with the County's stated vision.

Specific Recommendations Included:

Introduce a specific policy that requires capital improvement expenditures to be prioritized as follows:

Take care of what makes Lee County unique and special— natural resource protection; coastal areas and beaches; other priorities.

1. Focus on preserving and enhancing the quality of life in Lee County.
2. Support economic development.
3. Redevelop mixed use places (focus on a catalyst location to showcase the future.)
4. New development/growth areas.

2. Provide a Clear and Informed Direction for Future Development

The Lee Plan should be a clear and accessible document for everyone. This means introducing the right policies targeted to meet the unique needs of a specific local community (one size may not fit all) and introducing explanatory maps and graphics that help to explain key policy direction that is designed to support the community vision.

General Recommendations Included:

Introduce planning policies that recognize and reinforce the distinction between urban, suburban, and rural areas and require that these areas be mapped or otherwise identified.

Specific Recommendations Included:

- Adopt tools to manage the location of growth such as an urban growth boundary or urban service area.

- Establish standards to limit expansion of new development outside of designated urban areas.
- Introduce the idea of planning transects as a tool to recognize the differences between urban, suburban and rural areas.
- Re-evaluate the density ranges within the urban land use areas.
- Identify tools and incentives that will support this new vision and preferred development patterns including funding, regulatory reform, enhanced TDR program, etc.
- Develop/redevelop mixed use places which provide a unique center for the county's different communities and neighborhoods. Start by focusing on a catalyst location to showcase the county's future vision.

3. Make Economic Development a Priority

The comprehensive plan can help the county both create and implement its economic strategy through specific land use and capital programming actions that include proactive support for targeted job growth.

General Recommendations Included:

Develop a strategic update to the county's economic strategic plan and development strategy.

Specific Recommendations Included:

- Identify economic development priority locations as part of the land use plan (e.g., Research Diamond) and recognize and reinforce the importance of providing the necessary support for these areas through land use and capital planning policies.
- Expand a proactive strategic initiative for economic development.
- Review and/or update incentives for targeted economic industries and areas.
- Establish clear policies that prioritize commercial agriculture activities as an economic development objective, including the re-evaluation of regulations that limit these activities.

4. Connect People to People to Places

There are many more options for connecting people today than ever before. The Lee Plan should evolve to focus future transportation activities and park and recreation resources on desired outcomes as well as desired projects by thinking outside the box about how people want to connect to each other and to the businesses, recreation areas, and other places they want or need to visit.

General Recommendations Included:

- Introduce a tiered street network structure (streets for vehicles, streets for people) based on urban, suburban, and rural characteristics that recognizes the tenets of complete streets as guiding principles.
- Introduce a tiered park network structure (neighborhood parks, public spaces, community facilities, and regional areas) based on urban, suburban, and rural

characteristics that recognizes the varied needs for park and recreational resources.

Specific Recommendations Included:

- Recognize the tenets of complete streets as guiding principles for all transportation and land use decisions as well as capital expenditures and decisions.
- Prepare a mobility plan to integrate all aspects of transportation form and function.
- Consider the varied needs of park resources when developing communities in order to ensure parks provide for an array of resources and opportunities.
- Recognize the opportunities to utilize parks as a way to connect neighborhoods, commercial areas, and mixed-use centers.
- Recognize, protect, and provide wildlife corridor connections to link together conservation areas.

5. Preserve the Unique Identity of County Communities

Neighborhoods and communities are the heart and the energy that help to make Lee County special. The Comprehensive Plan is an important place to formalize the process that the County will continue to use to help these communities help themselves.

General Recommendations Included:

Formalize the current community planning programs and the outcomes of these initiatives.

Specific Recommendations Included:

Use Neighborhood Improvement Districts, MSTU's, MSBUs or other relevant financing tools to support the initiatives and recommendations of the community plans.

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

Council staff has reviewed the County's EAR documentation and find it procedural in that updating the Lee Plan is required by State law. Additionally, Council staff finds the proposed changes as regionally significant due to the fact that the changes proposed by the EAR will impact more than one jurisdiction in the region. Finally, because of the improvements proposed further the Goals, Strategies and Actions found in the Strategic Regional Policy Plan (SRPP) Council staff finds that the EAR amendments consistent with the SRPP if several areas in the EAR documentation and changes are strengthened to address the following regional concerns:

The EAR as presented responsibly identifies steps that are needed to refocus and rebuild the community towards a more resilient and sustaining self. However, the changes described in the EAR remains somewhat unclear as to the new development areas as opposed to

reconfiguring existing developed areas for balance. In addition, the EAR changes may not provide enough urgency given the potential trends in global, national, state, or local conditions providing timelines by which outcomes may be needed before 2035. Council staff has specific concerns about future population growth that will change market demands, dynamic issues such as energy, climate change, and debt/government finance/balance of payments that may cause significant problems related to redevelopment as described in the EAR, and future economic activities:

1. The demographic changes in described in the EAR should address issues that will change market demand and thereby change the demands of the types of development required in the County in the future to assure sustainability.

Over the last several decades, the population grew rapidly in southwest because the retiring generation had wealth and income that enabled their relocation to Southwest Florida, which in turn created jobs that brought working families. The job demand in certain sectors was so great that the jobs were filled through international immigration, to such an extent that new cultural groups were established, and Spanish speaking peoples became the 2nd largest ethnic group.

By 2035 the world population will increase by 2.5 billion people, and the "developed world" populations will contribute little to this growth. The United States is expected to be one of the few developed world countries that will have net natural increase and that will largely be due to the population growth of more recent immigrants reflecting the higher birth nations. That portion of the population growth forecasted tied to workforce will have an even higher percentage of our new culture immigrants than in the past.

By 2035 the last of the baby boomers will have hit retirement age (as opposed to actually retiring), so the pool of new retirees (and traditional tourists) will have begun to contract. Since by 2016 or earlier, the Social Security Trust Fund (SSTF) will have expense demands that exceed annual revenues, so the Trust Fund itself will need to be tapped for the reserves built up by the Baby boomers. These reserves have been spent and replaced with IOUs from the Federal general fund. Replacing the IOUs will require tax hikes or cuts to other expenditures, and defaulting on the IOUs will make SSTF a much smaller source of individual income. Either approach affects the ability of persons to retire and to relocate to Southwest Florida and Lee County. This is also true for any changes to Medicare that address the national debt load and more are coming.

Given the changes to private pension funds, and the uncertain nature of income from stocks and bonds, and rate of interest of securities, it is probable that future retirees will have less income to spend on housing and transportation than in the past few decades. For an analogy, review the housing sizes/mix, purchasing needs, and transportation

choices of the 1940s and 1950s that were common to Southwest Florida, and reflective of the income/wealth mix of that time.

By 2035 many neighborhoods will be dependent upon new residents to fill vacant housing caused by the mortality of the retiree population. The trend of cultural change will be evident in even more neighborhoods, with disparate demands for what constitutes a quality neighborhood. Some of these neighborhoods will be less prosperous than the setting established by the original developer and owners, leading to many code challenges. Some of these can be foreseen and steps taken to allow changes in a constructive manner. Using home gardens as one example, restrictions affecting food production in such area should be reexamined to be more permissive. This assists in meeting energy goals as much as it does in assisting in helping households achieve a level of economic resilience. Similarly, converting large homes into apartments is occurring illegally, and some consideration should be given on whether this should be publicly acknowledged and managed.

By 2035 the changing nature of the population's disposable income will have endangered or caused the collapse of the infrastructure taxing and maintenance tools of the gated communities, whether single family or condominium tower. This will throw more demands on the public purse. What is the Plan for this?

2. The changes expressed in the EAR limits the urgency of factors that will test the community's ability to survive and sustain it. There are three such factors expressed here: energy, climate change, and debt/government finance/balance of payments. All three have been coarsely summarized in the Joint Operating Environment 2010.

Regarding energy, this assessment and others have dates of events grimly forecasted to begin to occur before the next EAR. This assessment and others also indicate that the US (and hence, Lee County) is more poorly positioned-less resilient and sustainable-than it was in the 1970s, when the oil embargo showed national vulnerability. The referenced actions that the County has undertaken to date does not seem to acknowledge the total reduction of non renewable energy supply availability that is indicated, nor the need to replace non renewable with alternatives for critical economic sectors, and somewhat quickly, in target volumes/efficiencies/reductions. Secretary LaHood's report to Congress in April 2010 provides some guidance on this.

As noted above, the national budget will need to have decisions made before SSTF defaults/fixed. Although they cannot be easily guessed today, some preparation should be acknowledged as a need. What this does to purchasing power will be to effectively reduce it for the average individual. (As a poorly constructed hypothetical, if the 50 trillion in public and private debt was frozen in growth, and paid off at a rate of 2% a year, the 300 million Americans would each have \$3,200 less annually to spend on other

things). Hence economic development would also include ways to reduce the cost of housing, transportation, public infrastructure, and "business." Nationally, most job creation is within small/medium sized businesses, as opposed to new businesses and business relocation. Lee County has been different since population growth also grew new businesses and new branches of chains. The recession helps demonstrate that growing out is no longer such a viable strategy for business. Does the County have any targets for what nature of business will be developed through the different alternatives?

Climate change is more pervasive. Climate refugees are being recognized now, whether from shoreline changes or from water supply flood/drought changes. Climate refugees are a historical issue but the expected increase in the volume will stress food production, transportation, financial markets (due to loss of assets), in unexpected ways. Given our perpetual exposure to hurricanes, the next storm could find our national response systems less capable of meeting our recovery needs. As the local public funding reserves decline, our self sufficiency also declines. Delayed recovery has an unknown amount of economic disruption.

3. Council staff is somewhat unclear as to what is economic development in the context of the EAR changes? In the past it was ensuring transportation connectivity with the rest of the State, Nation, and World. Then it became medical service, and then post secondary education. These three cornerstones for a balanced community have been established. After that point, what has become the strategy? If the strategy is manufacturing, our "making things" was primarily housing and other aspects of land development. Forecasts for this coming back are not promising. Forecasts for manufacturing are all over the range of possibilities of either growth or shrinkage.

Since the EAR indicates the County is proposing major expenses in this target area, and "jobs" seems to be the answer to the question, "why." But what analysis has taken place to indicate that jobs will come? Existing "economic centers" (including some within cities) already have infrastructure, and lands for such a use. Why they are not prioritized? If "energy research jobs" is the target, a serious effort has to be made to examine what has been successful, versus what has been unsuccessful, in the variations of "energy research" to ensure there is real likelihood the money is well spent. Targeting an area for public money and then expecting success may not be the best of future policy.

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

Natural Resources Element

Natural Resource Protection

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

Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the

sustainability of Southwest Florida, utilizing all land preservation tools available.

- Action 2:** Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including DARL, SOR, Florida Communities Trust, Lee County CLASAC, CREW, WRDA, and other efforts in the Region.
- Action 4:** Support continued preservation of lands targeted for conservation and recreation by Private Environmental Land Trust Programs in the Region.

Water Resource Management

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

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

- Action 1:** Working with the Water Management Districts and local governments, assist in the creation of a modeling tool to evaluate current resource conditions based on alternative rainfall scenarios. The modeling tool needs to be able to predict and evaluate future resource conditions based on alternative land use and rainfall scenarios. The tool needs to be able to address the likelihood of success of different management responses to the alternatives forecasted.
- Action 2:** Work with the WMDs and local governments to insure that the resource condition evaluation addresses surface and groundwater, quality and quantity, flow, volume, direction and the hydro period cycle.
- Action 3:** Work with the WMDs and local governments to insure a better provide land use/water linkage and provide for consideration that the land use scenarios recognize the land use patterns of urban, agricultural, and natural system coverage, and the social/economic factors that guide change to land use.
- Action 4:** The different communities and agencies in a given natural basin area need a common forum and coordinated planning framework to pursue a shared response to the selected management system needed for the basin. In lieu of another entity serving that function, the Regional Planning Council should serve that function.
- Action 5:** Where economic/political units are divided by Water Management District boundaries (i.e., metropolitan areas or cohesive rural food and fiber production areas), assist in the coordination between districts and the political units that emphasizes the planning for water resource development and improvements (and expected results), not on the permitting process.
- Action 6:** Work with the state to reestablish the intent of the State and Regional Planning Act of 1984 and Growth Management Act of 1985, and

lobby for Water Management District Board Members to be included among the Governor's Voting appointments to Regional Planning Councils.

Livable Communities

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

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

- Action 1:** Working with agencies and local governments provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.
- Action 2:** Working in cooperation with agencies and local governments insure that beaches and inlets that have been damaged by human activity are replaced/renourished and/or managed in order to have the total system function naturally.
- Action 3:** Working in cooperation with agencies and local governments provide for Air quality improvement and maintenance as our population and urban areas increase.
- Action 4:** Working in cooperation with agencies and local governments insure that all mining and borrow operations prepare and implement reclamation programs that restore and ensure long-term sustainability of their watersheds and native habitats.
- Action 5:** Working in cooperation with agencies and local governments insure that agricultural operations are compatible with our identified natural resource protection areas.
- Action 6:** Working in cooperation with agencies and local governments insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.
- Action 7:** Working with all levels of government within Southwest Florida actively plan and prepare for the potential long-term impact of sea level rise upon the Region's natural systems.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.
- Action 9:** Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

Economic Development

Economic Infrastructure

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

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

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

Strategy: Maintain the physical infrastructure to meet growth demands.

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

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

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

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

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

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

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

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

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

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

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

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

Livable Communities

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

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

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

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

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

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

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

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

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

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

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

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

Strategy: Protect the regional energy supply against disruption.

Action 1: Review proposed development to promote development and construction patterns, techniques, and designs for more efficient use of energy.

Action 2: Review proposed development to include alternative transportation methods such as sidewalks and bike lanes for greater energy efficiency.

Action 3: Coordinate with other agencies to develop and/or modify transportation plans, traffic circulation plans, and regulations for more efficient use of energy.

Strategy: Increase the retention and expansion of local business and industry and encourage local entrepreneurial development.

Action 1: Provide services to facilitate entrepreneurship and the development of small and minority-owned business.

Action 2: Cooperated with the public and private sectors to maintain information on regional economic development needs.

Action 3: Coordinate among learning institutions, employment agencies, and others for training and educational needs.

Action 4: Assist in increased use of economic development tools such as enterprise zones, incubator areas for small business formation, and community development corporations.

Actions 5: Identify and publicize programs for business assistance.

Action 6: Identify the needs of local businesses for capital or other assistance and the products they purchase and sell.

**Regional Transportation Element
Livable Communities**

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

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

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

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

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

The proposed changes in the County's EAR will impact a variety of regionally significant lands, transportation facilities, and coastal resources. The EAR has been structured to provide improvements to the Comprehensive Plan to protect these regional resources. As previously stated, the Council has some concerns about the future of the region in context to National, State and Regional trends, Council staff believes that if the concerns are addressed, the effects on regional resources will be minimized as much as possible.

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

As proposed, Council staff does not find that significant extra-jurisdictional impacts will be produced that negatively impact and are inconsistent with the affected local government's Comprehensive Plan. Council's concerns deal mostly with positioning the County's Comprehensive Plan to assure future negative impacts to the Region and County are considered and addressed where possible to assure the County's economic success and its future long-term sustainability.

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

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

Council staff has reviewed the County's EAR documents and finds that the proposed changes do not negatively impact compatibility among local plans. The concerns expressed can be made to the Region as a whole and because Lee County is a major population center in southwest Florida, it is important that the economic and sustainability issues are identified and addressed. Council agrees with the County that the redevelopment of past bad land use decisions or land uses that have outlived their intended uses are appropriately addressed in the EAR. Council staff supports local redevelopment and the County has an outstanding approach to future redevelopment of commercial areas of the

County. The County does not have any military bases that should be addressed in the EAR.

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

Council staff agrees with and supports the findings of the South Florida Water Management District comments that the EAR has no significant impacts on the regional water resources. Council staff believes that the redevelopment of existing urban areas of the County as proposed by County staff and described in the EAR is extremely important to the future of the Region in that it would result in less development and ground cover in the currently undeveloped areas of the County, thereby creating significant less impacts to regional water resources including groundwater recharge potential.

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

The proposed changes to the affordable housing issues addressed in the EAR helps provide affordable housing in the region. Council staff supports the County's proposed changes to the housing element of the plan and believes that short-term gains to future affordable housing provisions will be helped. Council staff however believes that other changes for housing demand in the long-term may impact affordable housing in ways that have not been addressed. Council staff would request that the County review the housing situation that may result as identified in this report.

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

Again, Council staff agrees and supports the EAR comments made by the South Florida Water Management District concerning the water resources in Lee County. Council staff agrees with the proposed EAR changes related to land use in the Plan and believes that these changes will improve the protection of County's natural resources including the protection of groundwater resources and the recharge potential of the undeveloped land of the County's conservation areas. Lee County does not have significant regionally important springs that require protection.

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

Council staff finds that the proposed EAR changes to the Transportation Element and Land Use Element of the Lee Plan are compatible with the regional transportation corridors and facilities including the roadways, airports, public transportation systems located in the County. Council staff supports the multi-modal approach the EAR has provided with the redevelopment concepts put forth in the proposed changes to the Lee Plan. Council staff does not believe that high speed rail facilities must be addressed at this time since there are not such facilities planned for the region during the proposed planning period. There are seaports located or proposed in Lee County at this time or the foreseeable future.

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

Council staff finds that the proposed EAR changes are compatible with emergency preparedness plans and local mitigation strategies that are currently in place for Lee County. The County, like others in the Region, has a need to provide additional hurricane shelters and improve County hurricane clearance times. These issues should be addressed in a more comprehensive manner in the future.

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

Council staff finds not negative extra-jurisdictional impacts created by the proposed EAR changes. Council staff has stated in this report that there are some additional analyses that should be done to address some population, sustainability, and economic issues within the EAR. These contextual issues and potential changes to the Lee Plan that if addressed better could position the County for a future that may be substantially different than previously expected in the Region.

_____ Agenda
_____ Item

3f

City of LaBelle Comprehensive
Plan Amendments (DCA 11-
ER1)

3f

3f

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF LABELLE**

The Council staff has reviewed the proposed City of LaBelle Comprehensive Plan Evaluation and Appraisal Report (DCA 11-1ER). The EAR was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps are found in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Location</u>	<u>Factors of Regional Significance</u>		
		<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
City of LaBelle EAR	yes	yes	yes	(1) regionally significant; (2) procedural; (3) consistent with SRPP

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

11/21

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

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

Attachment I

Comprehensive Plan Amendments

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

[s. 163.3184(3)(a)]

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

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

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

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

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

Regional Planning Council Review

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

[s. 163.3184(5)]

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

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

Attachment II

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. Local Government Name:

City of LaBelle

2. Amendment Number:

DCA 11-1ER

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

No

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

The SWFRPC received the DCA Notification on February 25, 2011.

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

The DCA Notification set April 2, 2010 (Saturday) for the transmittal deadline date.

6. Date the Review was Transmitted to DCA:

The RPC completed and transmitted the proposed amendment review to DCA on April 4, 2011 (Monday).

7. Description of the Amendment:

The City proposes to amend the City of LaBelle Comprehensive Plan pursuant to Section 163.3161, F.S. pursuant to the requirements of the EAR process. Specifically, the City is requesting to amend the Comprehensive Plan by making a variety of changes to the Future Land Use Map (FLUM) and changes to the following Elements in the Plan: Future Land Use Element (FLUE), Traffic Circulation Element, Housing Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, and Capital Improvements Element. In addition, the City proposed to remove the Concurrency Management, Monitoring and Evaluation of the Capital Improvements, and the Annexation Elements.

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

Council staff has reviewed the proposed changes to the City's Comprehensive Plan and finds it to be regionally significant, procedural, and consistent with the Strategic Regional Policy Plan with the conditions that certain portions of the plan are modified to address the concerns of the Council staff. Council staff believes that the updating and modification of the existing Comprehensive Plan by the County is appropriate and provides a direction that will help the City of LaBelle grow responsibly in the future.

However, one concern has been identified by Council staff that should be addressed through the DCA Objections and Recommendations Report. Based on the Council staff review of the submitted information, the following concerns about the following areas of the Plan have been identified:

- Future Land Use Map and Future Land Use Element with respect the future development of South LaBelle Community Land Use Category and Map as identified in Policy 1.3.8.1 and shown on Figure 1-1, entitled South LaBelle Community Conceptual Land Use Map is area of the City is an on-going Development of Regional Impact (DRI) that has not to date received final entitlement approvals concerning its land use plan or the mitigation actions required for its impacts to the infrastructure of the City of LaBelle or Hendry County. Until such time as the DRI is completed and the proposed project is found to be consistent with the SRPP, this portion of the Comprehensive Plan is premature and cannot be found to be consistent with the proposed changes that are being requested by the City.

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

Livable Communities

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

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

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

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

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

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

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

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

The proposed South LaBelle Village DRI will have significant additional impacts to a variety of issues that are regional in nature, including impacts to the adjacent Caloosahatchee River, various natural ecosystems that cross the site, water and sewer infrastructure, and hurricane evacuation and shelter space, and the surrounding regional roadway network. Council staff believes that these impacts will be mitigated when the final project Development Order is approved by the Department of Community Affairs, but until that time, the final project land use map and mitigation requirements are unsure and have not been finalized to the extent to be approved in the EAR changes. Council staff believes that the proposed South LaBelle Community Conceptual Land Use Map may be finalized in the future; the map cannot be used at this time in the Comprehensive Plan in order to approve the DRI.

Council staff is also concerned that by providing community standards for the South LaBelle community area prior to finalizing the DRI requirement may cause problems should the DRI Development Order not agree with the Comprehensive Plan and future Comprehensive Plan amendments would be necessary to coincide both development plans. Council staff agrees and supports the City in utilizing the requested land use designations to cluster development away from sensitive areas, provide on-site land preservation, provided site improvement actions, improve hurricane facilities, and provide for infrastructure mitigation that will be required by the developer of the proposed project.

Council staff would recommend that this portion of the City's plan be place in ambiance until such time as the DRI Development Order is finalized by the Department of Community Affairs.

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

Council staff finds that the requested changes to the City's Comprehensive Plan will have extra-jurisdictional impacts in the region. Most of these impacts however have been appropriately addressed in the proposed Comprehensive Plan changes and Council staff finds that they are not inconsistent with the affected local government's Comprehensive Plan. Council staff however finds that there are extra-jurisdiction impacts to the region's natural resources and infrastructure due proposed changes to the South LaBelle Village portion of the City. The proposed changes to the City's Plan proposed planned land use designations and development parameters that are related to an on-going DRI. The DRI by definition has the extra-jurisdictional impacts that result from the proposed development. These impacts will be mitigated through provisions required by the DRI and the resultant

Development Order. Therefore, Council staff finds that once the DRI receives final approval there are no extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of the affected local government.

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

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

Council staff has reviewed the proposed Comprehensive Plan changes and supports the City's land use and general planning efforts to update. Council staff especially supports the improved downtown area planning via the Downtown Walking District Conceptual Plan. This effort provides a detailed plan to allow for the downtown area to be a multi-modal area and provides for a village future in LaBelle. Council supports this walkability concept. With respect to the South LaBelle community, Council staff cannot state that it is compatible with the local plan because the South LaBelle Village DRI has not be completed and the final conceptual land use plan and impact mitigation requirements have not be finalized. Council staff therefore finds that the requested changes are not compatible with local plans at this time. Council staff would also note that there are no military bases located within the City of LaBelle and therefore no compatibility issues exist.

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

Based on Council staff reviews of the proposed changes to the City's plans, Council staff finds that that all significant regional resources identified in the SRPP that are located in the City have been adequately protected, except those located in the South LaBelle Village DRI site. Council staff believes that these flow ways will be adequately protected through the final DRI Development Order requirements. Council staff also believes that because the City recently had their 10-Year Water Supply Plan approved, regional groundwater recharge and availability of water supply have been adequately addressed.

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

Council staff believes that affordable housing is not a strong issue in the City of LaBelle. Additionally, Council staff believes that the Housing policies put forth in the proposed Comprehensive Plan Housing Element provides development and redevelopment opportunities near employment centers in the City and thereby reduce energy consumption and roadway usage. Council staff believes that the South LaBelle Village DRI will add affordable housing near to future employment centers in that portion of the City.

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

Council staff finds that the policies related to resource protection affecting regional resources like the Caloosahatchee River are insufficient to provide adequate protection from development along the shorelines. Council staff would suggest that the City provide additional policies to provide for restrictions on future development in those areas. Council staff finds that groundwater resources and recharge potential are being addressed by the Comprehensive Plan and will be addressed in the South LaBelle Village DRI. Council staff is unaware of any regionally significant springs within the City limits of LaBelle that requires special protection.

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

Council staff agrees and supports the City's transportation plans and especially supports the Comprehensive Plan amendments that emphasize multi-modal transportation opportunities. Council staff finds that because of the rural nature of the City and because of the Downtown Walking District of the Plan regional transportation is being adequately addressed. Council staff finds that the City is working with the Florida Department of Transportation to adequately provide for regional transportation corridors and facilities. The City of LaBelle, the SWFRPC and the State has no plans for future high speed rail facilities or intermodal facilities regional facilities to located in the City within the planning period of the Plan.

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

Council staff believes that the proposed new Plan provide sufficient Goals, Objectives and Policies that addresses emergency preparedness plans and local mitigation strategies including, availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation.

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

Council staff finds that the plan adequately addresses energy conservation in the future. While not specifically addressed in the Strategic Regional Policy Plan, State law is emphasizing this area of the regional infrastructure. Council staff would recommend that the City consider adding policies that would address to a greater degree of energy conservation in the existing portion of the City. Council staff believes that energy conservation will be more adequately addressed in the South LaBelle Village DRI for all

future development in that portion of the City. Council staff finds that all extra-jurisdictional impacts created by the new South LaBelle Village DRI will be mitigated through the DRI review process and the issuance of a final DRI Development Order requiring proper mitigation of the future impacts of that portion of the City.

Attachment III

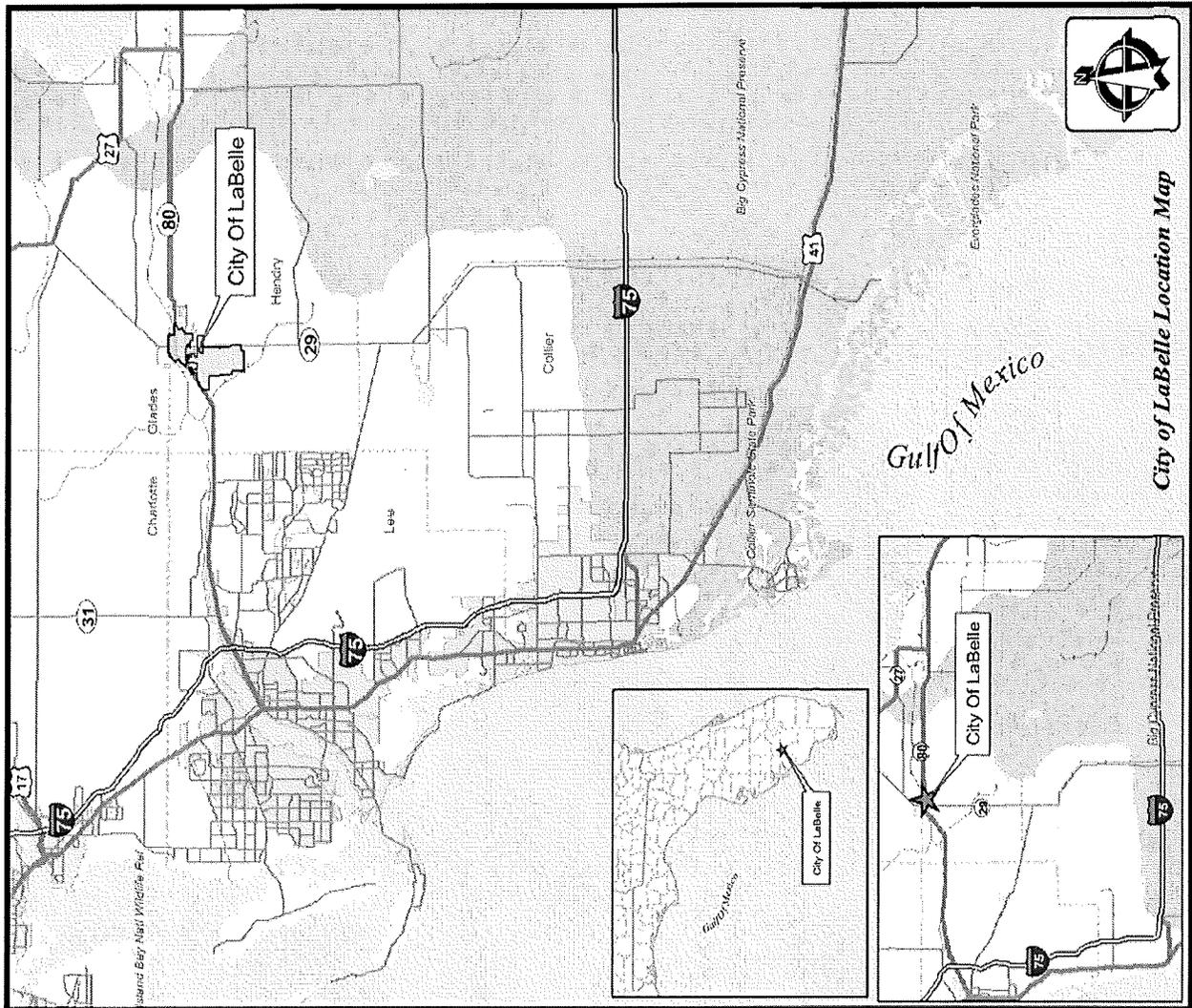
Maps

**City of LaBelle
DCA 11-1ER**

**Proposed Comprehensive Plan
Amendment Locations**

west Florida economy¹.

Figure 1.1: City of LaBelle Location Map



¹Greater LaBelle Chamber of Commerce Website.



City Of LaBelle Future Land Use Map
February 2011 Transmittal to DCA



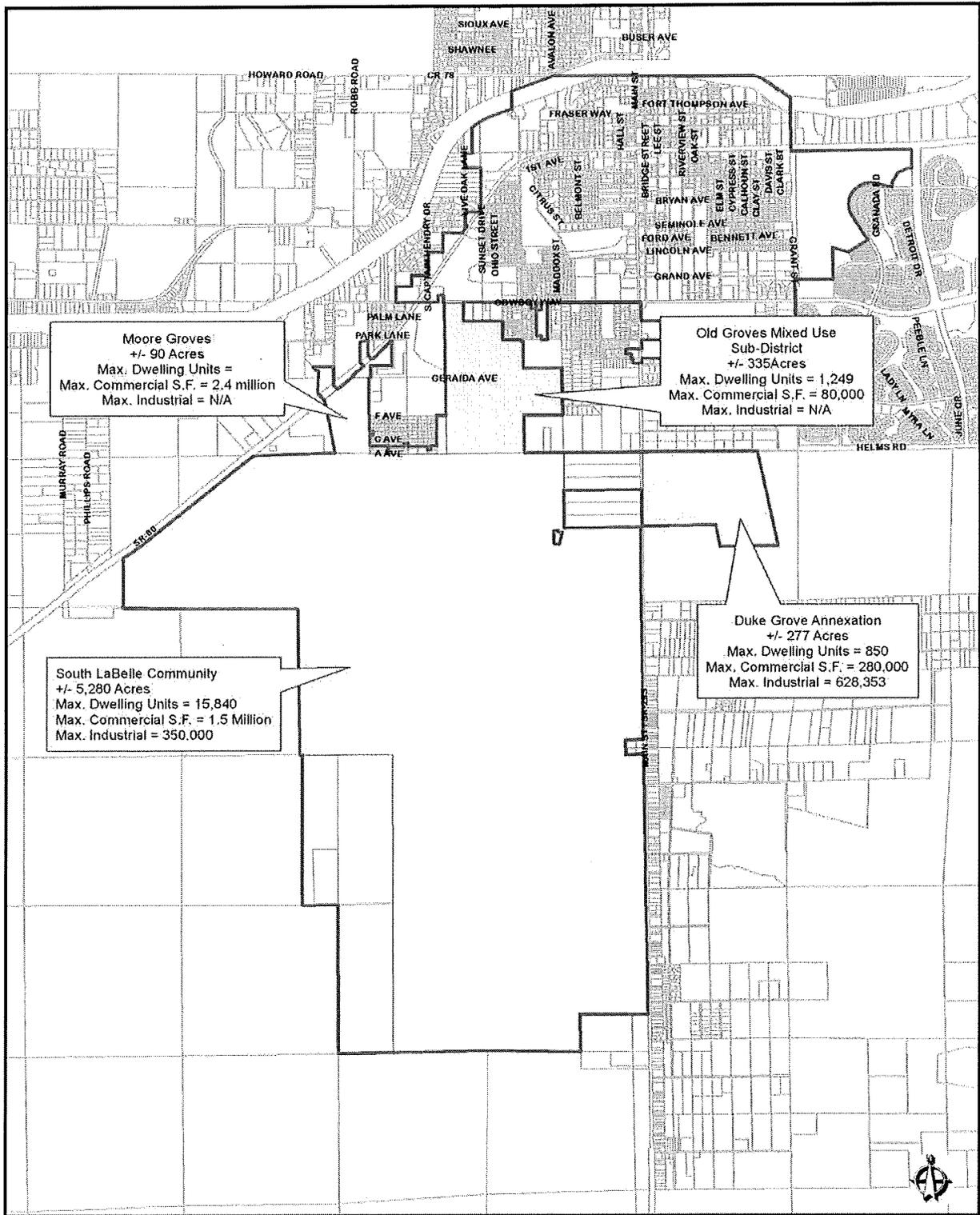


Figure I-5: Downtown Walking District Conceptual Plan

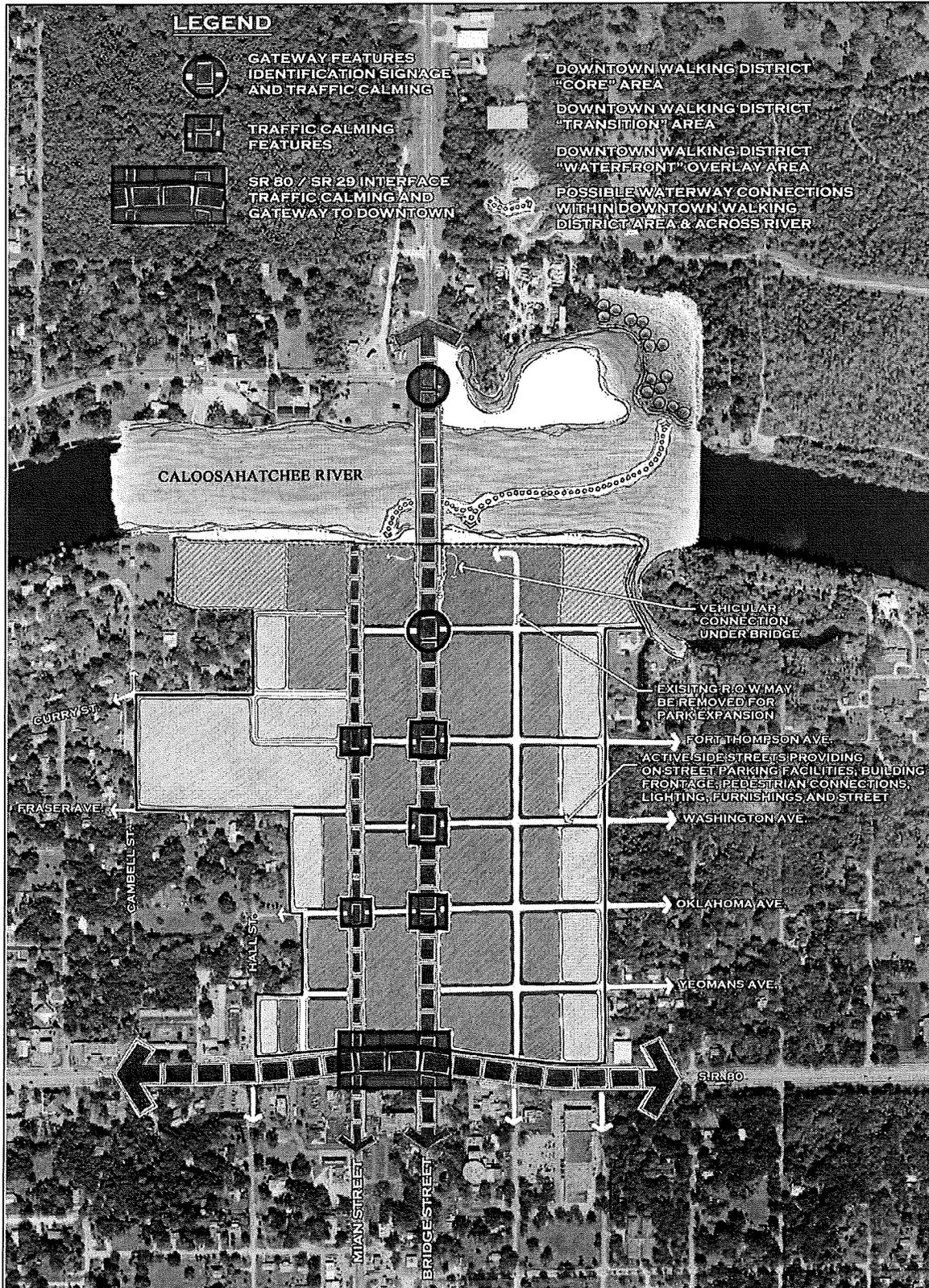
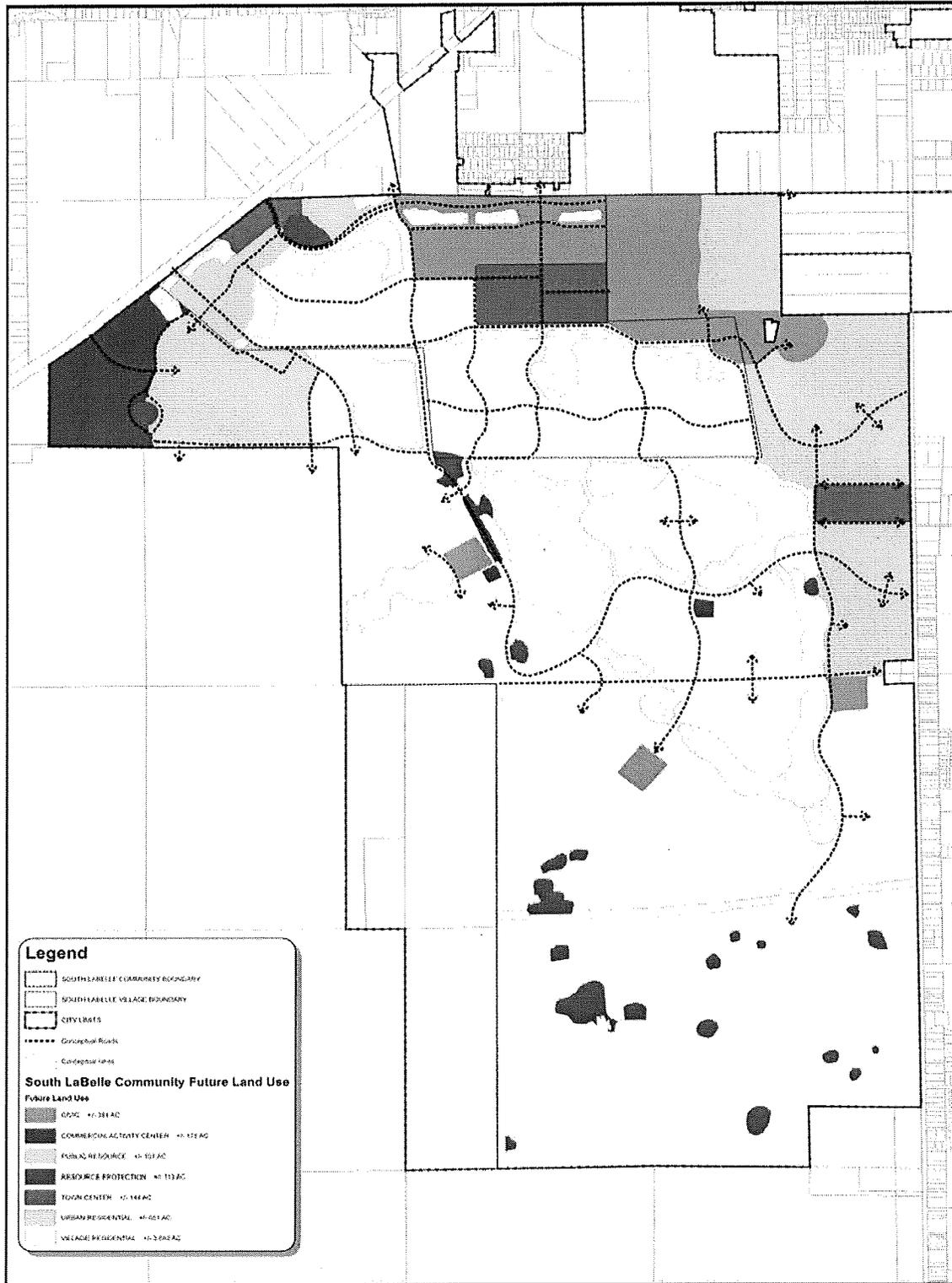


Figure 1-1: South LaBelle Community Conceptual Land Use Map



South LaBelle Community Conceptual Land Use Map



_____ Agenda
_____ Item

3g

Heritage Bay DRI - NOPC

3g

3g

**HERITAGE BAY DRI
DRI #11-2001-154
NOTICE OF PROPOSED CHANGE**

Background

The 2,562 acre Heritage Bay Development of Regional Impact (DRI) is located in unincorporated north Collier County at the northeast corner intersection of CR 951 and Immokalee Road (see Location Map). The DRI has proposed construction of 3,650 residential units (1,160 single family units, detached, attached and villas), (2,290 multi-family units, garden and mid-rise condominiums), 200 assisted living units, 170,000 square feet of retail, 55,000 square feet of office and 15,000 square feet of recreational and marina related uses. Three Community Club/Town Centers totaling 26 acres are located to provide residents with neighborhood focal points. A 40 acre Activity Center Commercial site at the intersection of CR 951 and Immokalee Road will accommodate up to 50,000 square feet of office uses and 150,000 square feet of retail. This center will provide services to both residents of the DRI and the surrounding communities.

The DRI will also include 54 holes of golf, 460 acres of recreation, open space, golf, buffers and lake, 863 acres of conservation and preservation areas, 190 acres of development lakes, 487 acres of recreation lakes, 71 acres of right-of-way, a 2.5 acre fire, sheriff and emergency medical station site, and a 5 acre general government site for future satellite county offices (see Master Development Plan). The proposed water management system has been designed to provide water quality enhancement and water storage for the Immokalee Road canal system by attenuating offsite flows through the project. This storage will provide relief for an overtaxed system. In addition, stormwater runoff will be allowed to traverse the property and rehydrate wetlands, as well as receive further treatment prior to entering the Cocohatchee Canal. Wastewater treatment and water supply is provided by Collier County Utilities.

The project is planned to be constructed in one six-year phase, with project buildout in 2009. Based on the last monitoring report at total of 267 single family units, 694 multifamily units, 54 holes of golf, 35,278 square feet clubhouse; 882 square feet tennis pro shop; 1,972 square feet chickee bar; 7,986 square feet fitness center; and 5 tennis courts; one community pool and three satellite pools. While, The Quarry has 2 clubhouses and 2 community pools. When final site planning and permitting were conducted a conservation easement for 861 acres was placed over the land. Of the total units constructed 66 are considered affordable housing.

Previous Changes

There have been no previous changes to the Heritage Bay DRI.

Attachment II shows the existing Master Development Plan for Heritage Bay DRI.

Proposed Changes

On February 11, 2010 a Notice of Proposed Change (NOPC) was submitted to add a buildout date to the text in the development order. Incorporate the Chapter 380.06(19)(c) amendments for the automatic three (3) year and two year extensions approved by the legislature in 2007 and 2009, respectively for the development order expiration date and the buildout date. Furthermore, extend the development order expiration date and the buildout date by four (4) years and three hundred sixty-five (364) days, with the final result being that the new expiration date would be September 10, 2028 and the new buildout date would be December 30, 2019.

Regional Impact Analysis

The proposed changes have no presumption of a substantial deviation under Sub-chapter 380.06(19)(c), Florida Statutes. The statutory language in these sections is as follows.

“An extension of 5 years or less is not a substantial deviation. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection”.

During the 2009 legislative session Section 14(1) of SB 360 was passed to provide in part as follows:

“Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to Part IV of Chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of two years following its date of expiration. This extension includes any local government-issued development order or building permit. The two-year extension also applies to build-out dates including any build-out date extension previously granted under s. 380.06(19)(c), Florida Statutes”.

Character, Magnitude, Location

No land use changes are proposed to the DRI therefore the character, magnitude and location of the DRI will not change.

Regional Goals, Resources Or Facilities

Because there are no land use changes and the law allows for these extensions cumulatively totaling 9 years 364 day as not being a substantial deviation regional goals will not change, and impacts on regional resources and facilities cannot be assessed for change. The development order did trigger an affordable housing condition that required a reanalysis of the affordable housing impacts if an extension was requested. However, the county housing development manager waved this requirement because his opinion is based, in part, on “the current real estate market and significant downward price adjustment since 2003. Home values in Collier County have declined 48.4% since the peak. Furthermore, 70.1% of homes sold in Collier County are now affordable to a family earning the local area median income. As such, there is no need to conduct a re-analysis of the affordable housing component of Heritage Bay during the NOPC process”. The SWFRPC staff concurs with waving this requirement.

Multijurisdictional Issues

No multijurisdictional issues will result from the proposed extensions.

Need For Reassessment of The DRI

There is no need to reassess the DRI as a result of the proposed changes.

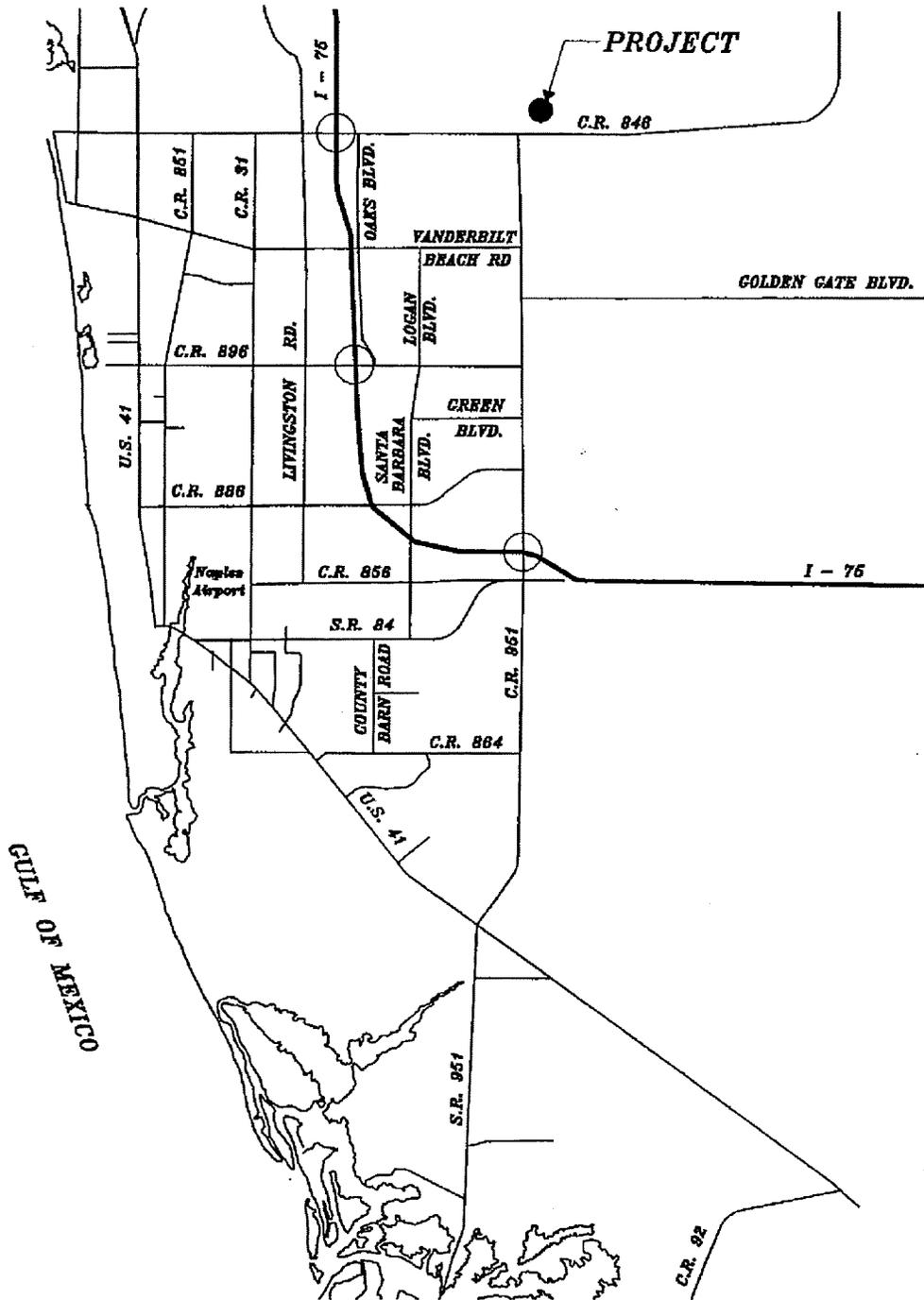
Acceptance of Proposed D.O. Language

Regional staff recommends acceptance of the proposed development order amendment language on page 28, paragraph 4 as follows.

This development order shall remain in effect for fifteen (15) years from the date it become final and effective until September 10, 2028. The buildout date for the development shall be December 30, 2019.

- RECOMMENDED ACTIONS:**
1. Notify Collier County, the Florida Department of Community Affairs (DCA) and the applicant that the proposed changes do not create additional regional impacts and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.
 2. Request that Collier County provide a copy of any development order amendment related to the proposed changes to the SWFRPC in order to ensure that the amendment is consistent with the Notice of Proposed Change.

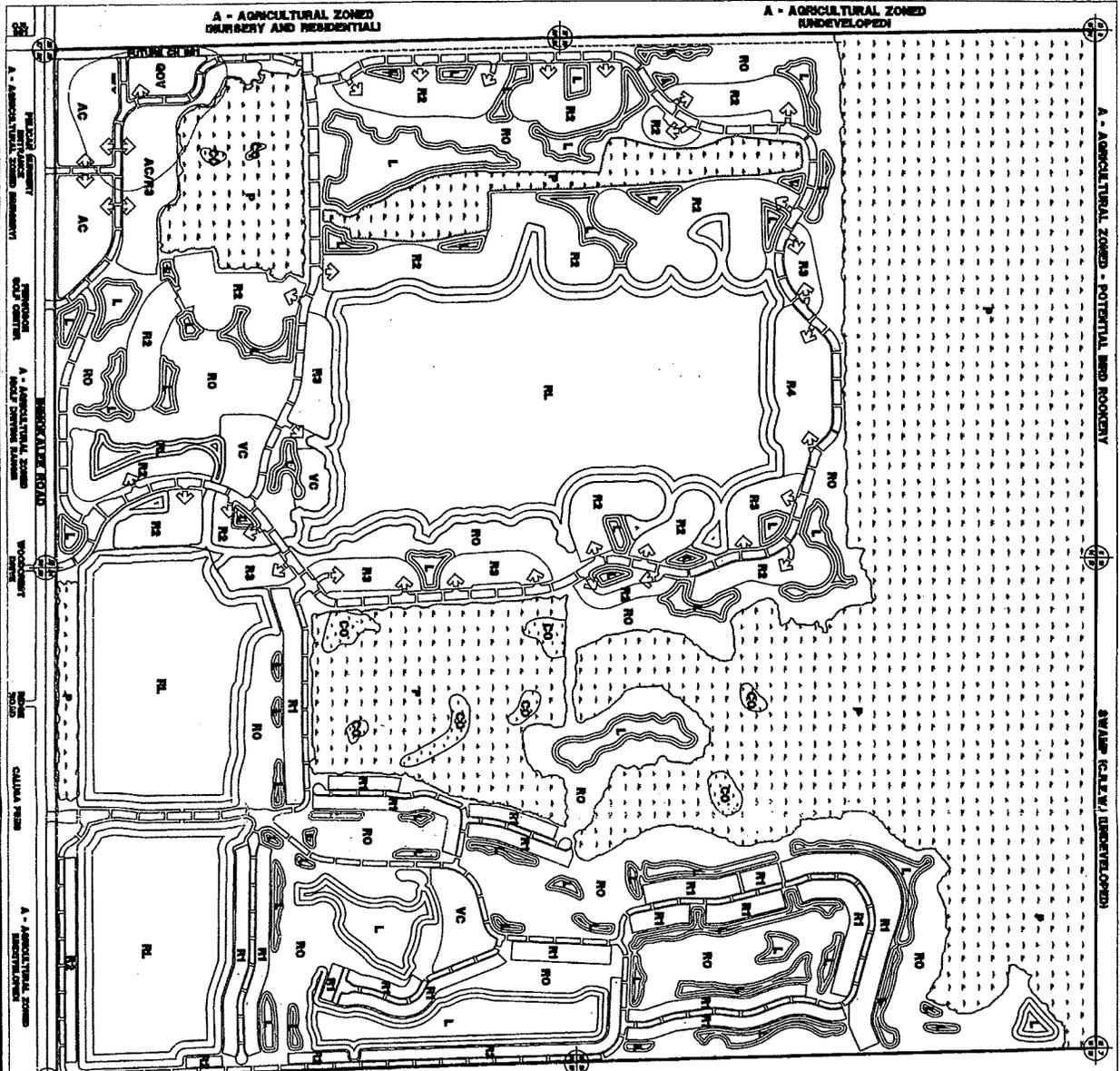
2011-04



HERITAGE BAY TRAFFIC
MONITORING REPORT

PROJECT LOCATION

07617/01A/0807



PRELIMINARY LAND USE SUMMARY

Symbol	Description	Area (AC)
CO	CONSERVATION & PRESERVE	863.0 AC
P	DEVELOPMENT LAKES	228.5 AC
L	RECREATION LAKES	470.8 AC
RL	RECREATION, OPEN SPACE, BUFFERS, GOLF COURSE AND LAKE	454.5 AC
NO	VILLAGE CENTERS	28.0 AC
VC	RESIDENTIAL	359.5 AC
R1-R4	ACTIVITY CENTER COMMERCIAL/RESIDENTIAL	21.3 AC
AC/R3	ACTIVITY CENTER COMMERCIAL	26.6 AC
GOV	GENERAL GOVERNMENT, UTILITIES, EMS, FIRE & SHERIFF SUBSTATION	7.7 AC
ROW	Right of Way	104.1 AC
TOTAL		2,582.0 AC

Category	Area (SQ. FT.)
TOTAL RESIDENTIAL UNITS	3,450
TOTAL ALF UNITS	200
ACTIVITY CENTER COMMERCIAL	150,000 SQ. FT.
RETAIL	50,000 SQ. FT.
OFFICE	200,000 SQ. FT.
TOTAL	350,000 SQ. FT.
VILLAGE CENTER COMMERCIAL	10,000 SQ. FT.
RETAIL COMMERCIAL	10,000 SQ. FT.
RESTAURANTS	5,000 SQ. FT.
MARINA RELATED RETAIL	5,000 SQ. FT.
OFFICE	5,000 SQ. FT.
TOTAL	30,000 SQ. FT.

A - AGRICULTURAL ZONED BONITA BAY YACHT GOLF COURSE

SECTION CORNER (TYP)

REVISIONS & APPROVED ADMINISTRATION: DATE, BY, AND REASON FOR CHANGE. APPROVED ADMINISTRATION: DATE, BY, AND REASON FOR CHANGE.

DESIGNED BY:	DATE:
CHECKED BY:	DATE:
APPROVED BY:	DATE:

**EXHIBIT A - REVISION 4
MASTER CONCEPT PLAN
HERITAGE BAY**

WilsonMiller
Planners • Engineers • Estimators • Surveyors
Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
1401 Central Expressway, Suite 100 • Fort Myers, Florida 33908
Phone: 813-938-5522 • Fax: 813-938-5525
E-mail: FortMyers@wilsonmiller.com • Web: www.wilsonmiller.com

_____ Agenda
_____ Item

3h

Hendry County Small Quantity
Generator's (SQG) Hazardous
Waste Assessment Contractual
Agreement

3h

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

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

Background

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

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

Program Goal

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

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

Hendry County /SWFRPC Contractual Agreement

On April 4, 2011, staff of the Southwest Florida Regional Planning Council received the attachment Contractual Agreement from Hendry County which will provide the necessary funding to conduct an assessment to ensure that Hendry County is in compliance with state mandates.

RECOMMENDED ACTION: **Authorize Chairman to execute the SWFRPC/Hendry County Hazardous Waste Program Contractual Agreement**

4/2011

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

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

Whereas, since 1983, Florida's counties have been required to inspect and assess businesses and facilities which generate small quantities of hazardous wastes. Moreover, the quantity of hazardous waste generated at these premises is to be reported to the Florida Department of Environmental Protection (Department). This reporting requirement was mandated pursuant to the Water Quality Assurance Act.

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

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

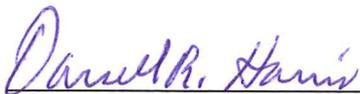
Whereas, facilities and businesses will be advised of their responsibility pursuant to state statutes and provided a copy of Florida's Handbook for Small Quantity Generators of Hazardous Waste during site inspections. Moreover, the County and/or the Florida Department of Environmental Protection will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

Whereas, the County responsibility would involve providing an occupational roll of operating businesses which are located within Hendry County to the SWFRPC for review and use in compiling the facility survey assessment list.

Whereas, under this contractual agreement, Hendry County would provide \$5,600 to the SWFRPC to verify, inspect, and assess proposed hazardous waste facilities and businesses by July 1, 2011. Payment to the SWFRPC is to be made upon transmission of the annual report to the Florida Department of Environmental Protection by the SWFRPC.

Whereas, the SWFRPC will be responsible for updating the County's SQG Records and submittal of a formal annual report to the Florida Department of Environmental Protection. A copy of the final report (Hard Copy) will be transmitted to Hendry County. Hendry County will also have access to the data electronically via the Florida Department of Environmental Protection's website.

BE IT RESOLVED, that this Memorandum of Agreement implements a binding commitment between Hendry County and the Southwest Florida Regional Planning Council to allow the SWFRPC to implement the Hendry County Small Quantity Hazardous Waste Inspection & Assessment Program for 2011.



Darrell R. Harris, Chairman
Hendry County Board of County Commissioners

3-29-11

Date

Charles "Chuck" Kiester, Chairman
Southwest Florida Regional Planning Council

Date

ATTEST: _____
Ken Heatherington, Executive Director
Southwest Florida Regional Planning Council

Date

Agenda

Item

3i

Executive Director Summary
– 2nd Quarter

3i

3i

Southwest Florida Regional Planning Council

Executive Director's Summary Second Quarter Ending March 31, 2010

At the Southwest Florida Regional Planning Council (SWFRPC), we have been hard at work on 2011 projects. However, like most Americans we are keeping an eye on the federal government 2011 budget resolution; the SWFRPC administers a number of federal programs which are reimbursed or funded by federal agencies.

For example, the Lee County Metropolitan Planning Organization (MPO) is funded through the Florida Department of Transportation (FDOT) who is funded by the U.S. Department of Transportation (U.S. DOT)/Federal Highway Administration (FHWA). However, FHWA is funded through a multi-year appropriation titled Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU continues the concept of guaranteed funding, keyed to Highway Trust Fund (Highway Account) receipts. FHWA and the MPOs will remain open and will not be affected the week of June 11.

Another federal program that SWFRPC administers service to is the Charlotte Harbor National Estuary Program (CHNEP). While the National Estuary Program (NEP) is federally funded through the U.S. Department of Environmental Protection (EPA) it is funded by a multi-year appropriation already approved and thereby does not affect CHNEP services.

The SWFRPC also administers the Economic Development District (EDD) of the U.S. Economic Development Administration (EDA) within the U.S. Department of Commerce. Federal funding is annually and on a reimbursement basis; therefore, during the shutdown the SWFRPC will curtail investment policy designed to establish a foundation for sustainable job growth in distressed communities.

The SWFRPC administers other grants and contracts, including EPA related climate change and sea grass monitoring, Regional Six Domestic Security Task Force (RDSTF) exercise and training, Local Emergency Planning Committee (LEPC) District 9, all of which have been funded and remain in place.

We are also watching the Florida Senate and House legislative chambers as they begin a period of budget negotiation. The largest impact to the SWFRPC staff is the Florida Retirement System (FRS) pension plan contributions. The Senate approved a tiered-system in which higher paid employees would pay more toward their pension; House members are in favor of employees paying 3 percent across the board. After going a number of years without a merit raise or cost of living (COLA) increase SWFRPC employees are sacrificing and being asked to contribute to their retirement.

Once the Federal budget as well as the state budget has been approved, the finance and operations management can move forward , along with the budget committee of the SWFRPC to present a balance 2012 Budget to Council for approval.

The SWFRPC continues to a number of belt-tightening efforts at our office. Once again, after a successful 2010 audit, we still operate on a “razor’s edge” due, in large part, to the nature of revenue reimbursement but the year was filled with new projects and improved finances.

We have now completed the second quarter of Fiscal year 2011. The financial summary as follows:

- Revenue Year to date: \$1,725,063
- Expenses year to date; \$1,656,611
- Net Income year to date: \$ 68,452

We continue to face economically challenging times, however, with the help of our Chairman – City of Marco Island Councilman Chuck Kiester and the Executive Board and all the members that are part of our Council we will continue to prosper and grow as a Region. We know that our region, communities across our region and staff have been suffering and are facing an uncertain future, but we will all prevail and be better for our understanding of the times.

Sincerely,

Ken Heatherington, AICP
Executive Director

_____ Agenda
_____ Item

4

ADMINISTRATIVE
ISSUES

4

4

_____ Agenda
_____ Item

4a

SWFRPC SRPP Update (Estero
SRPP EAR Meeting)

4a

4a

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

At its March 17, 2011 meeting, the Council received the forth and continuing update from staff regarding the Strategic Regional Policy Plan (SRPP) Evaluation and Appraisal Report (EAR). During the past month, staff has held its third and final public meeting on April 7, 2011 in Estero and provided a presentation to the City of North Port planning board. Approximately 20 people participated at the Estero public meeting and after the presentation had a spirited discussion concerning the need for multi-modal transportation opportunities in the region. The North Port Planning and Zoning Board discussed the future of the region and the issues associated with the region's platted lands.

RECOMMENDED ACTION: Presented by staff as an update concerning the SRPP EAR public input presentations. No action is required. Council staff would request that the Council members review the webpage for the draft SRPP document and provide comments on any portion of the Plan.

Agenda

Item

4b

SWFRPC Draft Strategic
Regional Policy Plan (SRPP)
Presentation

4b

4b

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

Council staff has been preparing the SRPP document for Council's review and the June transmission to DCA following Council's approval. To date, the document has not been completed, but will be finalized over the month of May for Council's transmission approval in June. When the SRPP is finalized in-house, Council members will be notified that it has been placed on the Council's web page. Council staff would request every Council member review the document and provide any final comments that may be important to the future direction of the region.

RECOMMENDED ACTION: No action is required. Council staff would request that the Council members review the webpage for the draft SRPP document in mid May and provide comments on any portion of the Plan. Council staff would also request that Council members provide any information that they believe would strengthen the ability of the SRPP to provide future direction for the Council and associated local governments.

_____ Agenda
_____ Item

4c

SWFRPC Committee Reports

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_____ Agenda
_____ Item

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4c1

Budget & Finance Committee

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Southwest Florida Regional Planning Council

Reserve Policy

This policy is designed to guide the Council in financial policies to maintain a strong financial position. A strong financial position is important in the maintenance of services to the various counties and cities as well as to the citizens of the area served by of the Council. The reserve policy is designed to allow the Council to maintain a committed and/or assigned fund balance level between four (4) and six (6) months of prior year ~~general and special revenue~~ operating expenditures as recommended by ~~Governmental Accountants~~.

The reserves are a component of the Council's fund balance which is reviewed by auditors as an indicator of financial health. ~~Operating Assigned (intended for a specific purpose) and/or committed (constraint imposed by Council)~~ Assigned (intended for a specific purpose) and/or committed (constraint imposed by Council) fund balance reserves are designed to provide the Council with funds in the event of revenue interruption, shortfalls or other unforeseen occurrence. Should the Council be required to hold reserves by third party agreement or law; these amounts will be classified as Restricted.

Specifically committed and/or assigned fund balance reserves will be maintained at a level of at least four (4) months of ~~average general and special revenue~~ the prior year total operating expenditures and will be increased annually, if possible, to reach a goal of six (6) months.

This assigned fund balance reserve as well as the Council's operating reserve and capital asset reserve will be maintained to meet the Council's needs in case of an emergency such as a natural disaster.

In the event funds are utilized from the fund balance reserves, every effort will be made to restore the initial reserve amount in the ensuing years. ~~As of October 1, 2010, our assigned fund balance reserves total six hundred forty four thousand dollars (\$644,000).~~ Changes to the fund balance reserves will be reported annually as part of the financial statements and at the annual Budget presentation.

Remaining classifications of fund balance are non-spendable and unassigned. The non-spendable fund balance is that fund balance associated with fixed assets. This balance is adjusted each year by the addition or disposal of fixed assets. These adjustments are presented annually for Council approval. The unassigned fund balance is the residual classification for the Council's general fund and includes all spendable amounts not contained in the restricted, committed, assigned and non-spendable classifications.

Note: As of October 1, 2010, our assigned fund balance reserves total six hundred forty-four thousand dollars (\$644,000).



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Summaries / Status

Summary of Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions* (Issued 02/09)

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered *nonspendable*, such as fund balance associated with inventories. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

The *restricted* fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation. The *committed* fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Amounts in the *assigned* fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. *Unassigned* fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required.

This Statement also provides guidance for classifying stabilization amounts on the face of the balance sheet and requires disclosure of certain information about stabilization arrangements in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010. Early implementation is encouraged. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

How the Changes in This Statement Will Improve Financial Reporting

The requirements in this Statement will improve financial reporting by providing fund balance categories and classifications that will be more easily understood. Elimination of the *reserved* component of fund balance in favor of a *restricted* classification will enhance the consistency between information reported in the government-wide statements and information in the governmental fund financial statements and avoid confusion about the relationship between reserved fund balance and restricted net assets. The fund balance classification approach in this Statement will require governments to classify amounts consistently, regardless of the fund type or column in which they are presented. As a result, an amount cannot be classified as restricted in one fund but unrestricted in another. The fund balance disclosures will give users information necessary to understand the processes under which constraints are imposed upon the use of resources and how those constraints may be modified or eliminated. The clarifications of the governmental fund type definitions will reduce uncertainty about which resources can or should be reported in the respective fund types.

Unless otherwise specified, pronouncements of the GASB apply to financial reports of all state and local governmental entities, including general purpose governments; public benefit corporations and authorities; public employee retirement systems; and public

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_____ Item

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Estero Bay Agency on Bay
Management (ABM)

4c2

4c2

Estero Bay Agency on Bay Management

The last regular meeting of the Estero Bay Agency on Bay Management was held on Monday, April 11, 2011 at the SWFRPC 1st Floor Conference Room in Fort Myers, Florida.

Elections for vice chair for 2011 occurred at this meeting due to the resignation of Mr. Tom Babcock who no longer represented the SWFRPC on the EBABM. Dr. Lisa Beever was unanimously elected to serve out the remainder of the term of office.

The Minutes of the March 14, 2011 meeting were approved and are attached.

Dr. Win Everham, of FGCU presented the FGCU Master Plan for 2010-2021 drafted on March 8th. The EBABM reviewed the plan and developed general recommendations to reduce the use of automobiles and emphasize alternative modes of transportation, encourage better building practices including use of solar power, encourage the use of Low Impact Development including reduction in impervious surfaces and emphasize the environmental mission of the university. The first public meeting will be on the 15th of April and the general recommendations of the EBABM will be presented there.

The letter concerning the Pelican Landing beach renourishment and groins was reviewed, amended, finalized and approved for transmission. The EBABM does not support the project as it is currently proposed since it conflicts with EBABM principles and involves hardening of beach shoreline.

The status of state wildlife listing by FWC was reviewed by Jim Beever. Biological review groups appointed by the Commission evaluated 61 species (listed below) grandfathered on the FWC's imperiled species lists in fall 2010. Groups of FWC staff and external experts completed a biological status review (BSR) for each of these species. The biological status reports were completed in December 2010 and sent out for peer review. Based on the status reviews and other information, FWC staff recommends that 40 of the species be included on Florida's Threatened list in addition to the three species (gopher tortoise, Miami blue butterfly and Panama City crayfish) that were reviewed in the past decade. FWC staff is recommending that 16 species be removed from the existing list. Three of these are currently classified as threatened species, and 13 are classified as species of special concern. The final reports with staff recommendations are expected to be presented to the Commission at the June 8-9 meeting in St. Augustine. The EBABM authorized a letter to comment on the proposals by FWC to de-list the Florida black bear, Florida mouse, brown pelican, limpkin, snowy egret, white ibis, gopher frog, mangrove rivulus, and the Florida tree snail.

Planning continued for the third Cela Tega (Calusa/Carib for "A view from a high place") meeting at FGCU on November 2, 2011 with the topic of the economic benefits of preserved and conservation lands for southwest Florida.

The EBABM approved a letter in support of the funding of the Estero Bay Aquatic Preserve office.

In emerging issues the EBABM discussed the DEP permit for beach raking on Little Estero Island; the Fertilizer ordinance preemption legislation, the proposed Collier County fertilizer ordinance, the purchases of Edison Farms, and the proposal to use Conservation 2020 money for general funds in Lee County.

In announcements The Charlotte Harbor National Estuary Program, Sarasota Bay Estuary Program, and Tampa Bay Estuary Program are hosting three Listening Sessions to provide input from the public, nonprofit organizations, local governments, scientists and industries on priority issues facing the Gulf regarding ecosystem restoration. Senior staff from the Gulf Coast Restoration Task Force is gathering input and ideas for consideration for inclusion in a Gulf Coast Ecosystem Restoration Strategy report, due to the President later this year. The Strategy will help guide resources from the Gulf oil spill fines to priority projects to restore the Gulf of Mexico ecosystem. Three Listening Sessions are scheduled. Although the audience for each is focused, anyone is welcome to attend the session most convenient.

PUBLIC/NGOs Listening Session:

Monday, April 18, 2011
5:00 p.m. - 7:00 p.m.
Selby Auditorium, USF Sarasota-Manatee
8350 N. Tamiami Trail
Sarasota, FL 34243

LOCAL GOVERNMENTS and SCIENTISTS Listening Session:

Tuesday, April 19, 2011
9:00 a.m. - 11:00 a.m.
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901
239-338-2560 if assistance is needed

INDUSTRIES Listening Session:

Tuesday, April 19, 2011
3:00 p.m. - 5:00 p.m.
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd, Suite 100
Pinellas Park, FL 33782

The next meeting of the Cela Tega / IAS committee will be Monday, April 18, 2011 – 1:00 p.m. FGCU, Sugden Welcome Center and the next full EBABM meeting will be Monday, May 9, 2011 at 9:30 a.m. at the SWFRPC Office

Information on the EBABM can be found at <http://www.swfrpc.org/abm.html>

RECOMMENDED ACTION: Information only.

4/2011



MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT

Held on March 14, 2011

The regular meeting of the Estero Bay Agency on Bay Management was held on March 14, 2011 at the Southwest Florida Regional Planning Council offices in Fort Myers, Florida.

NAME	ORGANIZATION
Nora Demers	RGMC
Harry Gottlieb	FMBCA
Win Everham	FGCU
Lisa Beever	Charlotte Harbor NEP
Pete Quasius	Audubon of SWF / Snook Foundation
Jim Beever	SWFRPC
Renee Kwiat	LCPA
Jennifer Hecker	Conservancy of Southwest Florida
Keith Laakkonen	Fort Myers Beach
David Ceiley	Self
Lynda Thompson	Lee County 2020
Tom Babcock	SWFRPC
John Curtis	Johnson Engineering
Paul O'Connor	Lee County
Brad Cornell	Audubon of Florida
Laura Miller	League of Women Voters of Lee County
Heather Stafford	FDEP Aquatic Preserves

Agenda Item #1 – Call to Order

Meeting called to order at 9:30 a.m.

Agenda Item #2 – Attendance

Attendance was taken through the sign-in sheet.

Agenda Item #3 – Additions, Deletions or Corrections

Mr. Beever said that he would make the presentation on the Pelican Landing item if Sarah Larsen does not attend today's meeting.

Agenda Item #4 – Minutes of February 14, 2011

**MOTION BY DR. BEEVER AND SECONDED BY MR. QUASIUS
TO APPROVE THE MINUTES OF FEBRUARY 14, 2011.**

Vice-Chair Babcock stated that he had a correction on Page 6 under Agenda Item #14. The words “Green Resources Task Force” should read “Marine Resources Task Force”.

MOTION CARRIED AS AMENDED UNANIMOUSLY.

Agenda Item #5 – Presentations

○ **2011 Estuaries Report Card for Southwest Florida**

Jennifer Hecker presented this item.

Dr. Everham asked if everything was based on 2006. Ms. Hecker said that it was not and that the results from the 2005 report cannot be directly compared as we could not entirely replicate the methodology with regard to water quality.

Ms. Hecker said that there have been changes to how the data is interpreted for assessment purposes which is governed by the state impaired waters rule. There have been significant changes made since the last assessment cycle. The state rule limits the amount of data that can be utilized more than the federal regulations do. Being listed as “unimpaired” doesn’t mean clean or safe – it just means that there was not enough data to assess if it is impaired or unimpaired. The Conservancy of Southwest Florida interviewed hydrological experts and came up with a list of standard questions that we posed to them to try and gauge their response. The 251 page report and Executive Summary are available on the www.conservancy.org website under Publications.

Dr. Demers asked if the Conservancy was basically looking at those impairments for a certain parameter and not at all the data that goes into the impairment.

Discussion ensued. Ms. Hecker said that it looks across multiple listing cycles.

Dr. Everham asked about characteristics for measures.

Ms. Hecker said that one of the things staff encounters with indicators is that information is sometimes spotty.

Discussion ensued on easements, habitat criteria and the use of some of the public conservation areas being used currently as range lands for cattle or intensive growth of corps.

Discussion ensued on the map of mangroves and the Water Management District predevelopment vegetation map. Ms. Hecker stated that a chapter was dedicated to the

methodology. Dr. Beever said that CHNEP staff had done some updates in Charlotte and Manatee counties using HDRs methodology and land office surveying notes and the reconstructed landscape at that time. The amount of mangroves was overstated in Charlotte County.

Discussion ensued on mapping changes in the watershed.

Ms. Hecker said that there was a chapter on future indicators where staff had outlined oysters, sea trout, etc. which should be incorporated in the future. She asked the committee to let her know if there were additional topics that they would like to see included in future reports.

Discussion ensued on the habitat criteria and the wetlands acreage as Southwest Florida has lost a huge amount of short hydroperiod wetlands, but has retained interior and deeper wetlands which has resulted in being out of balance.

Mr. Beever said that the Tampa Bay Estuary program had been recognized for their restoration efforts in a document known as “Restoring the Balance.”. The SWFWMD has adjusted their restoration plan to follow Tampa Bay’s plan.

Dr. Everham said this would be a good area for this committee to follow up on.

Discussion ensued on restoration plans and the degree of restoration as well as changing species and indicators/exotic species which would be indicative of hydrological alteration.

Councilman Babcock stated that this had to be simplified and that there is a great need to be more proactive.

Chairman O’Connor arrived and took over as Chair of the meeting.

Dr. Everham said that we need to balance what we can realistically do and not utilize temporary fixes while the quality of the watersheds is declining.

Councilman Babcock said he was impressed with things going on.

Mr. Quasius said that educated, intelligent leaders need to be elected as opposed to those who say what is politically expedient. Economic value and a return on investment need to be demonstrated.

FGCU Master Plan

Dr. Everham provided an update on the master plan which is on the FGCU website under “Master Plan”. The focus of the plan is on land conservation. He briefly addressed the eighteen elements of the Master Plan. April 15th will be the first public hearing. By April 23rd, agencies will have three months to respond. It will be revised in August as a

follow up to the final public hearing which will be part of the Board of Trustees review on September 13th.

Discussion ensued on parking fees, garage parking availability, roadways and making the campus more bike-friendly.

Mr. O'Connor provided an update on the Alico West Comp Plan Amendment that had been challenged by a neighbor in Miromar Lakes. The dispute was settled and will be put into effect with a final order issued by the hearing officer and approved by DCA. The only thing the agreement did was take out the possibility of some kind of outdoor event feature like a football stadium, outdoor concert hall, etc.

Discussion ensued on economic base.

Dr. Everham said that the next IAS meeting will be held next Monday.

Agenda Item #6 – Slide Show: Benefits of Local Government Fertilizer Ordinances

Mr. Beever presented this item. Dr. Beever also reviewed the functions of the CHNEP and the history of fertilizer ordinances; dealing with more water quality impairments, fertilizer use and regulation and steps for local governments.

Ms. Hecker said that with respect to Mr. Beever's comments that policies need to be more proactive, the Conservancy was trying to do so with the numeric nutrient standards. Her concern was that the legislation was trying to inhibit local government from being more stringent. She expressed that she would like it reworded to state that local government should be supported in adopting ordinances more stringent in scenarios where they believe it was justified to do so. The Conservancy believes the model ordinance lacks some of the most effective aspects of a truly efficient ordinance. IFAS and DEP are pushing the state model ordinance.

Mr. Beever stated that the benefits document was not the draft document that he would recommend for the ABM.

Discussion ensued on making sure that fertilizer ordinances are based on best available science in formulating these and are separate from the home rule.

Ms. Hecker discussed the idea of consistency and stated that there was a big push for home rule. Discussion ensued on challenging IFAS not using the best available science in some of their positions.

Discussion continued.

Ms. Hecker said that we are trying to build policies to build accountability.

Mr. Beever discussed the process of the SWFRPC resolution on the fertilizer ordinance.

Discussion ensued on industry pushback and pesticide application.

Agenda Item #7 – SCCF Presentation Thank You Letter

MOTION BY DR. BEEVER AND SECONDED BY MS. HECKER TO APPROVE THE SCCF PRESENTATION THANK YOU LETTER. MOTION CARRIED UNANIMOUSLY.

Agenda Item #8 – ECCL/Don Eslick Presentation

MOTION BY DR. BEEVER AND SECONDED BY COUNCILMAN BABCOCK TO APPROVE THE THANK YOU LETTER TO ECCL AND DON ESLICK. MOTION CARRIED UNANIMOUSLY.

Agenda Item #9 – Estero Bay Support Letter

MOTION BY DR. BEEVER AND SECONDED BY MS. HECKER TO APPROVE THE ESTERO BAY SUPPORT LETTER. MOTION CARRIED UNANIMOUSLY.

Agenda Item #10 – Pelican Landing/CPE Presentation Thank You Letter

Mr. Beaver presented this item.

Discussion ensued on letter to be drafted and on referring this matter to the IAS.

Dr. Everham said letter should state “thank you for taking the time to present this to our committee. Here are our suggestions to make to this project.”

Ms. Stafford asked if it should be sent to DEP also.

Dr. Everham said that if it was sent to DEP it should be copied to Pelican Landing as well.

Discussion ensued on monitoring decisions.

Dr. Everham said that if a letter stating that this was a bad idea was sent, then the opportunity is lost to say “. . . and you should have a mechanism for determining when they get pulled and make it clear where the public part is. Here are the reasons we think it is a bad idea. If you go forward, here is what we would like to see . . .”

Discussion continued.

MOTION BY MR. CEILLY AND MR. LAAKONEN TO TABLE THIS ITEM.

Dr. Beever said that this should be remanded to IAS to endorse the approval of the approach outlined by Dr. Everham.

MAKER OF THE MOTION AND SECONDER AGREED THAT THIS SHOULD BE REMANDED TO THE IAS. ABSTENTION BY HEATHER STAFFORD. MOTION CARRIED WITH ONE ABSTENTION.

Agenda Item #11 – Status of State Wildlife Listing

Mr. Beever presented this item. He provided an update on the brown pelican, mangrove rivulus and the Florida tree snail and reported that the Florida mouse and gopher frog are being considered for removal from the list. Mr. Beever will bring back recommendations which will then be taken to the Florida Fish & Wildlife Conservation Commission.

Discussion initiated by Keith Laakkonen on Wilson’s plovers.

Dr. Everham asked if a letter outlining a lack of data which would lay out precautionary principle should be sent as it is better to protect them rather than let them disappear.

Discussion continued.

Agenda Item #12 – ABM New Member Packet

Chairman O’Connor welcomed John Curtis. Mr. Curtis drafted a letter to new members with background information on the committee which was well received by the committee.

Mr. Quasius thanked him for his input and felt that the new member packet was an excellent idea.

Agenda Item #13 – Committee Reports and Scheduling

- Cela Tega Planning – November 24, 2011 at FGCU focusing on economic impacts on conservation lands. Dr. Demers provided an update on the latest developments. The next meeting is on March 21, 2011 at 1:00 p.m.
- IAS – March 21, 2011 at 2:00 p.m.

Agenda Item #14 – Emerging Issues

Ms. Thompson said that a Management and Planning Meeting would be held on April 11, 2011 at 1:30 p.m. This is an advisory meeting where staff can ask the board for direction. Lee County was in the process of buying last of the “A” list. The 2020 fund is under siege and she will be providing updates on this issue as things progress.

Discussion continued on lands in the Estero Watershed.

Ms. Hecker spoke about the acquisition of land on Edison Farms. The coalition is proposing that it should be pursued to get appraisals. The Trust for Public Lands could take over ownership and then divvy up the lands. It is a large and difficult acquisition and should be pursued based on natural resource value for appraisals.

Mr. Quasius stated that the Chair and Co-Chair of WMD is Joe Collins of Lykes Brothers and Charles Dauray, respectively.

Discussion ensued on the Caloosahatchee flows and funding for EPA.

Agenda Item #15 - Announcements

Ms. Thompson said that there would be an environmental workshop on March 24th from 1:00 to 4:30 p.m.

Dr. Beever reported that on March 28-29 there would be a State of the Phosphate Mining Science Conference in Punta Gorda. The Triennial CHNEP Watershed Summit would be held in Punta Gorda on March 30th-March 31st.

Councilman Babcock stated that this was his last meeting.

Agenda Item #16 – Next Meeting, Time, Place, Agenda Items

Mr. Beever said that the next meeting is on April 11th at 9:30 a.m. at the SWFRPC offices.

Meeting adjourned at 11:45 a.m.

_____ Agenda
_____ Item

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Legislative Affairs Committee

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_____ Agenda
_____ Item

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Regional Watersheds Committee

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REGIONAL WATERSHED COMMITTEE

The Regional Watersheds Committee (RWC) met directly after the March 17, 2011 Council meeting. The RWC acting as a technical advisory committee to the Council concerning water quality issues in the region organized the committee's future actions and discussed the State's Fertilizer Preemption proposals, the status of the State's Stormwater Rule, and the status of the Federal Numeric Nutrient Standards.

A bill ([HB 457](#)) had been moving through the legislative process that would have placed the Department of Agriculture and Consumer Services (DACS) in charge of all fertilizer regulation preempting local governments. However, this week in a dramatic turn of events an amendment was filed that removed all of the language in the bill and placed in new language that now puts into statute a county's ability to adopt more stringent fertilizer ordinances and grandfathers all existing ordinances.

The details of the new bill are as follows:

- Counties and cities may adopt fertilizer ordinances that are in addition to or more stringent than the model ordinance if each of the following criteria is met: i) the demonstration of a comprehensive program to address multiple nonpoint sources of nutrients that is science-based, and economically and technically feasible; ii) additional or more stringent standards are necessary to adequately address fertilizer contributions; iii) the local government has considered all relevant scientific information, and input from DEP, DACS, and UF-IFAS; and iv) the ordinance is reported to DACS.
- Ordinances adopted prior to July 1, 2011 are grandfathered.
- The bill does, however, preempt counties from regulating the "sale, composition, packaging, labeling, retail and wholesale distribution, and formulation, including nutrient content level and release rates."

The bill no longer preempts local government from regulating the "use and application" of fertilizer.

The bill, as amended was passed by the House State Affairs Committee on Thursday. Because the reference to the Rulemaking & Regulation Subcommittee was removed last week, the bill now moves to the floor. The Senate companion ([SB 606](#)) remains in the Community Affairs Committee, it's second of four references.

In addition, over the past month Vice-Mayor Mick Denham and Council staff has created a presentation that addresses the past Committee water quality goals and achievements, where the Committee is today, and where the Committee intends to go in the future related to water quality improvements in the Region. The presentation is attached for review by the Council.

RECOMMENDED ACTION: No action on this item is required by Council. The attached presentation by Committee Chairman Denham is provided for Council member's informational purposes.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 6 2011

THE ADMINISTRATOR

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

Dear Senator Nelson:

Thank you for the letter dated March 10, 2011 regarding the Environmental Protection Agency's final rule establishing limits on nitrogen and phosphorus for Florida's lakes, springs and flowing waters. I also appreciate the opportunity to continue our positive dialogue on this very important issue.

Nitrogen and phosphorus pollution are well recognized as significant contributors to degraded water quality, in Florida and many other states. This pollution – which causes harmful algae blooms – the thick, green muck that fouls clear water – can produce toxins harmful to humans, animals and ecosystems across the State of Florida. Addressing this pollution is central to supporting the economic prosperity of the State of Florida, which relies on clean water for tourism, recreation and industrial uses.

EPA finalized numeric nutrient limits at the end of last year, but delayed the effective date until early 2012 to permit stakeholders and the State of Florida to understand the new requirements and work with EPA to make implementation as cost-effective, flexible and least burdensome as possible. For instance, last month, EPA reiterated its openness to requests to establish Site Specific Alternative Criteria in lieu of the federal criteria. We also advised the State of Florida that EPA will not object to state-issued NPDES permit limits based on existing Total Maximum Daily Loads (TMDLs), absent specific new information demonstrating the TMDL targets are not protective. Through these and other efforts, we have worked collaboratively with the State of Florida to find flexibility without sacrificing the end goal that we both share: clean water in Florida.

A critical issue throughout the rulemaking process has been the costs associated with implementing numeric nutrient criteria. EPA's analysis of our rule shows an annual cost of between \$135 and \$206 million. To put this into perspective, this would cost all households on inland waters between eleven and twenty cents a day. However, other analyses show significantly higher costs, in some cases by assuming use of treatment technology, which EPA believes does not need to be deployed to meet pollution limits, by including hundreds of municipal treatment systems that are not covered by the inland rule and by including millions of acres of farmland that will not be affected by this rule.

Because the economic impact of the rule is dominating the public discussion in Florida. I agree with you, Senator, that an independent cost review of EPA's economic analysis should be performed. EPA has begun the process of working with the National Academy of Sciences (NAS) – a highly reputable and independent organization that has the capability to do such economic reviews in a non-partisan, non biased manner – to review the Agency's cost estimate in comparison with those of other stakeholders.

Specifically, the NAS will conduct a third party independent review of EPA's cost estimate, in addition to other cost estimates, associated with this rule. EPA's rule, with the exception of the site-specific alternative criteria provision, will not take effect until March of 2012.

Thank you for your letter as well as your ongoing work on this and many other issues for the citizens of Florida. I look forward to continuing to work collaboratively with you. Please feel free to contact me, or to have your staff contact Arvin Ganesan, EPA's Deputy Associate Administrator for Congressional Affairs, at (202) 564-4741.

Sincerely

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a large, stylized flourish at the end.

Lisa P. Jackson



Regional Watersheds Committee

URBAN WATER QUALITY CHALLENGE



Acknowledgements:

James W. Beever III
Principal Planner
jbeever@swfrpc.org

David Crawford
Principal Planner
dcrawford@swfrpc.org

- The increase in nutrients in stormwater runoff has disrupted the natural balance of the physical, chemical, and biological processes in the region. It has caused pollution of natural systems and has created significant damage to downstream areas, thereby damaging the main economic activities of the region.
- Verified scientific evidence demonstrates that nitrogen and phosphorous are causing damage to our freshwater and estuarine ecosystems and nitrogen is a principle driver of the massive growth of algae drifts in the region's water bodies.
- A cause of water quality problems in our area are results of the huge releases of grossly contaminated water from Lake Okeechobee via the Caloosahatchee River. These releases have caused significant degradation of the region's coastal waterways and estuarine systems and has resulted in significant damage to the regions wildlife as well as the region's tourism, fishing and economic activities.
- However, significant, water quality problems in the region are also exacerbated by the growing threats from stormwater pollution caused by increasing urbanization (wastewater treatment facilities, wastewater package plants, septic tanks, lawn fertilization and other nutrient sources). This is the area the council chose to focus.
- Water quality, due to the significant impacts it has on all aspects of the region's population and wildlife, has been identified by the South West Florida Regional Planning Council as an issue of primary concern and as a result the Council has taken action through the Lower West Coast Watersheds Committee.

The Mandate

The Southwest Florida Regional Planning Council gave a mandate to the Lower West Coast Watersheds Committee to address water pollution from all sources. The Committee, through a multi-pronged effort, made its mission to substantially reduce nutrient pollution from stormwater runoff, including impacts from fertilizers, sewage treatment facilities, septic tanks, and urban runoff.

The Approach

The Lower West Coast Watersheds Committee prepared and submitted to the Regional Planning Council a series of resolutions (6 in all) over a three year period for approval and adoption.

URBAN WATER POLLUTION ACTIONS

Fertilizer Impacts
from Stormwater
Runoff

Wastewater from
Sewage Treatment
Plants

Wastewater from
Package Treatment
Plants

On-Site Water
Treatment and Disposal
Systems

Urban and
Agricultural
Stormwater Runoff

Six Urban Water Quality Resolutions

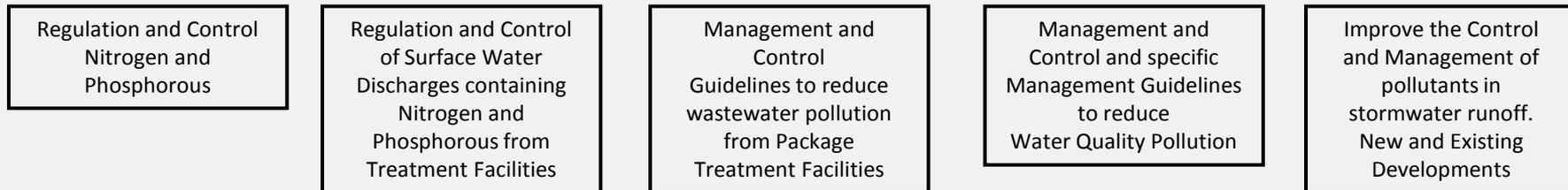
- Fertilizers on Developed Landscapes
 - Wastewater Treatment Plants
 - Package Treatment Plants
 - On-site Wastewater Treatment Facilities (Septic and Aerobic)
 - Stormwater Treatment for New Development and Re-Development
 - **Stormwater Treatment** for Retrofit Development
- (07-01) March 15, 2007
 - (07-02) May 17, 2007
 - (07-05) October 18, 2007
 - (08-02) May 15, 2008
 - (08-011) August 28, 2008
 - (08-012) January 15, 2009

Regional Watersheds Committee

Regional Planning Council Mandate



Regional Planning Council Resolutions Approved



Regional Implementations so far

- Implemented in Local Government Ordinances
- Implemented Through DRI Review Checklist Water Supply and Stormwater Questions
- Implemented Through DRI Review Checklist Wastewater Management
- Implemented by strengthening Local DEP and WMD Permitting Requirements
- Implemented Resolutions into Legislation and State Rules

**Southwest Florida Regional Planning Council
Fertilizer Resolution**

A RESOLUTION SUPPORTING THE REGULATED USE OF FERTILIZERS CONTAINING NITROGEN AND/OR PHOSPHORUS WITHIN SOUTHWEST FLORIDA; PROVIDING SPECIFIC RECOMMENDATIONS AND GUIDELINES TO BE CONSIDERED BY LOCAL GOVERNMENT JURISDICTIONS FOR THE REGULATION AND CONTROL OF FERTILIZER APPLICATION; PROVIDING RECOMMENDED DEFINITIONS; PROVIDING RECOMMENDATIONS RELATING TO TIMING OF FERTILIZER APPLICATION, CONTENT AND APPLICATION RATE, IMPERVIOUS SURFACES, BUFFER ZONES AND MECHANICAL APPLICATION; PROVIDING RECOMMENDED EXEMPTIONS; PROVIDING RECOMMENDATIONS FOR LICENSING OF COMMERCIAL AND INSTITUTIONAL APPLICATORS; PROVIDING RECOMMENDATIONS FOR PUBLIC EDUCATION PROGRAMS; PROVIDING RECOMMENDATIONS RELATING TO THE RETAIL SALE OF FERTILIZER; PROVIDING RECOMMENDATIONS FOR APPEALS, ADMINISTRATIVE RELIEF AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region;

WHEREAS, recent increased frequency and duration of red tide blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters;

WHEREAS, there is a need to develop a stronger knowledge of the connection between activities in yards, streets, and stormwater systems and natural water bodies among all those who live, work and recreate in the Southwest Florida Region;

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic system, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats;

WHEREAS, nutrients are essential elements for plant growth and are commonly used in various forms as a Fertilizer (Turf), specialized Turf and landscape application;

WHEREAS, leaching and runoff of nutrients from improper or excess fertilization practices can contribute to nitrogen and phosphorus pollution of the Southwest Florida's water resources;

1

**Southwest Florida Regional Planning Council
Wastewater Resolution**

A RESOLUTION SUPPORTING THE REDUCTION AND ELIMINATION OF SURFACE WATER DISCHARGES FROM WASTEWATER TREATMENT FACILITIES, PROVIDING RECOMMENDED EXEMPTIONS;

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region, and

WHEREAS, recent increased frequency and duration of red tide blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic systems, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats; and

WHEREAS, nutrients are essential elements for plant growth and are constituents in treated wastewater effluent; and

WHEREAS, nutrients from treated wastewater effluent can contribute to nitrogen and phosphorus loading within Southwest Florida's water resources;

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council that the following provisions are recommended to local government jurisdictions in Southwest Florida as a basis for reducing and eliminating discharges of treated wastewater effluent nutrient constituents to open waters and to areas with groundwater transport of constituents of nutrients to open waters or conveyance to same.

SECTION 1: PURPOSE AND INTENT

- A. The Southwest Florida Regional Planning Council declares its support for the reasonable regulation and control of surface water and adjacent area discharges of treated wastewater effluent containing nitrogen and phosphorus and hereby provides specific guidance for treatment and disposal in order to minimize the negative environmental effects said discharges have in and on Southwest Florida lakes, canals, estuaries, interior wetlands, rivers and near shore waters of the Gulf of Mexico. Collectively these water bodies are a natural asset, which are critical

**Wastewater Package Plant Resolution
Plants with Less than 100,000GPD Capacity**

Southwest Florida Regional Planning Council

A RESOLUTION SUPPORTING THE REDUCTION AND ELIMINATION OF SURFACE WATER DISCHARGES FROM SMALL WASTEWATER TREATMENT FACILITIES, PROVIDING RECOMMENDED EXEMPTIONS;

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region, and

WHEREAS, recent increased frequency and duration of red tide blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic systems, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats; and

WHEREAS, nutrients are essential elements for plant growth and are constituents in treated wastewater effluent; and

WHEREAS, nutrients from treated wastewater effluent can contribute to nitrogen and phosphorus loading within Southwest Florida's water resources;

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council that the following provisions are recommended to local government jurisdictions in Southwest Florida as a basis for reducing and eliminating discharges of treated wastewater effluent nutrient constituents to open waters and to areas with groundwater transport of constituents of nutrients to open waters or conveyance to same.

1

SWFRPC Resolution # 2008-11

**Stormwater Resolution
for New Development and Re-Development**

A RESOLUTION SUPPORTING THE TREATMENT OF STORMWATER FROM DEVELOPED NON-AGRICULTURAL AREAS TO REDUCE POLLUTANTS INCLUDING NITROGEN AND/OR PHOSPHORUS WITHIN THE SOUTHWEST FLORIDA PLANNING REGION; PROVIDING SUPPORT FOR RECOMMENDATIONS THAT IMPROVE SOURCE REDUCTION; SUSTAINABLE STORMWATER TREATMENT CONTROL FOR WATER QUALITY AND WATER QUANTITY; ADMINISTRATIVE RELIEF; PUBLIC FUNDING OF STORMWATER MANAGEMENT SYSTEMS; AND CITIZENS STORMWATER TREATMENT EDUCATION

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region; and

WHEREAS, recent increased frequency and duration of red tide and blue green algae blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, many water bodies in the region have been classified as impaired and will therefore be subject to development and implementation of Total Maximum Daily Load criteria; and

WHEREAS, there is a need to develop a stronger understanding of the connection between activities in yards, streets, and stormwater systems and natural water bodies among all those who live, work and recreate in the Southwest Florida Region; and

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic systems, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats, and.

WHEREAS, this resolution identifies practices and activities that will be useful to water management districts and local governments under the State of Florida Impaired Waters Rule and the Federal Clean Water Act that will help secure future funding of critical capital and non-capital projects through the connected National Pollution Discharge Elimination System (NPDES) and Water Resource Development Act (WRDA) funding sources.

1

SWFRPC RESOLUTION #2008-12

**Southwest Florida Regional Planning Council Stormwater
Resolution for Retrofit Development**

A RESOLUTION SUPPORTING THE TREATMENT OF STORMWATER FROM PREVIOUSLY DEVELOPED, NON-AGRICULTURAL AREAS TO REDUCE POLLUTANTS INCLUDING NITROGEN AND/OR PHOSPHORUS WITHIN THE SOUTHWEST FLORIDA PLANNING REGION; RECOMMENDATIONS THAT REDUCE POLLUTANT SOURCES; SUSTAINABLE STORMWATER TREATMENT CONTROL FOR WATER QUALITY AND WATER QUANTITY; ADMINISTRATIVE RELIEF; PUBLIC FUNDING OF STORMWATER MANAGEMENT SYSTEMS; AND CITIZEN STORMWATER TREATMENT EDUCATION

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region, and

WHEREAS, recent increased frequency and duration of red tide and blue green algae blooms, increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, many water bodies in the region have been classified as impaired and will therefore be subject to development and implementation of Total Maximum Daily Load criteria resulting in the need to bring existing development into a par with new development regulations to the extent of meeting the pollutant load limitations; and

WHEREAS, there is a need to develop a stronger understanding of the connection between activities in yards, streets, and the built environment including its and stormwater systems and natural water bodies among all those who live, work and recreate in the Southwest Florida Region, and

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic systems, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats, and.

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council that the following provisions are recommended to local government jurisdiction in Southwest Florida as a basis for controlling, regulating, educating and monitoring the treatment of Stormwater in Southwest Florida:

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[Small illegible text]

**Southwest Florida Regional Planning Council
Managed Care Model Guidance for Onsite Wastewater
Systems Planning, Treatment and Management**

Resolution #2008-02

A RESOLUTION RELATING TO ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS WITHIN SOUTHWEST FLORIDA; PROVIDING SPECIFIC RECOMMENDATIONS AND GUIDELINES TO BE CONSIDERED BY LOCAL GOVERNMENT JURISDICTIONS FOR THE REGULATION, MANAGEMENT AND CONTROL OF ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS; PROVIDING RECOMMENDED DEFINITIONS; PROVIDING RECOMMENDATIONS FOR THE REGULAR MAINTENANCE AND INSPECTION OF EXISTING ONSITE WASTEWATER SYSTEMS AND ADOPTING INSPECTION STANDARDS AND REQUIREMENTS FOR SYSTEM INSPECTORS; PROOF OF MAINTENANCE AND INSPECTION TO BE PROVIDED TO THE LOCAL GOVERNMENT HEALTH DEPARTMENT OR RESPONSIBLE MAINTENANCE ENTITY ON A FORM PREPARED BY THAT ENTITY; PROVIDING PERFORMANCE STANDARDS FOR ONSITE WASTEWATER SYSTEMS; PROVIDING RECOMMENDATIONS ON DEVELOPING INTEGRATED MANAGEMENT PLANS USING MANAGEMENT MODELS FOR CENTRALIZED AND DECENTRALIZED TREATMENT SYSTEMS, PROVIDING RECOMMENDATIONS FOR PUBLIC EDUCATION PROGRAMS; PROVIDING RECOMMENDATIONS FOR APPEALS, ADMINISTRATIVE RELIEF AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region; and

WHEREAS, recent increased frequency and duration of red tide blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, there is a need to develop a stronger knowledge of the connection between activities in yards, streets, and stormwater systems and natural water bodies among all those who live, work and recreate in the Southwest Florida Region; and

1

Committee has now been given a new title Regional Watersheds Committee

New committee same challenge:

- Encourage implement of these resolutions through legislative actions at the State and Local level
- This will be done through our legislative committee and through working with our local State and Federal Legislators.
- The committee will prepare a legislative communications vehicle for the councils approval at the next meeting.

<p>Council Approved Resolutions</p>	<p>Implementation</p>	<p>Legislative Action Required</p>
<p>Fertilizer Impacted Stormwater Runoff</p>	<ul style="list-style-type: none"> •Fertilizer ordinances approved in 50+ communities •Scientific institutions concludes, beyond any reasonable doubt that excess nitrogen is the major factor leading to the magnified and exacerbation algae blooms 	<ul style="list-style-type: none"> • Oppose any local government preemption by state government
<p>Wastewater from Sewage Treatment Plants</p>	<ul style="list-style-type: none"> •Regulation and Control of Surface Water Discharges of treated wastewater effluent containing Nitrogen and Phosphorous 	<ul style="list-style-type: none"> • DEP permitting now requires all new wastewater facilities to have Advanced Wastewater Treatment (AWT)
<p>Wastewater from Package Treatment Plants</p>	<ul style="list-style-type: none"> •Management and control guidelines to reduce wastewater pollution from package treatment facilities •DEP permitting requirements strengthened 	<ul style="list-style-type: none"> • DEP permitting requirement strengthened for new facilities close to critical water bodies • Promoting local ordinances to increased control of small facility management
<p>On Site Water Treatment and Disposal Systems (Septic Tanks)</p>	<ul style="list-style-type: none"> •Meetings with manufactures. Best available information obtained. •Participated in crafting state rule 	<p>Council to work with local legislators and with the industry representatives to craft a compromise on the existing bill that is acceptable to the legislature.</p>
<p>Urban Stormwater Runoff</p>	<ul style="list-style-type: none"> •Improve the control and management of pollutants in stormwater runoff. • Participated in crafting state rule 	<ul style="list-style-type: none"> •Worked with the FDEP,WMD, and local government to improve the statewide stormwater state rule to include better comprehensive treatment methods
	<ul style="list-style-type: none"> •Improve the control and management of pollutants in stormwater runoff through retrofit of 	<ul style="list-style-type: none"> •Worked with the FDEP, WMD, and local government to improve the statewide stormwater

_____ Agenda
_____ Item

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REGIONAL ISSUES

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_____ Agenda
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Community Collaborative
Initiative Issues

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COMMUNITY COLLABORATIVE INITIATIVES

This item has been placed on the agenda to provide the Council with an update on collaborative initiative in the region and to discuss methods of cooperation.

As per the Council's direction, take time to discuss issues of cooperation.

Attached for your information and review are several initiatives that the Council staff is pursuing.

RECOMMENDED ACTION: Information purposes only

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>)

Financial ID:
Contract No:
Work Order No.:

Scope of Services

Agricultural Land and Regional Food Systems Planning Study

Project Purpose

As the Florida economy works to recover from the worst recession in decades, Florida agriculture is helping to lead our nation and state's recovery by increasing trade, creating jobs and ensuring affordable food for families. In the past five years, Florida farm exports grew \$1 billion, reaching \$2.9 billion in 2010 and growing. In addition, U.S. and Florida families can expect cheaper grocery bills; this allows families to spend more of their income on a home, save for retirement or fund their child's college education. Even with small increases in food prices this year, families will keep more money in their pockets than our competitors because our country produces 86 percent of the food Americans buy and consume.

An emphasis on food produced and consumed locally or within a region can provide many direct benefits, such as creating jobs and ensuring affordable food. Likewise, numerous non-food agricultural products are being grown by farmers for the renewable energy market and are providing their own set of benefits. Planning for and implementing a study that investigates agricultural land use and the need for regional food and non-food systems can help stabilize farm income; retain more regional wealth; provide national security; create new jobs in agricultural production, processing, distribution and retailing; and provide access to healthy foods and renewable energy. The Southwest Florida Regional Planning Council (SWFRPC) can play an important role in protecting regional economic well being by supporting and engaging in agricultural and food system planning. Promoting small and mid-size agricultural operations offers numerous benefits to the region, including sustainable economic development, protection for regional farmland; reduced vehicles miles traveled (VMT) and reduced greenhouse gas emissions.

Farmers and policy-makers have also come to realize the benefit of maintaining agricultural land use in their region. Not only for historic and environmental land use reasons, such as having agriculture as part of the land use mix, but for national security and energy reasons and the benefit of having affordable food. The American Planning Association (APA) Policy Guide on Regional Food Planning lists current traditional planning activities that affect food system planning. For example, land use planners use smart growth management strategies to preserve farm and ranch land, or zone districts where restaurants and grocery store are located, or suggest policies that encourage urban farming or community gardens. Economic development planners support the creation of jobs in the agricultural sector, or support revitalization to

include mixed-use and mixed-income. Transportation planners recommend corridors for greater access. Environmental planners provide guidance to farmers to avoid the adverse impacts on rivers and watersheds. The SWFRPC wishes to strengthen connections between traditional planning and the field of regional food system planning by undertaking an in depth study of regional food and non-food systems planning.

Many recent studies, by the United States Department of Agriculture (USDA), National Association of Development Organizations (NADO), National Association of Regional Planning Councils (NARC) and various regional and local governments are exploring how they can better support regional agriculture and food systems infrastructure.

Services to be Performed

The Southwest Florida Regional Planning Council (SWFRPC) and selected consultant(s) will provide technical assistance, project organization and coordination and public outreach to support a study of food and non-food systems planning.

Deliverables: Technical Memorandum that documents the project organization and community collaboration necessary for public outreach. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community. Local and regional efforts to strengthen community food systems planning should involve local citizens, professionals and decision-makers. Communities have utilized a variety of community involvement structures and organizations – both formal and informal – to channel local involvement and expertise to food planning efforts. Groups of interested citizens, farmers, business owners and others have been actively involved to discuss food systems issues, from sharing their concern about access to healthy food, to environmental issues to personal livelihoods and job creation. Many of our regional communities also contain special interest groups that are addressing food-related issues through hunger prevention coalitions, healthy eating campaigns, community gardening associations, etc. The SWFRPC staff will document and work with all community organizations and the SWFRPC staff and consultant(s) will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected and conducting research. The SWFRPC staff and consultant(s) will regularly convene the region's food system expert, including local citizens, farmers, business interests, public and private sector agencies and decision-makers.

Food Production

Due, in part, to the growing societal concerns and the equity and sustainability of the food system, planners, architects, non-governmental agencies and public/private agencies are engaged in local efforts to analyze and address regional food system challenges and opportunities. In recent years, many have recognized the benefits of eating locally grown foods as Americans have sought to direct more of their food purchasing budget to producers located closer to home.

Three major food system planning areas have been identified for further study: food production (including urban agriculture), agricultural land preservation, land use and zoning related to access and distribution and integrating food and non-food into economic development activities. The integration of food system planning into economic development activities highlights the interconnections and significance of food and non-food system planning and agriculture.

A food system is generally understood to be the chain of activities connecting food production, processing, distribution, consumption and waste management. It includes agricultural production, as well as, environmental issues (i.e. soil, water and preservation), access and infrastructure needs (roads, railways, retail centers, farmers markets and food insecurity).

While there is little doubt that the industrial food system will remain dominant, more communities and regions are acting to resolve some of the problems by developing alternative, local and sustainable food systems. It has been shown that sourcing food that is locally grown fosters food affordability and a better understanding of food safety and food distribution networks.

Deliverables: Technical Memorandum that documents regional agricultural and food systems data and outlines strategies for strengthening connections between regional producers and consumers. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community and provide inventories and assessments of regional food and non-food system's assets, needs and roles of the various food systems sectors.

The SWFRPC staff and consultant will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected, conducting research and producing and analyzing a series of GIS based maps depicting food and non-food production.

Urban Farming

There is also a need to expand the visibility of urban agriculture beyond the rural landscape and the world of “farmers markets”. Advocates of urban agriculture want to reconnect urban dwellers to the farm environment while addressing the damaging effects of food deserts in municipalities, cities and the region. Urban farming isn’t new but what is new is the influence urban farming has as a community and economic development tool. Urban Farmers have found new impetus to becoming more relevant locally. The impetus for the newly found urban farmer includes “buy local” campaigns, the organic niche market, green initiatives and food safety.

Smart growth principles can facilitate the creation of food secure neighborhoods in urban America. Promoting mixed-use neighborhoods and multi-modal transportation choice, core smart growth principles, in conjunction with community-driven food system planning and urban community gardens within residential neighborhoods can lead to more urban agriculture and food secure neighborhoods.

Deliverables: Technical Memorandum that documents the number and location of urban farms in southwest Florida and the crops harvested. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community.

The SWFRPC staff and consultant will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected and conducting research and producing a series of GIS based maps depicting urban agriculture and the network of farmers markets.

Agricultural Land Use and Non-Food Production

Farmers and policy-makers have also come to realize the benefit of maintaining agricultural land use in their region. Not only for historic land use reasons, like having agriculture as part of the land use mix, but for national security and energy reasons. The cooperation between farmers and the U.S. Department of Energy and the U.S. Department of Defense continues to strengthen national security through the continued development of advanced clean energy technologies. Our nation is dependent on expensive foreign sourced oil. Burning fossil fuels for energy and transportation at the current rate is not sustainable and bad for the environment. The Florida feedstock farmer believes that the answers to this growing crisis are biomass and biofuels. On Florida farms today, thousands of acres of proven feedstock crops are being grown, harvested, and sold for profit. The crops that southwest farmers grow are used to create biofuels and biomass energy in a clean and renewable way. The future national security

of our nation will depend on growing feedstock crops that reduce our dependence on foreign oil and lower our fossil fuel use here in the United States. With Florida's year-round growing season and the available non-food crop land, southwest Florida farmers can make a significant difference in feedstock supply.

Deliverables: Technical Memorandum that documents the benefit of maintaining agricultural land use and the growing agricultural sector on non-food production. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community.

The SWFRPC staff and consultant will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected and conducting research and producing a series of GIS based maps depicting non-food production.

Access, Distribution and Transportation Infrastructure

Amid concerns about the energy required to transport food and non-food products, the environmental impacts of large scale farming techniques to food safety issues, many people have sought farms and grocery stores closer to home for a number of reasons. However, in many communities not only are grocery store scarce but local residents often lack transportation options to get to stores located in other parts of town. This makes access to food and groceries costly, inconvenient, unreliable and time consuming.

In addition to effects on eating and shopping behavior, successful healthy food retailers contribute to the local economic health of the community. Grocery stores, along with other types of retail services like banks, pharmacies and restaurants, are essential components of livable and well functioning communities.

Whether it is for the purpose of food grown locally or non-food crops grown for biofuels production, significant barriers prevent farmers and ranchers from connecting with the expanding base of consumers and supporters. Many regions lack the transportation or local infrastructure and distribution networks required to support area producers.

Limited access to regional processing facilities, cold-storage facilities, auction markets and distribution centers hampers growth among small and medium size farmers and producers and limits their ability to offer goods to the regional market. Southwest Florida is considered the "winter food basket" for much of the country. Similar to other agricultural regions of the country there is an incongruity between production and local consumption. At this time it is unclear as to the root cause of the incongruity. Is it because many of the processing and distribution facilities have consolidated outside the region, meaning that local farmers lack the infrastructure needed to process and retain their products for markets internal to the region?

The lack of processing facilities and distribution infrastructure effects intra-regional production and consumption flows and greater wear on regional roadways and can lead to further job losses.

The recent U.S. Department of Agriculture (USDA) Regional Roadmap Survey was too national in scope and not accurate at the regional level. For example, the current local infrastructure maps included the entire United States at one scale. In addition, the survey asked the respondent, “What are your views of the estimated land use needed in your area for biofuels?” The responses alluded to there being plenty of land available but not knowing the specifics without further study and collaboration. The point is, that today with modern geographical information systems (GIS) technologies these and many other questions can be researched and mapped. The development of GIS-based tools provides a way to significantly improve how data is gathered and analyzed. Planning and health professionals also know that there is a close link between agricultural management and healthy communities. Researchers were early adopters of GIS. In land use planning, health care, affordable housing, safe communities, transportation, GIS has been an integral underpinning of much of the work that has been done to understand and respond to questions and impact effectively. Because the Southwest Regional Planning Council addresses a wide range of issues, staff is comprised of individuals that are experienced and skilled in GIS and related mapping services.

Deliverables: Technical Memorandum that documents access to food and non-food production and distribution networks as well documenting the location and reasons for “food deserts”. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community.

The SWFRPC staff and consultant will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected and conducting research and producing a series of GIS based maps depicting local infrastructure for adequate food and non-food distribution.

Conclusion

Strengthening connections between regional farmers and area consumers can also help to advance community nutrition and healthy living programs. By developing partnerships with area farmers and other stakeholders, the Southwest Regional Planning Council and selected consultant(s) can help develop a regional food system that will support economic development initiatives and integrates major local planning functions and, most importantly, creates a healthy region.

The Role of the Regional Planning Council

The Southwest Florida Regional Planning Council (SWFRPC) serves six counties and sixteen municipalities in Southwest Florida. The region includes four metropolitan areas along the coast and rural, agricultural-based communities inland. The SWFRPC is a multi-purpose regional entity that plans for and coordinates intergovernmental solutions on greater-than-local issues, provides technical assistance to local governments, and meets other needs of the communities in the region. The Southwest Florida Regional Planning Council provides strategic planning for natural resources, land use, housing, emergency management, transportation and economic development. The SWFRPC is also a resource through which the regions county and municipal governments develop economies of scale by joining together with neighboring jurisdictions to address problems and provide services to their residents.

The SWFRPC is uniquely positioned as a neutral organization that can form relationships and promote cooperation among stakeholders. Because of southwest Florida's urban-rural interface, the SWFRPC can make connections between stakeholders, producers, suppliers and consumers. Because food systems' planning intersects with other issues of regional sustainability and regional responsibility, the SWFRPC is well positioned to undertake this assessment.

Final Product Provided and Project Outcome

Deliverables: Technical Memorandum that documents how to create a regional food systems plan and how to complement existing plans with local and regional goals and strategies related to sustainable economic development. In coordination with partnering agencies, the SWFRPC staff and consultant will meet with, collect comments from and answer questions asked by local agency staff and the business community.

The SWFRPC staff and consultant will provide support to partnering agencies including, but not limited to, preparing for and attending meetings, reviewing data collected and conducting research and including the series of GIS based maps depicting food and non-food production, distribution.

The SWFRPC and consultant(s) shall provide a finished product that includes regional GIS maps of local infrastructure and food and non food farming operations.

Duration of Services

The SWFRPC will be prepared to commence work on the project upon issuance of the authorization by the partnering agency or agencies project manager.

Literature Cited

(To be referenced as the study progresses)

Services to be provided by the SWFRPC and Partnering Agencies

- Provide oversight and general supervision for the duration of the project.
- Review and provide substantive comments on project deliverables.
- Provide any available background data and project information, if available.
- Inform the SWFRPC of any changes to partnering agency personnel involved in the project, including contact information.
- Support public outreach through partnering agency information distribution.
- Provide coordination support with business organizations such as the Grocery Retailer Association, Farmers Market Association, Organic Farmers Coop, and Florida Feedstock Farmers.
- Place food system planning issues before government agencies and decision-makers that have the authority, resources and skills to implement strategies and recommendations.
- Gather, analyze and disseminate information that increases understanding of the food system and its many components to decision-makers and the general public.

_____ Agenda
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Pill Mills Presentation

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SWFRPC Pill Mills Moratorium

Jurisdiction	Yes	No	In the Process	Notes
Hendry County	1			
Clewiston			1	On the City's March agenda for consideration.
LaBelle	1			
Naples	1			
Charlotte County	1			Are doing more, will be sending more info.
Lee County			1	The Sheriff is preparing and discussing with Andrea Fraser.
Bonita Springs			1	Currently working on an ordinance.
Sarasota County	1			
Sanibel		1		
North Port	1			
Fort Myers Beach		1		
Marco Island		1		

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, PERTAINING TO PAIN CLINICS; ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUSINESS TAX RECEIPTS FOR THE OPERATION OF “PAIN CLINICS” IN THE CORPORATE BOUNDARIES OF BONITA SPRINGS FOR THE SHORTER OF (1) 12 MONTHS OR (2) THE ENACTMENT OF A REPLACEMENT ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER’S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, Bonita Springs is authorized to protect the public health, safety, and welfare of its residents and has the power and the authority to enact ordinances and regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Bonita Springs City Council wishes to promote, protect and improve the health, safety and welfare of the citizens of City of Bonita Springs; and

WHEREAS, City Council has been advised by the Lee County Sheriff’s Office that a pattern of illegal drug use and distribution has been linked in large part to certain pain management clinics operating in and around Lee County and the City of Bonita Springs; and

WHEREAS, the illegal narcotic activity and increased crime associated with such clinics has created an urgent situation requiring immediate action to reduce the threat to the health, safety and welfare of Lee County and Bonita Springs citizens; and

WHEREAS, the Florida Legislature has identified identical concerns regarding the increased use and frequency of injury and death occurring through use of certain pain management clinics by persons obtaining prescription drugs for improper purposes; and

WHEREAS, many counties and municipalities in Florida have established moratoria on new pain management clinics to curb negative impacts created by these clinics, such as illegal prescription drug trafficking and sales of illegal drugs around the clinics, loitering by pain clinic customers while waiting in long lines to receive drugs and loitering in areas surrounding the clinics; and

WHEREAS, due to the increasing number of counties and municipalities establishing moratoria on new pain management clinics, without regulation Lee County could become a target for the location and relocation of pain management clinics; and

WHEREAS, the illegal activities associated with certain pain management clinics creates a public health threat to the citizens of Lee County and City of Bonita Springs, and

WHEREAS, it is not the intent of this Ordinance to interfere with legitimate medical clinics or the legal use of controlled substances; and

WHEREAS, Bonita Springs City Council hereby directs City staff to work with the Lee County Sheriff's Office and the other local governments to analyze the effects and potential effects of any pain management clinics in Lee County and to analyze whether additional standards should be incorporated into the Land Development Code or the Code of Ordinances relating to the establishment and location of pain management clinics within the City, or if a regulatory ordinance, county-wide, which would further promote public health, safety, morals and general welfare; and

WHEREAS, while staff is undergoing its analysis with the Lee County Sheriff's Office and other local governments, and in order to prevent the occurrence of use which are incompatible with the intent of this Ordinance during this evaluation period, Bonita Springs City Council has determined that placing a temporary moratorium on the opening of new pain management clinics will provide appropriate interim oversight of the proliferation of these establishments.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: RECITALS.

The recitals set forth above, incorporated herein, are hereby found true and correct.

SECTION TWO: DEFINITIONS.

For the purpose of this Ordinance, "pain clinic" and "pain management clinic" are defined as a privately owned clinic, facility or office which advertises in any medium for any type of pain management services, or employees a practitioner who is primarily engaged in the treatment of pain, and is required to register with the Florida Department of Health pursuant to Florida Statutes §458.3265 or §459.0137. A clinic which does not prescribe or dispense controlled substances for the treatment of pain is specifically excluded from this definition, as well as other statutory exceptions found in Florida Statutes §458.3265 or §459.0137.

SECTION THREE: TEMPORARY MORATORIUM DECLARED.

Bonita Springs hereby imposes an immediate moratorium, commencing on the effective date of this Ordinance, on any land development approvals for Pain Clinics and Pain Management Clinics within all of Bonita Springs for the shorter of (1) 12 months or (2) the enactment of a new ordinance by Lee County or the City of Bonita Springs. To do so, staff will verify on any zoning verification for the submission, processing and issuance of business tax receipts that a medical office or clinic is not operating under Florida Statutes §458.3265 or §459.0137.

Bonita Springs City Council may extend this moratorium by Ordinance if it makes a legislative determination that it is in the best interest of the citizens of Bonita Springs to do so. Application for Business Tax Receipts for the operations of Pain Clinics and Pain Management Clinics received after the effective date of this Ordinance shall be held in abeyance until the expiration of the moratorium period.

Any change from any other use (e.g., medical office) to a “pain clinic” or “pain management clinic” as defined in Section Two will not be permitted during the effective date of this ordinance, regardless of method of transfer of licenses and business tax receipts.

Nothing in this ordinance should be construed to limit the ability of the Lee County Sheriff’s Office or other governmental agency to enforce this ordinance or state law should an existing facility be a nuisance or in violation of state law.

SECTION FOUR: ADDITIONAL REGULATIONS.

During the temporary moratorium imposed, staff, in conjunction with the Lee County Sheriff’s Office and other local governments, shall review, research and make recommendation to Bonita Springs City Council regarding minimum consideration for either a regulatory ordinance or for additional land development regulations relating to pain management clinics. Such recommendations shall consider, but not be limited to, the following considerations:

- a. Prohibiting new or expanded pain management clinics in certain zoning districts;
- b. Limitations on hours of operation;
- c. Vehicular parking restrictions;
- d. Law enforcement/emergency service mitigation payments; and
- e. Other issues relating to pain management clinics that becomes apparent during staff’s analysis of the effects and potential effects of any pain management clinics in the City of Bonita Springs or Lee County.

SECTION FIVE: GEOGRAPHICAL APPLICATION.

This moratorium shall apply throughout the corporate boundaries of the City of Bonita Springs.

SECTION SIX: CONFLICTS

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

SECTION SEVEN: SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion of the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision application.

SECTION EIGHT: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs City Code; and that sections of this ordinance may be renumbered or re-lettered and that the work "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not effect the intent may be authorized by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION NINE: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this ____ day of _____, 2011.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

Vote:

Nelson _____
McIntosh _____
Martin _____
Slachta _____

Spear _____
Simons _____
Lonkart _____

Date Filed With City Clerk: _____

COUNTY OF HENDRY, STATE OF FLORIDA

RESOLUTION NO. 2010 - 92

RECORDED IN RESOLUTION BOOK XXIII, PAGE 285

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, URGING THE CITY COMMISSIONS OF CLEWISTON AND LABELLE TO ADOPT ORDINANCES RESTRICTING PAIN MANAGEMENT CLINICS.

WHEREAS, some pain management clinics have been found to dispense medication improperly, which results in the illegal re-sale of prescription drugs, with collateral criminal activity; and

WHEREAS, the threat of increased crime associated with such clinics is very significant and could undermine the economic health of the County's development and redevelopment efforts; and

WHEREAS, Hendry County Sheriff Steve Whidden has expressed his great concern over the crime and human misery resulting from improper dispensation of medication by some pain management clinics; and

WHEREAS, in Chapter 2009-198, Laws of Florida, the Florida Legislature recognized that pharmaceutical drug diversion hurts the State significantly in terms of lost lives, increased crime, human misery from addiction, ballooning health care costs and Medicaid fraud; and

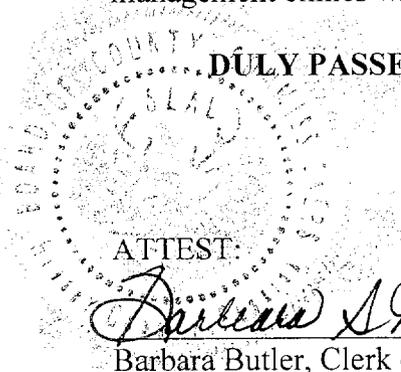
WHEREAS, the Board of County Commissioners has published notice of its intention to adopt an ordinance imposing a one-year moratorium on the establishment of new pain management clinics to provide the County an opportunity to develop regulations that address the secondary effects of pain management clinics and their impacts on the community; and

WHEREAS, the County's ordinance will apply only in the unincorporated county and

the Board of County Commissioners is concerned that, without a moratorium or appropriate regulations, pain management clinics will become established within the cities of Clewiston and LaBelle, resulting in negative consequences for the County as a whole.

NOW, THEREFORE, BE IT RESOLVED THAT the Hendry County Board of County Commissioners hereby urges the City Commissions of the City of Clewiston and the City of LaBelle to adopt ordinances imposing a moratorium on the establishment of pain management clinics within their boundaries or imposing appropriate regulations on pain management clinics within their boundaries.

DULY PASSED AND ADOPTED this 9th day of November, 2010.



ATTEST:

Barbara S. Butler
Barbara Butler, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

By Janet B. Taylor
Janet B. Taylor, Chairwoman

STATE OF FLORIDA
HENDRY COUNTY

THIS IS TO CERTIFY THAT THE FOREGOING
2 PAGES ARE TRUE AND CORRECT COPIES
OF THE ORIGINAL.

BARBARA S. BUTLER, CLERK

BY A. Buchel D.C.

DATE 11-10-10

COUNTY OF HENDRY, STATE OF FLORIDA

RESOLUTION NO. 2010 - 92RECORDED IN RESOLUTION BOOK XXIII, PAGE 285**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, URGING THE CITY COMMISSIONS OF CLEWISTON AND LABELLE TO ADOPT ORDINANCES RESTRICTING PAIN MANAGEMENT CLINICS.**

WHEREAS, some pain management clinics have been found to dispense medication improperly, which results in the illegal re-sale of prescription drugs, with collateral criminal activity; and

WHEREAS, the threat of increased crime associated with such clinics is very significant and could undermine the economic health of the County's development and redevelopment efforts; and

WHEREAS, Hendry County Sheriff Steve Whidden has expressed his great concern over the crime and human misery resulting from improper dispensation of medication by some pain management clinics; and

WHEREAS, in Chapter 2009-198, Laws of Florida, the Florida Legislature recognized that pharmaceutical drug diversion hurts the State significantly in terms of lost lives, increased crime, human misery from addiction, ballooning health care costs and Medicaid fraud; and

WHEREAS, the Board of County Commissioners has published notice of its intention to adopt an ordinance imposing a one-year moratorium on the establishment of new pain management clinics to provide the County an opportunity to develop regulations that address the secondary effects of pain management clinics and their impacts on the community; and

WHEREAS, the County's ordinance will apply only in the unincorporated county and

the Board of County Commissioners is concerned that, without a moratorium or appropriate regulations, pain management clinics will become established within the cities of Clewiston and LaBelle, resulting in negative consequences for the County as a whole.

NOW, THEREFORE, BE IT RESOLVED THAT the Hendry County Board of County Commissioners hereby urges the City Commissions of the City of Clewiston and the City of LaBelle to adopt ordinances imposing a moratorium on the establishment of pain management clinics within their boundaries or imposing appropriate regulations on pain management clinics within their boundaries.

DULY PASSED AND ADOPTED this 9th day of November, 2010.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

By Janet B. Taylor
Janet B. Taylor, Chairwoman

ATTEST:

Barbara S. Butler
Barbara Butler, Clerk of Court

STATE OF FLORIDA
HENDRY COUNTY

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BARBARA S. BUTLER, CLERK

BY A. Buchel D.C.

DATE 11-10-10

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2010 - 34

RECORDED IN ORDINANCE BOOK XII, PAGE 517

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS, BY AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 1-53-2.2, LAND USE CLASSIFICATIONS, AND TABLE 53-1, TABLE OF USE REGULATIONS, AND CREATING SECTION 1-53-3.8, PAIN MANAGEMENT CLINICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hendry County adopted Ordinance 91-19 on August 13, 1991, which is known as the Hendry County Land Development Code; and

WHEREAS, the Code was adopted pursuant to the authority granted by the Florida Constitution, Florida Statutes, and Laws of Florida; and

WHEREAS, the purpose of the Code is to provide for orderly growth, to encourage the appropriate use of land, to discourage incompatible uses of adjacent properties, and to accomplish the goals and objectives of the Hendry County Comprehensive Plan; and

WHEREAS, the Hendry County Local Planning Agency has considered certain proposed amendments to the Land Development Code (LDC) concerning pain management clinics and conducted a public hearing to receive public input; and

WHEREAS, the Local Planning Agency has found these amendments to the LDC to be consistent with the Hendry County Comprehensive Plan; and

WHEREAS, the County Commission has conducted public hearings to consider these amendments to the LDC in a manner consistent with the requirements set forth in Section

125.66, Florida Statutes; and

WHEREAS, some pain management clinics have been found to dispense medication improperly, which results in the illegal re-sale of prescription drugs, with collateral criminal activity; and

WHEREAS, the threat of increased crime associated with such clinics is very significant and could undermine the economic health of the County's development and redevelopment efforts; and

WHEREAS, in Chapter 2009-198, Laws of Florida, the Florida Legislature recognized that pharmaceutical drug diversion hurts the State significantly in terms of lost lives, increased crime, human misery from addiction, ballooning health care costs and Medicaid fraud; and

WHEREAS, adoption of the moratorium will provide Hendry County an opportunity to develop regulations that address the secondary effects of pain management clinics and their impacts on the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, as follows:

Section 1. Section 1-53-2.2. Land use classifications, is hereby amended to read as follows:

1-53-2.2. *Land use classifications.* For the purpose of this chapter, the following land uses and activities shall be permitted in the respective districts as provided in table 53-1 (Table of Use Regulations) in section 1-53-3.1, below.

The following definitions are hereby established:

Accessory use or structure means a use or structure of a nature customarily incidental and subordinate to the principal use or structure and unless otherwise provided, on the same premises. "On the same premises," with respect to accessory uses and structures shall be construed as meaning on the same lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building.

Adult congregate living facility (ACLF) means a type of residential care facility, defined in F.S. ch. 400, pt. 2.

Agricultural processing means an industrial use specifically associated with producing, harvesting, processing or marketing of agricultural products.

Agricultural worker housing means dwelling units intended for occupancy by persons engaged in agriculture or agricultural processing activities and by families of workers.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture (beekeeping), horticulture (plants), floriculture (flowers), silviculture (trees), orchards, groves, viticulture (grapes), animal and poultry husbandry, specialty farms, confined feeding operations and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Apartment building means a building that is used or intended to be used as a home or residence for three or more families living in separate quarters with at least one common wall between units. Units are commonly arranged in multi-story buildings and all do not have ground floor or individual entries to the outside.

Auto salvage/junkyard means a place where the principal activity is the outside storage and/or processing of wrecked or derelict property having no value other than the nominal salvage value, including wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, appliances, furniture, and any other similar article. Storage of more than three inoperable vehicles constitutes a junkyard. In addition, an individual who is restoring, not for profit, a classic or antique vehicle, may have three inoperable vehicles parked on his premises in a fully enclosed building or a back yard completely enclosed by opaque fencing, as long as they are of the same make and model of the vehicle he is restoring.

B and B means bed and breakfast inn. These type lodgings are single-family homes converted to inns with one or more rooms to rent for an overnight stay for the traveling public; and, are typically found in historic districts or in homes that are historic in nature. The proprietors live on the premises and include breakfast in the price of an overnight stay.

Big box retailers or wholesalers means large stores (e.g. Target, WalMart, Costco, and Sam's Club) that sell a variety of goods and services all in one building that may include a combination of goods traditionally sold at retail general stores, hardware stores, plant nurseries, grocery stores, office supply stores, sewing and hobby shops, appliance and stereo stores; and may include selling services such as photography studios, optical centers, barber/beauty shops, travel agencies, and restaurants. These stores can be retail sales only or wholesale sales that require a membership.

Boardinghouse and rooming house means a building other than a hotel, motel, or restaurant, where meals or lodging are provided for a fee for three or more unrelated persons and where no cooking or dining facilities are provided in individual rooms. These type facilities differ from B and B's because they are typically rented to semi-permanent residents rather than the traveling public and for longer stays than one or two nights.

Community residential home, major, means a dwelling unit licensed to serve clients of the state department of health and rehabilitative services, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community residential home, minor, means a community residential home designed to serve fewer than seven residents.

Conservation means a use intended to preserve the natural condition of land or water, including buffering of natural areas from other uses. Conservation uses include, but are not limited to, preserves for vegetation and wildlife habitat, habitats for threatened and endangered species or species of special concern, wetlands, sensitive shorelines, and archaeological and historical sites. The definition includes certain activities and improvements which are consistent with the use and protection of conservation areas, including, but not limited to, facilities for scientific and educational study and passive recreation (such as hiking and nature trails).

Convenience commercial means a retail establishment having an enclosed building area of less than 5,000 square feet, or a group of such establishments not exceeding 15,000 square feet in the aggregate, designed to serve the immediate shopping and service needs of persons within a very small area, including convenience stores (with or without gasoline sales), coin laundries, restaurants, and similar facilities.

Duplex or two-family dwelling unit means a building consisting of two separate dwelling units, each with its own outside entrance.

Dwelling, multifamily, means a residential structure containing two or more separate dwelling units.

Dwelling, single-family, means a residential structure built on- or off-site pursuant to standards of construction set forth in chapter 1-58 of this code and consisting of one dwelling unit.

Dwelling, townhouse, means a group of three or more but not more than eight dwelling units which are arranged in a row and each of which is joined to the adjacent unit by a common party wall, and each of which shall have its own outside entrance.

Dwelling, two-family, means a building consisting of two separate dwelling units, each with its own outside entrance.

Entertainment establishment means any tavern, bar, lounge, dancehall, live or motion picture theater, establishment offering live entertainment of any kind, or any establishment the primary activity of which is the sale or rental of sexually oriented books, magazines, videotapes, or devices.

Essential public or utility facility means a component of the distribution or collection system for a utility or communication system, such as water and sewer lines, electric lines, telephone or cable television lines, but not including substations, switching stations, or treatment facilities which are defined as "public service/public utility uses."

Family means: (a) An individual, or two or more persons related by blood, marriage, or adoption; which include only spouse, children, stepchildren, foster children, parents, stepparents, foster-parents, brothers, sisters, grandparents, and stepgrandparents; living together as a single household unit, or; (b) a group of not more than five persons, who need not be related by blood, marriage, or adoption, living together as a single household unit.

Floriculture means the cultivation of flowering plants.

General commercial includes a variety of general commercial, commercial recreational, entertainment, and related activities. This category includes the following specific uses, and all substantially similar uses:

- (1) Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/health clubs.
- (2) Commercial or trade schools, including dance and marital arts studios.
- (3) Department stores and other retail stores.
- (4) Funeral homes and mortuaries.
- (5) Automobile accessory and parts stores and hardware stores without outside storage.
- (6) Grocery stores, supermarkets, convenience stores and specialty food stores (such as meat markets and bakeries).
- (7) Hotels and motels.
- (8) Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops).
- (9) Restaurants, other than those with drive-through facilities.
- (10) Shopping centers.
- (11) Theaters and auditoriums.
- (12) Retail plant nurseries.
- (13) Veterinary offices and animal hospitals, provided the facility has no outside kennels.
- (14) Financial institutions.

General recreation means an outdoor recreational activity such as: golf courses, miniature golf courses, golf driving ranges, stables and horse riding areas, marinas, boat docks, boat ramps, fishing piers, community swimming pools, and similar recreational activities, along with community halls, and structures associated with these activities. Specifically excluded are firing ranges and facilities associated with motor sports.

Heavy industry means those businesses and activities involving manufacturing, processing, storage, warehousing, and distribution of goods, including outdoor storage and any industrial activity which is conducted outdoors.

Heavy recreation means an outdoor recreational activity which is noisy, creates dust or fumes, and/or creates dangers to others in the area, and specifically includes firing ranges and facilities for motor sports.

High intensity commercial means those activities which require outdoor storage, have higher trip generations than general commercial uses listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. This group of uses includes the following list of specific uses and all substantially similar activities:

- (1) Vehicle sales, rental, service, and repair, including truckstops, body shops, road services, carwash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes.
- (2) Gasoline sales and service, combination gasoline sale and food marts, and similar facilities.
- (3) Restaurants with drive-through facilities.
- (4) Roadside produce stands, temporary or permanent.
- (5) Veterinary offices and animal hospitals with outside kennels.
- (6) Storage yards for equipment, machinery, and supplies for building and trades contractors.
- (7) Flea markets or similar outdoor or indoor/outdoor sales complexes.
- (8) Garbage hauler garage and storage facilities.
- (9) Building, farm, and garden supply facilities.

Home occupation means an occupation for gain or support conducted primarily by immediate members of a family residing in a dwelling. In general, home occupation shall include, but not be limited to: professional and personal services, such as are furnished by a dentist, lawyer, artist, sculptor, painter, beauty operator (not a beauty parlor), seamstress, music instructor, telephone answering service, an individual designer's studio, mail order business or millinery activities and the like. The following uses are not home occupations: medical clinics; financial institutions; sales offices or industrial uses; commercial daycares or commercial childcare.

Horticulture means the growing of flowers, fruits and vegetables for commercial purposes.

Institution includes educational facilities (public or private), preschool and day care facilities, churches, cemeteries without funeral homes, community centers, fraternal lodges, hospitals and all other similar uses.

Light industrial means those businesses involving manufacturing, processing, storing, warehousing, or distributing goods, and not involving uses that primarily require outdoor storage

or industrial activity which is conducted outdoors. Included in this category are uses that primarily require indoor storage or industrial activity, which is conducted indoors.

Manufactured home refers to any home factory-built in the United States to the federally regulated HUD Title 6 construction standards (commonly known as "the HUD Code"). The HUD Code took effect June 15, 1976 and provides the design and construction requirements for the complete production of the entire home in the factory, with some modifications permitted for on-site completion. A HUD coded home will display documentation called the certification label and the data plate. Removal of these documents is illegal, as per the HUD Title 6 regulations. They are not replaceable. The data plate contains the manufacturer's name and address, the style, design conditions, appliance installation system identification, and other pertinent information. It must be permanently affixed inside the home in a readily visible/accessible location.

Medical or dental office means an establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office.

Mining means surface mining, rock quarries, strip mining, borrow pits, and any other natural resource extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses. Pre-production and exploratory drilling activities are not included.

Mini-warehouse means a self-service facility consisting of individual self-contained units used for storage and no other purpose, plus an office/residence for a manager.

Mixed-use development means a type of development that includes both residential and nonresidential uses.

Mobile home commonly refers to a factory-built home produced before June 15, 1976, or pre-HUD Code, and not built to a uniform construction code.

Modular building is defined in Rule 9B-1, Florida Administrative Code (FAC) as a "closed construction" structure, building assembly, or system of subassemblies, manufactured for installation or erection, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. These sectional, prefabricated units consist of multiple modules or sections which are factory-built and constructed to standards promulgated by the Florida Building Commission, bearing a Department of Community Affairs Insignia. Modular buildings constructed on or after March 1, 2002 are required to comply with all technical and applicable administrative sections of the 2001 Florida Building Code and all subsequent revisions and supplements in effect at the time of construction. Buildings built prior to March 1, 2002 must comply with the applicable code in effect at the time of construction. The term also includes buildings not intended for human habitation, such as lawn storage buildings and storage sheds.

Neighborhood recreation means any outdoor recreational activity which is oriented to the needs of persons living in fairly close proximity and specifically includes playgrounds, playfields, ball parks, tennis and basketball courts, and facilities for jogging and cycling.

Nursing home means a facility for extended care at a level of medical care less than that delivered in a hospital, but greater than is available in an assisted living facility.

Open space means undeveloped lands suitable for passive recreation or conservation uses.

Pain management clinic means all privately owned clinics, facilities or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Section 458.309 or Section 459.005, Florida Statutes. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual course of the disease or the injury that is the cause of the pain; or 2) more than 90 days after surgery.

Parcel of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Planned unit development (PUD) means a form of development, usually characterized by a unified site design, for any combination of the following: a number of housing units; clustering buildings; commercial buildings; industrial uses; and common open space. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which public officials have considerable involvement in determining the nature of the development.

Plat means a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions set forth in F.S. Ch. 177, or its successor.

Professional service and office means business and professional offices, medical ~~clinics~~ and dental offices, government offices, and financial institutions without drive-through facilities.

Public service/utility facility means those facilities from which essential or important public services are provided and include the following and substantially similar activities:

- (1) Emergency service activities such as buildings, garages, parking and/or dispatch centers for ambulances, fire, police and rescue.
- (2) Transmission towers.

- (3) Utility facilities, such as water plants, wastewater treatment plants, and electricity substations serving 230 kv or greater.
- (4) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
- (5) LP gas storage and/or distribution facility for over 1,000 gallons.
- (6) Airports, airfields, and truck or bus terminals.

Recreational vehicle park means a development designed specifically to allow temporary living accommodations for recreation, camping, or travel use. The definition does not include a mobile home development.

Silviculture means a branch of the science of forestry dealing with the development, cultivation, and harvesting of forest products.

Viticulture means the science of growing grapes and the cultivation of grapevines.

Warehousing/distribution means an activity involving the storage of goods or materials before or after manufacture and before final sale or use, and includes trans-shipment of such goods or materials (loading and unloading) but excludes manufacture and processing.

Section 2. Table 53-1 Table of use regulations, is hereby amended to read as follows:

TABLE 53-1. TABLE OF USE REGULATIONS

TABLE INSET:

		Zoning Districts													
Land Use or Activity		A-1	A-2	A-3	RR	RR-F	RG-1 RG-1M	RG-2 RG-2M	RG-3 RG-3M	RG-4	C-1	C-2	C-3	I-1	I-2
(a)	<i>Agricultural uses.</i>														
(1)	Agriculture	P	P	P/4	P/1	P	--	--	--	--	S	S	S	P	P
(2)	Agricultural processing	--	S	--	--	--	--	--	--	--	--	--	S	P	P
(3)	Agricultural worker housing	--	S	--	--	--	--	--	--	--	--	--	--	--	--
(4)	Hunting camp	P	P	--	--	--	--	--	--	--	--	--	--	--	--
(b)	<i>Residential uses.</i>														
(1)	Boardinghouse and roominghouse	--	--	--	--	--	--	--	S	S	--	--	--	--	--
(2)	Community residential home, major	--	--	--	--	--	--	--	P	P	--	--	--	--	--

(3)	Community residential home, minor	--	--	--	--	--	P	P	P	P	--	--	--	--	--
(4)	Mobile home	P	P	--	P	P	P	P	P	--	S	--	--	--	--
(5)	Mobile home park	--	--	--	--	--	--	--	S/2	--	--	--	--	--	--
(6)	Multifamily dwelling	--	--	--	--	--	--	--	--	P	--	--	--	--	--
(7)	Single-family dwelling	P	P	P	P	P	P	P	P	P	P	--	--	--	--
(8)	Townhouse dwelling	--	--	--	--	--	--	--	--	P	--	--	--	--	--
(9)	Two-family dwelling	--	--	--	--	--	--	--	--	P	--	--	--	--	--
(10)	Mixed use development	--	--	--	--	--	--	--	S	S	--	S	S	--	--
(11)	Nursing home/ACLF	--	--	--	--	--	--	--	S	S	--	--	--	--	--
(c)	<i>Commercial uses.</i>														
(1)	Convenience commercial	--	S	S	--	--	--	--	S	S	P	P	P	S	P
(2)	Entertainment establishment	--	--	--	--	--	--	--	--	--	--	S	S	--	--
(3)	General commercial	--	--	S	--	--	--	--	--	--	--	P	P	S	S
(4)	High-intensity commercial	--	--	--	--	--	--	--	--	--	--	S	P	S	S
(5)	Professional service or office	--	--	--	--	--	--	--	--	--	P	P	P	P	P
(6)	Recreational vehicle park	--	S	--	--	--	--	--	--	--	--	--	S	--	--
(7)	<u>Pain management clinic</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=
(d)	<i>Industrial uses.</i>														
(1)	Auto salvage/junkyard	--	--	--	--	--	--	--	--	--	--	--	--	--	P
(2)	Light industry	--	--	S	--	--	--	--	--	--	--	--	--	P	P
(3)	Heavy industry	--	--	--	--	--	--	--	--	--	--	--	--	S	P
(4)	Warehousing/distribution	--	--	--	--	--	--	--	--	--	--	--	--	S	P

	(5)	Mining	--	S	--	--	--	--	--	--	--	--	--	--	--	S	
(e)	<i>Public and semipublic uses.</i>																
	(1)	Airport/private landing strip	S	S	--	--	--	--	--	--	--	--	--	--	--	S	S
	(2)	Broadcast tower	P	P	--	--	--	--	--	--	--	S	S	S	P	P	
	(3)	Conservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	(4)	Essential public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	(5)	General recreation	S	P	S	S	S	S	S	S	S	P	P	P	P	P	
	(6)	Heavy recreation	--	S	--	--	--	--	--	--	--	--	--	--	--	S	
	(7)	Institution	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	(8)	Neighborhood recreation		P	P	P	P	S	S	S	P	P	P	P	P	P	
	(9)	Public service/public utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

TABLE INSET:

--	Use not permitted in this district.
P	Use permitted by right in this district.
S	Use permitted by special exception in this district.
P/1	Use permitted subject to provisions of section 1-53-6.7.
P/2	Reserved.
S/2	Mobile home park by special exception in RG-3M district only.
P/3	Reserved.
P/4	Agriculture uses in the A-3 district are limited to horticulture, floriculture, silviculture, and viticulture.

Section 3. Section 1-53-3.8. Pain management clinics, is hereby created as follows:

Section 1-53-3.8. Pain management clinics

A moratorium is in place upon the acceptance of zoning applications and all applicable requests for zoning approval for pain management clinics. This moratorium shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of Land Development Code amendments dealing with pain management clinics to be considered by the Board of County Commissioners during the moratorium.

Section 4: Severability.

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that portion will be deemed a separate provision and will not affect any remaining provisions of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

Section 5. Conflicts of Law

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

Section 6. Codification, Inclusion in Code, and Scrivener's Errors

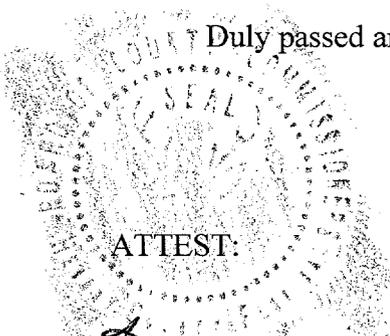
It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made part of the Hendry County Code; and that the sections of this ordinance may renumbered or re-lettered and that the word "Ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such

intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator's designee, without need of a public hearing, by filing a corrected or re-codified copy of same with the Clerk of the Circuit Court.

Section 7. Effective Date

This Ordinance shall take effect immediately upon its filing with the Secretary of State.

Duly passed and adopted in Regular Session this 14th day of December, 2010.



ATTEST:

Barbara Butler

Barbara Butler, Clerk

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

Darrell Harris

~~Janet B. Taylor, Chairwoman~~ Darrell Harris, Chair

***Words in ~~strike through~~ type are deletions from existing text. Words in underline type are additions.**

COUNTY OF HENDRY, STATE OF FLORIDA

RESOLUTION NO. 2011 - 14

RECORDED IN RESOLUTION BOOK XXIV , PAGE 18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, SUPPORTING THE IMPLEMENTATION OF FLORIDA'S PRESCRIPTION DRUG MONITORING PROGRAM PURSUANT TO SECTION 893.055, FLORIDA STATUTES.

WHEREAS, Florida has a serious problem with the illegal diversion of prescription drugs; and

WHEREAS, the Florida Legislature adopted Ch. 2009-198, Laws of Florida, in 2009 that established the prescription drug monitoring program that would create a database to allow doctors and pharmacists to review the drug purchases of their patients in order to prevent patients from seeking narcotics from multiple doctors and to attempt to reduce the misuse of prescription drugs; and

WHEREAS, the development of the prescription drug monitoring program has been funded through federal grants and private funds; and

WHEREAS, many states currently have drug prescription monitoring programs which have proven effective in curbing doctor shopping within their borders and are widely considered valuable tools for the medical industry and law enforcement; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 2010 – 34 which enacted a one year moratorium upon the acceptance of zoning applications and all applicable requests for zoning approval for pain management clinics; and

WHEREAS, drug dealers from other states have found an alternative route for obtaining prescription medication by taking "patients" to Florida where pain clinics prescribe huge

amounts of powerful prescription medication to these persons with little or no regard to their likely diversion and misuse; and

WHEREAS, Florida needs a comprehensive system that stops the doctor shopping, catches the irresponsible physicians who over-prescribe for profit and prevents illegal diversion before it starts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, that:

Section 1. The Hendry County Commission expresses its strong opposition to the repeal of Section 893.055, Florida Statutes.

Section 2. The Hendry County Commission requests that the State adequately fund the comprehensive electronic database containing controlled substance prescriptions so that the database can be fully functional.

Section 3. The Board of County Commissioners supports the continued implementation of the controlled substance prescription drug monitoring program and the associated database.

Section 4. Upon adoption, the Clerk is directed to send a copy of this Resolution to Governor Rick Scott and to the County's legislative delegation.

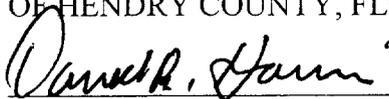
Duly considered and adopted by the Board of County Commissioners of Hendry County,

Florida, this 22nd day of February, 2011.

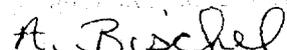
ATTEST:


Barbara Butler, Clerk

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA


Darrell R. Harris, Chairman

STATE OF FLORIDA
HENDRY COUNTY


3-10-11



Jim Blucher, Chair
Tom Jones, Vice-Chair
David Garofalo, Sr.
Michael R. Treubert
Linda M. Yates

City of North Port
City Commission
4970 City Hall Boulevard
North Port, FL 34286

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February 28, 2011

Office of Governor Rick Scott
State of Florida, The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: Resolution No. 2011-R-05, in Support of the Prescription Drug Monitoring Program implemented in Section 893.055, Florida Statutes.

Dear Governor Scott,

Please be advised that at the February 24, 2011 North Port Commission Special Meeting, the North Port City Commission formally approved Resolution No. 2011-R-05, in Support of the Prescription Drug Monitoring Program implemented in Section 893.055, Florida Statutes.

The City of North Port does not support the Governor's Budget Recommendation Conforming Bill Office of Drug Control/Statewide Office for Suicide Prevention that repeals section 893-055 Florida Statutes.

Attached is the signed copy of Resolution No. 2011-R-05

Sincerely,

Jim Blucher,
Commission Chair

Cc: State Senator Michael S. Bennett
State Senator Nancy C. Detert
State Representative Doug Holder
State Representative, Darryl Ervin Rouson
State Representative, Ron Reagan
State Representative Kenneth L. "Ken" Roberson
Congressman Vern Buchanan
Agustin G. Corbella, Director of Governmental Affairs
North Port City Commission
Terry Lewis, Interim City Manager



City of North Port

RESOLUTION NO. 2011-R-05

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, IN SUPPORT OF THE PRESCRIPTION DRUG MONITORING PROGRAM IMPLEMENTED IN SECTION 893.055, FLORIDA STATUTES: PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida has a serious problem with the illegal diversion of prescription drugs, and

WHEREAS, approximately 7 people a day die in Florida from improper use of prescription drugs, and

WHEREAS, Section 893.055 establishes a prescription drug monitoring program, and

WHEREAS, the development of the prescription drug monitoring program database has been funded through grants and private funds, and

WHEREAS, the continuing operation of the prescription drug monitoring program is estimated to be \$500,000 which is less than one one-thousandth of the state's overall budget, and

WHEREAS, Florida is the largest population state without some type of prescription drug monitoring program, and

WHEREAS, nationally Florida is perceived in a negative light for its proliferation of pill mills and out-of-state users flocking to Florida for the drugs, and

WHEREAS, prescription drug monitoring programs in other states have proven successful, and

WHEREAS, the Government Accounting Office issued a report as early as 1992 noting that prescription drug monitoring programs are beneficial, and

WHEREAS, the diversion of prescription drugs is a statewide problem calling for a statewide solution, and

WHEREAS, the Florida Medical Association supported the adoption of Senate Bill 462 in 2009 that established the prescription drug monitoring program, and

RESOLUTION NO. 2011-R-05

WHEREAS, counties are limited in their ability to prevent patients from traveling between counties to doctor shop and obtain multiple prescriptions, and

WHEREAS, the prescription drug monitoring program would provide a tool for doctors and pharmacists to use to determine if a patient is doctor shopping or has purchased an excessive amount of prescribed drugs, and

NOW, THEREFORE, BE IT RESOLVED by the City of North Port Commissioners, City of North Port, Florida:

Section 1. The City of North Port does not support the Governor's Budget Recommendation Conforming Bill Office of Drug Control/Statewide Office for Suicide Prevention that repeals section 893.055 Florida Statutes.

Section 2. The City of North Port Commissioners supports the continued implementation of the prescription drug monitoring program and the associated database.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of North Port, Florida, this

24th day of *February*, 2011.

CITY OF NORTH PORT, FLORIDA


**JIM BLUCHER, COMMISSION
CHAIR**

ATTEST:


**HELEN M. RAIMBEAU, MMC
CITY CLERK**

Approved as to form and correctness:


**ROBERT K. ROBINSON
CITY ATTORNEY**

_____ Agenda
_____ Item

5c

5c

2010 Evacuation Study

5c

5c

Emergency Preparedness

SWF Regional Evacuation Study

The Emergency Preparedness work in the SWFRPC area was first started in 1977 with the completion of the first in the country Hurricane Evacuation Study for Lee County. Next was the completion of the region's first Regional Hurricane Evacuation Study in 1983. Five updates later the 2010 S.W. Regional Evacuation Study is finished and primarily deals with hurricane storm surge flooding and wind vulnerable residents living in mobile homes. The Evacuation Study calculated evacuation times to out of the county and to shelter. The National Hurricane Center's Sea, Lake and Overland Surges from Hurricane Model were developed for Lake Okeechobee and the Gulf of Mexico and shows overtopping of the Lake levee. Storm Tide Maps completed by the SWFRPC show significant area of flooding from a hurricane tracking close to the Lake. For the first time the study also addresses other hazards that may require evacuations like rainfall flooding, wildfire, hazardous material accidents and a Lake Okeechobee Dam/Levee break. The study includes a vulnerability analysis for all these hazards that can assist local government in developing their Local Comprehensive Emergency Management Plan (CEMP) and Local Mitigation Strategies.

RECOMMENDED ACTION: Information purposes only.

04/2011

_____ Agenda
_____ Item

5d

Legislative Summary
Report

5d

5d

LEGISLATIVE ISSUES UPDATE

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

Attached for your information are a number of brief summaries of the discussions that took place in committee and in session during week four.

Attached for your information are the current the Florida Regional Council Association (FRCA) Bill Report - Week Five by Ronald Book, Executive Director of FRCA; FRCA Legislative Tracking Report Week Four, American Planning Association Florida (APAFL) Bill Tracking Report; and the Southwest Florida Water Management District Tracking Report.

RECOMMENDED ACTION: For your information and staff direction.

FRCA LEGISLATIVE REPORT

Session Update: Week 5

Week 5 was a week of budget activity in both the House and the Senate. On Thursday of this week, the House and Senate voted on their respective budgets, setting the stage for budget conference next week. The state budget shortfall of \$3.8 billion requires the legislature to make deep cuts, and without any desire to raise taxes or fees of any kind, these cuts could be severe.

The House and Senate budget proposals contain cuts to health care and education, different versions of the privatization of the state prison system and pension reform. The pension reform issue has been front and center this session, reform of both the Florida Retirement System (FRS) and the public retirement plans of local governments. In both the House and Senate, these issues were discussed, debated, amended and developed over the course of several weeks of workshops and hearings. The committees heard many hours of public testimony. However, as explained in every committee workshop and meeting, the reform proposals would likely change as the legislature began to look at this issue from a budgetary perspective. In this light, the issue continues to evolve. It is clear that this will be a large part of the budget conference.

The Senate passed an almost \$72 billion state budget and the House passed a budget of approximately \$66.5 billion. The Senate pension reform requires a tiered system of contribution by employees of 2 to 6% contribution where the House would require a 3% contribution by employees. The House budget also takes \$300 million out of a road building trust fund to utilize elsewhere, something the Senate chose not to do. All of these factors add up to a challenging budget conference which the Senate expects to begin next week.

In the Health Care budget the House and Senate budgets approach budget cuts in different ways. While the Senate budget generally puts more money into education, the House budget funds more in Health and Human Services.

Here are some Health Care budget issues of note:

- The House and Senate budgets protect substance abuse and mental health community projects.
- The House and Senate budgets fund local Alzheimer programs and local elderly meals programs.

- The House budget cuts hospital rates by 7 percent, the Senate budget cuts rates by 10 percent.
- The Senate changes the name of the Medically Needy program to the Medicaid Non Poverty Subsidy and eliminates funding for all but physician services. House budget funds the Medically Needy program.
- The Senate budget eliminates MEDS-AD funding, a program which serves poor, elderly who are permanently disabled. House funds MEDS-AD.
- The Senate budget cuts developmental disabilities funding, while the House leaves funding intact.

Below are issues of concern to local governments; retirement and growth management among others issues that affect local governments. In these areas, significant changes from previous reports took place this week and are summarized below. Should you have any further questions, please let us know.

RETIREMENT

As stated in previous weeks' reports, in the Senate, and to some extent the House, pension reform, proposals were debated, amended and developed over the course of several weeks of workshops and hearings. However, as explained in many of the meetings, members understood that the committee's approach to these two areas was substantive and the bills were likely to change as they moved through the budget process. The reasoning was that not only should the reform reflect the policy direction of the legislature, the budget numbers had to move toward closing the \$3.8 billion gap in the state's revenue intake to spending ratio. So with that knowledge, the Budget committee in the Senate, and also the House committee have put forth significantly different pension reform bills addressing the retirement issue.

Retirement-Florida Retirement System (FRS)

SB 2100 (Formerly PCB 7094) by the Committee on Budget

This bill makes the following changes to the Florida Retirement System, (FRS):

- Changes the name of the FRS defined benefit program to the Florida Retirement System Pension Plan (pension plan), and changes the name of the FRS defined contribution program from the Public Employee Optional Retirement Program to the Florida Retirement System Investment Plan (investment plan).
- Eliminates accumulated annual leave payments and overtime from "compensation" and "average final compensation" on or after July 1, 2011.
- Raises the normal retirement age for Special Risk Class members enrolled on or after July 1, 2011 to that of other classes if they choose to enroll in the pension plan.
- Effective July 1, 2011, closes the pension plan to new enrollees and requires compulsory enrollment in the investment plan, except that those who qualify for Special Risk Class membership may still enroll in the pension plan. Specifies that employees, eligible to enroll in one of the three optional retirement programs, may elect to do so in lieu of compulsory enrollment in the investment plan.
- Closes the Deferred Retirement Option Program (DROP) to new participants, effective July 1, 2011.
- Allows reenrollment after retirement in the investment plan.

- Changes vesting for members enrolled in the investment plan on or after July 1, 2011. Such members will vest in graded increments over a five-year period.
- Changes the FRS from a noncontributory system to a contributory system and requires each active member of the FRS to contribute 3 percent of pre-tax gross salary to fund retirement benefits, effective July 1, 2011.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011.
- Establishes the required employer payroll contribution rates for each membership class and subclass of the FRS retirement plan for the fiscal year beginning July 1, 2011.
- Requires each active member of the Senior Management Service Optional Annuity Program, the State University System Optional Retirement Program, and the Community College Optional Retirement Program to contribute the same percentage of gross salary to fund retirement benefits as those contributed by FRS employees, effective July 1, 2011.
- Allows the Department of Management Services Bureau of Local Government Retirement Funding (bureau) to use principal moneys deposited in the Police and Firefighters' Premium Tax Trust Fund to fund the bureau's operations when the interest and investment income earned on those moneys is insufficient.
- Links National Guard retiree pension benefit increases to the FRS COLA.
- Provides that during the 90-day period beginning on the effective date of the bill, a FRS employer may contribute to the retirement account of a current employee who is retired from the FRS the amount that would have been contributed had the employee been allowed to reenroll in the FRS during the 2010-2011 fiscal year.

SB 2100 was heard before the full Senate this week and three amendments were adopted. These make significant changes to the bill summarized above. These amendments are as follows:

- The effective date for the DROP participation was moved to July 1, 2016 for participants, meaning the program will close to new participants on July 1, 2016. And the amendment states that only members whose DROP effective date is before the July 1, 2016 date may participate in the program, (in the previous version of this bill, DROP had closed July 1, 2011).
- The second amendment adds elected officials into the tiered contribution rate in the bill. It states that effective July 1, 2011, the required employee retirement contribution rate for those members of the Elected Officers' Class who are members of the Florida Legislative and all Statewide Elected Officials (for both the pension and investment plans) shall be 3 percent for gross compensation up to and including \$25,000, 5 percent for gross compensation greater than \$25,000 and up to and including \$50,000, and 7 percent for gross compensation greater than \$50,000.
- The third amendment sets forth that DROP members would not be included in the requirement that they pay into the tiered retirement contribution rate. It states that effective July 1, 2011, the required employee retirement contribution rates for all members of the Florida Retirement System shall be 2 percent for gross compensation up to and including \$25,000, 4 percent for gross compensation greater than \$25,000 and up to and including \$50,000, and 6 percent for gross compensation greater than \$50,000. This subsection does not apply to members participating in the Deferred Option Retirement Program

SB 2100, with the three additional amendments above, passed the full Senate by a vote of 26 – 13. The bill was then sent in messages to the House where they amended the bill with the House language, thus, setting the pension reform issue up for budget conference.

Retirement-Florida Retirement System (FRS)

HB 1405 by Representative Workman

HB 1405 was amended on to SB 2100 which as stated above, sets the pension reform issue up for the budget conference. The major changes in HB 1405 are as follows:

- The pension contribution rate of the employee’s gross compensation would be set at 3 percent. This rate applies to all membership classes.
- Ends the DROP program to new participants effective July 1, 2011;
- Increases the retirement age and years of service for FRS members who initially start work on or after July 1, 2011 as follows: for regular class: minimum age increases from 62 to 65/min years from 30 to 33 years, for special risk: minimum age increases from 55 to 60/min years from 25 to 30 years, and only applies to new employees hired after July 1, 2011.
- Sets employer contribution rates based upon actuarial studies specific to the 3 percent employee contribution rate, closing of DROP to new employees and increasing the retirement age and years of service for new employees

HB 1405 passed as an amendment to SB 2100, which procedurally sets the pension reform issue up for budget conference. This amendment passed the House by a vote of 78-39.

Public Retirement Plans

PCB GOPI7 by the House Government Operations Subcommittee

This proposed committee bill was introduced and heard late this week as the latest pension reform bill for local governments’ public retirement plans. The PCB as filed does the following:

Calculation of Compensation upon Retirement | Overtime, Sick, Annual Leave

For the calculation of compensation upon retirement, the definition will be changed to utilize the employees’ earned compensation, plus 300 hours of overtime. “For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, overtime compensation in excess of 300 hours per year, as specified in the collective bargaining agreement, or payments for accrued, unused sick or annual leave, may not be included for purposes of calculating retirement benefits.”

Insurance Premium Tax Revenues

The bill requires local law plans that participate in the distribution of the insurance premium tax revenues to provide benefits to firefighters and police officers that are greater than the pension benefits provided to general employees of the municipality or special fire control district. The bill revises the definition of "extra benefits" to mean benefits in addition to or greater than those provided to general employees of the municipality or special fire control district regardless of when the additional or greater benefit was or is provided.

The bill authorizes the use of additional insurance premium tax revenues to pay extra benefits to firefighters or police officers, or to pay the unfunded actuarial accrued liabilities of the plan. Further, if the aggregate level cost method is the actuarial cost method used to fund the plan, the unfunded actuarial accrued liabilities must be measured using the entry age normal cost method.

Pension Boards Restructuring and Requirements

Restructures the membership and functions of various pension boards of trustees including municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan purchases annuity or life insurance in 175.071, 175.081 and 175.351 which are municipalities and special fire control districts who have their own pension plans for firefighters. The bill additionally addresses police officer boards defined in 185.35.

The bill requires the board of trustees to provide a detailed report that contains an accounting report of its expenses for each fiscal year. It must include all administrative expenses related to any legal counsel, actuary, plan administrator, consultants, travel, and any other expenses paid to or on behalf of the members of the board of trustees or anyone else on behalf of the plan. The report must be submitted to the plan sponsor and the Department of Management Services, and must be made available to each member of the plan.

The board must submit its proposed administrative budget for each fiscal year at least 120 days before the beginning of the fiscal year. It must be submitted to and approved by the plan sponsor. The budget is only effective upon approval of the plan sponsor, and may not be amended without prior approval from the plan sponsor.

Financial Rating of Local Pension Plans

The Division of Retirement in the Department of Management Services would be required to develop standardized ratings to classify the financial strength of all local government defined benefit pension plans.

- (1) In assigning a rating to a plan, the division will consider, without limitation:
 - (a) The plan's current and future unfunded liabilities.
 - (b) The plan's net asset value, managed returns, and funded ratio.
 - (c) Metrics related to the sustainability of the plan, including, but not limited to, the percentage that the annual contribution is of the participating employee payroll.
 - (d) Municipal bond ratings for the local government, if applicable.
 - (e) Whether the local government has reduced contribution rates to the plan when the plan has an actuarial surplus.
 - (f) Whether the local government uses any actuarial surplus in the plan for obligations outside the plan.
- (2) The division may obtain all necessary data to formulate the ratings from all relevant entities, including local pension boards and local governments, all of which shall cooperate with the division in supplying all necessary information.
- (3) The ratings are to be posted on the division's website in a standardized format.

Creates a Task Force on Public Employee Disability

The Task Force will develop recommendations to address the following issues: Data related to the operation of the statutory disability presumptions, the manner in which other states handle disability presumptions and proposals for changes to the existing disability presumptions.

This task force will be required to report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2012, and must include recommendations for legislative action during the 2012 Regular Session of the Legislature.

Additionally, an amendment was passed that changed a very specific date. The bill states in several provisions that 'For Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.' An amendment passed that changes that date to May 27, 1939.

Today, This PCB was reported favorably by the Governmental Operations Committee by a vote of 10 – 5, and will be introduced as a bill which will now become part of the budget conference committee.

GROWTH MANAGEMENT

Additionally, below is the summary for SB 1122 (HB 7129) which has emerged as the next phase of a growth management overhaul. Lastly, SB 1512 (HB 1427) are substantial growth management bills which may have slowed for the moment but are still bills to watch.

Growth Management

SB 1122 by Senator Bennett / HB 7129 by the Committee on Community and Military Affairs Subcommittee and Representative Workman

A strike everything amendment was offered by Senator Bennett in the Community Affairs committee which now constitutes the next phase of growth management reform this session. This amendment and subsequent amendments more closely mirror HB 7129 by Representative Workman. Senator Bennett's stated goal is to give local governments more discretion in planning and to limit the state's role to projects of state importance. Local decisions should be made locally.

The Strike Everything amendment does the following:

- Makes concurrency optional for parks and recreation, schools and transportation facilities
- Provides that nothing at the local government would change unless a local government submits a plan amendment that would eliminate concurrency. The Senator stated that this bill does not remove it, does not mandate it and they are leaving concurrency up to the local governments to make these decisions
- Applies the provisions of the alternative state review pilot to the statewide, which cuts plan review time in half and limits state oversight
- Incorporates revisions of DCA's land use regulation into statute and eliminates the 9J5 rule
- Specifies that population projections would be used as a floor for development for need based assessments, with the exception of areas of critical state concern. (this provision passed committee in SB 1512 during week 3)
- Allows the capital improvement element of the comprehensive plan to be updated by ordinance and moves the comprehensive improvement element deadline to 2013
- Deletes statutory requirements for optional elements in the comprehensive plan

- Revises the methodology for calculating ‘proportionate share’ and ‘proportionate fair share’ including removal of impacts to toll roads for the calculation. (this provision passed committee in SB 1512 during week 3)
- Exempts transit oriented development from the transportation impact review in the Development of Regional Impact process. (this provision passed committee in SB 1512 during week 3)
- Expands and revises the optional sector plan developed with the Secretary of the Department of Community Affairs (DCA)
- Lessens the requirements of the seven year, evaluation process (EAR process)
- Revises the rural land stewardship program
- Restricts the state’s ability to interpret joint planning agreements between cities and counties or between multiple counties

Senator Bennett noted other changes within the bill that are still being discussed and potentially could be revised. These are as follows:

- Prohibits local governments from creating or increasing new impact fees for residential development for two years
- Prohibits local governments from duplicating environmental regulations by the Department of Environmental Protection or the Water Management Districts. This is still being revised to accommodate smaller counties who may not have the technical experience to continue to rely on the state.
- Provides that DCA would be the sole agency to review commercial industrial use for the purpose of highway beautification/highway signs and billboards.
- Revises the board makeup of the Regional Planning Councils, allowing for representation of business and commercial development on the boards through the gubernatorial appointees
- Reenacts language relating to the burden of proof for impact fees (passed in SB 410)
- Clarifies the window for permit extensions, clarifies that the total intent was 4 years (2 year extension in 2009 and a second 2 year extension in 2010)
- Deletes certain requirements regarding energy efficiency and greenhouse gas reductions
- Repeals the local government comprehensive plan use certification program
- Prohibits referendums for local comprehensive plan amendments. In other words, it removes problems with ‘amendment 4’ regarding St. Petersburg Beach.

Several Amendments were offered which do the following:

- Clarifies that a land owner seeking certification for water and waste water utility from the public service utility, for at least 1,000 acres, may seek such certification for planning purposes in order to be prepared to provide services on that property without being required to show an immediate need
- Removes language prohibiting future adoption of local wetland rules that are already regulated by the Department of Environmental Protection and the Water Management Research permit program.
- Provides that a local government may not adopt any supermajority voting requirement for the adoption of amendments to the comprehensive plan. In other words, a local government should be able to amend the comprehensive plan by a simple majority vote. (Miami-Dade County is the only County that has supermajority voting requirement, noted in committee by Senator Norman)

CS/SB 1122 passed the committee on Community Affairs by a vote of 9 – 0 on 03/28/11, and will next be heard in the committee on Environmental Preservation and Conservation. SB 1122 was not heard during week 5.

Growth Management | HB 7129

HB 7129 (previously PCB CMA4) was workshopped by the Community and Military Affairs Subcommittee and submitted as HB 7129 this week. Below are highlights of the comprehensive, 284 page growth management bill:

HB 7129, designated as “The Community Planning Act”, amends part II of chapter 163, F.S., to streamline the planning process by removing unworkable provisions that delay economic development, which is the priority of the legislative leadership as well as the Governor.

In the Future Land Use Element, this bill modifies and incorporates provisions relating to “urban sprawl” and modifies the need requirement to be based upon a minimum population.

In the Capital Improvements Element, this bill removes the financial feasibility requirement and requires local governments to list their funded and unfunded capital improvements.

This bill repeals rule 9J-5 of the Florida Administrative Code and incorporates provisions of the rule within part II of chapter 163.

This bill changes the requirements associated with the large-scale planning tools of sector plans and rural land stewardship areas.

The comprehensive plan amendment process is streamlined while maintaining public participation in the local government planning process. State review and challenges are focused on protecting important state resources and facilities. This bill removes the twice a year limitation on local government adoption of plan amendments.

This bill removes the state mandated concurrency for transportation, parks and recreation, and schools. Local governments may maintain their current use of these tools without taking any action.

This bill continues to require local governments to evaluate their comprehensive plans once every seven years and to adopt update amendments as necessary, but this bill removes the state requirement for local governments to adopt an evaluation and appraisal report every seven years.

This bill does not require any updates to a local government’s comprehensive plan prior to the regular adoption of update amendments following the required seven year local evaluation of the plan. Chapter 163, part II, as amended by this bill, continues to provide the minimum standards for Florida’s comprehensive growth management system. The staff analysis states that the bill is not intended to reduce the home rule authority of any local government.

HB 7129 passed the Economic Affairs Committee by a vote of 13 – 5 and now is ready for floor action. HB 7129 was not heard during week 5.

Growth Management

SB 1512 by Senator Bennett / HB 1427 by Representative Steube

Senator Bennett offered a strike everything amendment and two subsequent amendments to the bill which would accomplish the following:

- Redefine the term backlog to “transportation deficiency” or “deficiency”. Therefore, all references to deficiency mean: a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review which are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections.
- Amends s. 163.3164, F.S., to add the following definitions:
 - Mobility plan means an integrated land use and transportation plan that promotes compact, mixed-use, and interconnected development served by a multimodal transportation system that includes roads, bicycle, and pedestrian facilities and, where feasible and appropriate, frequent transit and rail service in order to provide individuals with viable transportation options without sole reliance on a motor vehicle for personal mobility.
 - Transit-oriented development means a project or projects in areas identified in a local government comprehensive plan which are served by existing or planned transit service as delineated in the plan’s capital improvements element. These areas must be compact, have moderate to high density developments, be of mixed-use character, interconnected, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.
- The bill also amends the definition of “financial feasibility” to change the requirement that committed or planned funding sources be available for years 4 through 10 (current law requires the funding sources be available for years four and five) of the capital improvement schedule.
- Clarifies that a local government’s comprehensive plan shall be based on resident and seasonal population estimates and projections and specifies acceptable methodologies for population projections.
- Clarifies that the schedule of capital improvements should include publicly funded federal, state, or local government projects. The schedule of capital improvements must include improvements relied upon for concurrency or a local government’s mobility plan.
- Requires each local government that is required to update or amend its comprehensive plan to address the compatibility of lands adjacent or closely proximate to an existing military installation, or lands adjacent to an airport in its future land use plan element, shall transmit the update or amendment to the state land planning agency by June 30, 2012.
- Revises the future land use element to clarify that population projections include resident and seasonal population. Additionally, population projections would serve to indicate the minimum amount of development necessary to support anticipated growth as determined using BEBR numbers or another professionally recognized methodology. It specifies that the future land use plan should reflect the need for job creation, capital investment, and economic development (in current language this factor is limited to

rural communities). The future land use element would have to accommodate enough development to satisfy the BEBR projected population for the next 10 years.

- Amends provisions in s. 163.3180, F.S., relating to long-term transportation concurrency management systems. It requires local governments to designate long-term transportation management systems if transportation deficiencies are projected to occur within 10 years. This differs from current law in that currently these long-term management systems are optional for areas where transportation deficiencies actually exist.
- Modifies the factors that must be shown for a development to go forward despite failure of the development to satisfy transportation concurrency. Specifically, it allows the local government to determine that the road improvements the developer provides for as mitigation will significantly benefit the impacted transportation.
- Modifies the definition of proportionate-share and proportionate fair-share contribution. The bill specifies that trips placed on toll roads will be eliminated from the proportionate-share and proportionate fair-share calculation.
- The bill would remove from this calculation impacts to any road that is already transportation deficient. The responsibility for improvements to rectify the existing deficiency is the responsibility of the local government. The calculation would be repeated using theoretical traffic capacity that would be available if the local government added the new improvement necessary to correct the deficiency. If the trips from the proposed development rendered the needed road deficient then the new development would be responsible for paying for its impacts on those theoretical improvements that would be significantly and adversely affected.
- Due to the modifications the bill makes on the calculation of proportionate share and proportionate fair-share, the bill moves the deadline for adopting an ordinance for assessing proportionate fair-share mitigation to December, 1, 2011.
- The bill specifies that the developer may satisfy their transportation concurrency requirements if the developer's traffic impacts are provided for in a binding proportionate-share agreement (not just improvements provided for in the local government's plan for capital improvements).
- Amends s. 163.3182, F.S., to change the term backlog to deficiency. The bill then revises the definition of transportation deficiency to include areas where the projected traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility. This makes the definition consistent with other places in statute.
- The bill would revise language relating to the schedule for financing and construction of projects that will eliminate deficiencies as part of a transportation deficiency plan. Specifically, the bill language states that if mass transit is selected as all or part of the system solution, the improvements and service may extend outside the transportation deficiency areas to the planned terminus of the improvement as long as the improvement provides capacity enhancements to a larger intermodal system.
- Amends s. 380.06, F.S., to create an exemption for DRI transportation impacts within any transit-oriented development adopted into the comprehensive plan. The exemption does not apply within areas of critical state concern, the Wekiva Study Area, or within 2 miles of the boundary of the Everglades Protection Area.

SB 1512 will be heard next week in the Committee on Transportation on 04/12/11.

HB 1427 has not been heard yet this session.

Growth Management Week 4: During week 4, The Senate passed on final passage, the three bills that were the individually filed this session and reenact portions of existing law regarding comprehensive planning and land development which were amended in 2009, (Chapter 2009-96, Laws of Florida), (CS/CS/SB 360 – 2009) and were challenged based on the single subject rule. These are HB 7001 (SB 174), HB 93 (SB 172) and HB 7003 (SB 176) are summarized in the week 4 report. The above are awaiting action by the Governor.

LOCAL GOVERNMENTS

Red Light Cameras

SB 672 by Senator Garcia (cosponsors Gaetz, Negrón) / HB 4087 by Representative Corcoran, Trujillo (cosponsors Gaetz, Patronis)

This bill would remove the authority for the installation and use of red light cameras passed in the 2010 session. Effective Date: July 1, 2011.

SB 672 has passed the Senate Transportation committee by a vote of 4-2. This bill must still be heard in the Community Affairs committee and the Budget committee.

HB 4087 passed the Economic Affairs Committee during week 2 and next goes to the Appropriations committee.

Neither bill was heard in week 5. It is unlikely that this bill will get heard in the budget committees this session and the general understanding is that since the fiscal impact to the budget would be negative, it is not an issue that is getting any traction at this point.

Effective Public Notices by Governmental Entities

SB 7204 by Budget and Chairman Alexander

SB 7204 would authorize the creation of a new centralized website that would feature legal notices from both state and local government. Senate Budget Committee Chairman Alexander, after hearing from a number of small newspaper publishers who made the case that should this bill pass, they would be negatively affected.

SB 7204 was not heard this week; it is unclear if this bill will move forward.

Effective Public Notices by Governmental Entities

HB 89 by Representative Workman / SB 914 by Senator Bennett

HB 89 would authorize local governments to use their own, publicly-accessible website to post legally required notices and advertisements rather than the current option to publish in a newspaper. However, the newspaper option would still be available. It also would provide for a mechanism by which people who do not have access to the internet through the county or city location or a public library location, and wished to have the municipality provide the notice to them could call and register to have notices mailed to them free of charge.

SB 914 has been referred to the committees on Community Affairs, Judiciary and Budget but has not been heard to date.

HB 89 was discussed at length Friday, 04/01/11, in the House Government Operations Subcommittee but at the request of the sponsor, was temporarily postponed and has not been heard to date.

Again, it is unclear if this bill will be heard during this session.

Impact Fees

SB 410 by Senator Bennett / HB 7021 by the Community and Military Affairs Subcommittee and Representative Hooper

This bill reenacts existing law created by Ch. 2009-49, Laws of Florida that amended s. 163.31801, F.S., requiring that, should a person challenge an impact fee ordinance, the government that enacted the ordinance must show, by a preponderance of the evidence, that the imposition or amount of the fee meets the requirements of state legal precedent or section 163.31801, Florida Statutes. The bill provides that the court may not use a deferential standard. The effect of this law is that the court may not use the "fairly debatable" standard of review when evaluating the legality of an impact fee ordinance.

However, a two-thirds vote of the membership of each house of the Legislature to pass this bill would also be necessary to moot the constitutional arguments raised in the pending litigation alleging that Chapter 2009-49 is an unconstitutional mandate on counties and municipalities and restricts their authority to raise revenues.

SB 410 has passed the full Senate with a vote of 37 – 1 and is now in messages to the House.

HB 7021 is ready for the full floor vote, but was not heard during week 5.

Tabor/Smart Cap/Taxpayer Bill Of Rights

SJR 958 by Senator Bogdanoff

Senate Joint Resolution (SJR) 958 is a signature issue for Senate President Haridopolos and this session is being sponsored by Senator Bogdanoff. SJR 958 would limit revenues collected by state government only. The Senate President has said that he does not intend to extend this revenue limitation to local governments. SJR 958 limits state revenues to the amount collected the previous year plus an annual adjustment based on population growth and the rate of inflation.

SJR 958 has passed the full Senate and is awaiting action in the House. HB 7221 was filed on 4/5 and is referred to the House Appropriations committee and will likely be heard soon.

Local Government Ad Valorem Tax and Special Assessment Limitation

PCB FTC4 by the Finance and Tax Committee

This proposed committee bill deals with ad valorem tax and special assessments, and is sponsored by the House Finance and Tax Committee. FTC4 was temporarily postponed in its committee hearing this week. This PCB has not cleared the committee to be introduced as legislation this session because there are major logistical problems with making it work. Also, there is no Senate companion. This PCB has an amendment pending but it is unclear if it will be brought back up in committee.

PCB FTC4 was temporarily postponed in the House Finance and Tax Committee on 04/05/11.

Medical Expense-Pretrial Detainee-Sentenced Inmate

SB 490 by Senator Jones / HB 257 by Representative Hooper

SB 490 as amended, would set the county or municipal medical costs of an in-custody pretrial detainee or sentenced inmate to 110 percent of the Medicare allowable rate (not to exceed 125 percent of the Medicare rate if the third-party provider has reported a negative operating margin to the Agency for Health Care Administration) if no formal written agreement exists between the county or municipality and the third-party medical care provider.

SB 490 has passed through its first two committees of reference, Community Affairs and Health Regulation but was not heard during week 5.

HB 257, has passed both the Criminal Justice Subcommittee; Insurance and Banking Subcommittee and must be heard in the Health and Human Services Committee and the Judiciary Committee. HB 257 was not heard during week 5.

Fertilizer Regulation

SB 606 by Senator Evers / HB 457 by Representative Ingram

This legislation preempts all local government regulations of fertilizer management practices to the state. It would prohibit counties and municipalities from adopting fertilizer management practices more stringent than standards of a specified model ordinance. It would require the Department of Agricultural and Consumer Services to regulate the sale of fertilizer, including the composition, formulation, packaging, use, application, and distribution of fertilizer.

An amendment was adopted to SB 606, that mirrors changes made to the House bill last week, and would remove the “grandfather clause” exempting counties that adopted fertilizer ordinances prior to January 1, 2009 from adhering to the Model Ordinance, and would authorize counties or municipal governments to enforce the provisions of the Model Ordinance in their respective jurisdictions.

SB 606 passed the committee on Agriculture by a vote of 4 – 0 during week 2, however this week, a reference to the Rules committee was added to reflect the remaining references to be the committees on Community Affairs, Rules and Budget. This bill was not heard during week 5.

Fertilizer Regulation | HB 457

During week 3, HB 457 was heard in the House Community and Military Affairs Subcommittee, where the bill was amended to allow the Florida Department of Environmental Protection and the state's five water management districts to restrict fertilizer use, in addition to the Florida Department of Agriculture and Consumer Services. HB 457 passed by a vote of 8 – 7. During week 4, the bills committee reference to Rulemaking and Regulation Subcommittee was removed, and the remaining reference is State Affairs Committee.

During week 5, the State Affairs Committee adopted a strike all amendment to CS/CS/HB 457. This amendment differs from the current bill in that it:

- Provides a that county and municipal governments can adopt additional or more stringent standards than the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (model ordinance).
- Requires a county or municipal government to notify the Department of Environmental Protection (DEP) of the adoption of an ordinance.
- Provides an exemption to adoption of the model ordinance and the preemption provisions in ss. 570.07(41) and 576.181(5), F.S., for county or municipal governments that have adopted fertilizer ordinances prior to July 1, 2011.
- Preempts to the Department of Agriculture and Consumer Services fertilizer regulation in regards to labeling, distribution (retail and wholesale), as well as nutrient content level and release rates.
- Removes language authorizing county and municipal governments to enforce the provisions of the model ordinance.
- Removes language from the authority of the DEP or the state's water management districts to adopt rules requiring fertilizer practices to achieve compliance with water quality standards or to implement federally authorized or delegated programs.

HB 457, with the strike everything amendment, passed the State Affairs Committee by a vote of 14 -0.

Landlord and Tenant-Squatters

SB 786 by Senator Diaz de la Portilla / HB 1089 by Representative Bileca

This bill was amended to clarify in statute that an individual inhabiting a structure or vacant land for more that 30 days without proof of legal residency could be removed by a law enforcement officer.

SB 786 was temporarily passed during week 5 in the committee on Criminal Justice but will be heard again on Monday, 04/12/11.

HB 1089 was not heard during week 5.

Drug Abuse Prevention and Control

SB 794 by Senator Diaz de la Portilla / HB 897 by Representative Nehr

This bill would increase the penalty for the sale or possession of drugs within 1,000 feet of a homeless shelter.

Currently, the statue increases the penalty for the sale of a controlled substance and possession with intent to sell when the violation of the law occurs within 1000 feet of a school or child care facility, state, county, or municipal parks, community centers or a publicly owned recreational facility.

SB 794 has passed the committee on Children, Families and Elder Affairs by a vote of 3 – 0.

HB 897 was not heard in week 5.

Sovereign Immunity - Bert Harris Act

SB 998 by Senator Simmons / HB 701 by Representative Eisnaugle

This bill amends the Bert Harris Act to make the following changes to Florida's statutory protections on real property rights.

- Specifies that a moratorium on a development that is in effect for longer than 1 year is not a temporary impact to real property and may constitute an "inordinate burden;"
- Changes a notification period from 180 days to 120 days;
- Deletes the term "ripeness" and replaces it with language specifying when the prerequisites for judicial review are met;
- Specifies that enacting a law or adopting a regulation does not constitute applying the law or regulation to a property;
- Specifies that sovereign immunity is waived for purposes of the Bert Harris Act.

SB 998 will be heard by the Budget committee on 04/13/11.

HB 701 passed the Economic Affairs Committee by a vote of 16-0.

Local Business Taxes

HB 4195 by Representative O'Toole

This bill would repeal all of Chapter 205, Florida Statutes and if passed, would take effect July 1, 2011. This legislation would have an extensive affect on local governments, please note the summary from week 2 for a list of all sections in Chapter 205.

HB 4195 was scheduled to be heard in the House Finance and Tax Committee on 04/05/11, but was temporarily postponed.

Business Deregulation

A slightly pared down version of the massive deregulation bill presented last week, was passed by the committee during week 3. This version includes the repeal of regulation of the following professions, businesses and occupations: Athlete Agents, Auctioneers and Auctioneer Apprentices, Sellers of Business Opportunities, Charitable Organizations, Hair Braiders, Hair Wrappers, and Body Wrappers, Dance Studios, Health Studios, Interior Designers, Intrastate Movers, Motor Vehicle Repair Shops, Sellers of Travel, Talent Agents, Telemarketing and Yacht and Ship Brokers. It also repeals regulations relating to: Transportation access to outdoor theaters, Roominghouses, Sales representative contracts involving commissions, Television tube labeling and water vending machines. The bill also eliminates the Board of Auctioneers.

Representatives from several of these industries testified against the deregulation, particularly the interior design industry. We expect that there will be further changes to this deregulation bill as it moves forward and the potential consequences of these individual deregulations are examined.

As the bill moves through the process on 3/30/11, HB 5005 passed the full Appropriations Committee by a vote of 15-8 after approximately 90 speakers, 95% of which strongly opposed the deregulation of the interior design industry.

During week 5, HB 5005 passed the House this week by a vote of 77-38 and was immediately certified in messages to the Senate where it was amended to strike everything, thus putting it in a posture for a conference committee.

Local Business Taxes

SB 582 by Senator Detert / HB 311 by Representative Roberson

SB 582 was heard by the Budget Subcommittee on Finance and Tax this week and was amended to accomplish the following:

- Limits the newly-created employee exemption from applying to taxes in place prior to October 31, 2010, and adds language that allows local business taxes that were in place prior to that date to continue as long as they have resulted in actual tax collections.
- Makes the provisions of the bill retroactive to October 13, 2010.

SB 582 passed the Budget Subcommittee on Finance and Tax by a vote of 6-0.

HB 311 was not heard during week 5.

Members of the Public-Speaking at Public Meetings

SB 310 by Negron / HB 285 by Eisnaugle

Provides a right for members of the public to be heard at meetings of any local governmental entities, boards and commissions but would also give the local entity the ability to adopt rules to address this right, including the ability to limit the time an individual has to address the board or commission; require, at meetings in which a large number of individuals may wish to be heard, that a representative of a group or faction on an issue, rather than all of the members of the group or faction, address the board or commission; or to specify procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard.

SB 310 has been referred to the committees on Governmental Oversight and Accountability; Community Affairs and Rules. HB 285 has been referred to the committees on Government Operations Subcommittee; Rulemaking and Regulation Subcommittee and the State Affairs Committee.

Neither SB 310 nor HB 285 has been heard to date.

Should you have any questions or need further information, please do not hesitate to call on us. Thank you.

FRCA BILL TRACKING REPORT

2011 Bills (72)

Num	Title	Sponsor	
HB 0019 (I: 0870)	Relating to Compensation of County Officials Compensation of County Officials: Authorizes 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. Effective Date: July 1, 2011 11/18/10 HOUSE Filed 01/10/11 HOUSE Referred to Government Operations Subcommittee; State Affairs Committee 01/10/11 HOUSE Now in Government Operations Subcommittee 03/04/11 HOUSE On Committee agenda - Government Operations Subcommittee, 03/08/11, 8:00 am, 306 H 03/08/11 HOUSE Favorable by Government Operations Subcommittee; 14 Yeas, 0 Nays 03/08/11 HOUSE Now in State Affairs Committee 03/29/11 HOUSE On Committee agenda - State Affairs Committee, 03/31/11, 12:00 pm, 17 H 03/31/11 HOUSE Favorable by State Affairs Committee; 17 Yeas, 0 Nays 03/31/11 HOUSE Placed on Calendar, on second reading	Mayfield	03/31/11
HB 0043 (I: 0088)	Relating to Public Officers Public Employee Compensation: Revises provisions relating to prohibition against payment of extra compensation; provides for bonuses; specifies conditions for paying bonuses; prohibits provisions in contracts that provide for severance pay; allows for severance pay under specified circumstances; defines term "severance pay"; prohibiting contract provision that provides for extra compensation to limit ability to discuss contract; deletes provision that allows municipality to pay extra compensation; repeals provision relating to power of local government to pay extra compensation; repeals provision relating to prohibition against severance pay for officers or employees of water management districts. Effective Date: July 1, 2011 12/06/10 HOUSE Filed 01/10/11 HOUSE Referred to Government Operations Subcommittee; Appropriations Committee; State Affairs Committee 01/10/11 HOUSE Now in Government Operations Subcommittee 03/25/11 HOUSE On Committee agenda - Government Operations Subcommittee, 03/29/11, 12:00 pm, 306 H - PCS 03/29/11 HOUSE Favorable with CS by Government Operations Subcommittee; 9 Yeas, 3 Nays 04/01/11 HOUSE Committee Substitute Text (C1) Filed	Smith (J)	04/01/11
SB 0088 (I: 0043)	Relating to Public Employee Compensation Public Employee Compensation; Revises provisions relating to the prohibition against the payment of extra compensation. Prohibits provisions in contracts that provide for severance pay. Allows for severance pay under specified circumstances. Deletes a provision that allows a municipality to pay extra compensation. Repeals provisions relating to a prohibition against severance pay for officers or employees of water management districts, etc. EFFECTIVE DATE: July 1, 2011 11/23/10 SENATE Filed 11/29/10 SENATE Referred to Community Affairs; Judiciary; Governmental Oversight and Accountability 02/25/11 SENATE On Committee agenda - Community Affairs, 03/07/11, 3:15 pm, 412 K 03/07/11 SENATE Favorable with CS by Community Affairs; 9 Yeas, 0 Nays 03/08/11 SENATE Committee Substitute Text (C1) Filed 03/08/11 SENATE Now in Judiciary 03/30/11 SENATE On Committee agenda - Judiciary, 04/04/11, 3:15 pm, 110 S	Gaetz (D)	03/30/11
HB 0089 (I: 0914)	Relating to Effective Public Notices by Governmental Entities 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 12/17/10 HOUSE Filed 01/10/11 HOUSE Referred to Government Operations Subcommittee; Economic Affairs Committee; State Affairs Committee 01/10/11 HOUSE Now in Government Operations Subcommittee 03/30/11 HOUSE On Committee agenda - Government Operations Subcommittee, 04/01/11, 8:45 am, 17 H 04/01/11 HOUSE Temporarily postponed by Government Operations Subcommittee	Workman	04/01/11
SB 0090	Relating to Financial Emergencies Financial Emergencies; Requires a plan of a county or municipality to improve the efficiency, accountability, and coordination of the delivery of local government services to include a plan for the consolidation of all administrative direction and support services if the county or municipality is subject to review and oversight by the Governor. Authorizes a financial emergency review board for a local government entity or district school board to consult with other governmental entities for the consolidation of all administrative direction and support services, etc. EFFECTIVE DATE: July 1, 2011 11/23/10 SENATE Filed 11/29/10 SENATE Referred to Community Affairs; Education Pre-K - 12; Governmental Oversight and Accountability; Budget 01/03/11 SENATE On Committee agenda - Community Affairs, 01/11/11, 8:30 am, 412 K 01/11/11 SENATE Favorable with 2 Amendments by Community Affairs; 9 Yeas, 0 Nays 01/18/11 SENATE Now in Education Pre-K - 12 02/14/11 SENATE On Committee agenda - Education Pre-K - 12, 02/21/11, 4:00 pm, 301 S 02/21/11 SENATE Favorable with CS by Education Pre-K - 12; 3 Yeas, 0 Nays 02/22/11 SENATE Committee Substitute Text (C1) Filed	Gaetz (D)	03/24/11

02/25/11 SENATE Now in Governmental Oversight and Accountability
 03/18/11 SENATE On Committee agenda - Governmental Oversight and Accountability, 03/23/11, 3:15 pm, 110 S
 03/23/11 SENATE Favorable by Governmental Oversight and Accountability; 13 Yeas, 0 Nays
 03/24/11 SENATE Now in Budget

SB 0092 Relating to Group Insurance for Public Employees Gaetz (D) 11/29/10
 Group Insurance for Public Employees; Requires that school districts procure certain types of insurance through interlocal agreements. Requires that each school district in this state enter into a specified type of interlocal agreement and establish the School District Insurance Consortium. Requires the consortium to advertise for competitive bids for health, accident, or hospitalization insurance, as well as certain insurance plans, etc. EFFECTIVE DATE: July 1, 2011
 (I: 0635)
 11/23/10 SENATE Filed
 11/29/10 SENATE Referred to Education Pre-K - 12; Governmental Oversight and Accountability; Budget

HB 0093 Relating to Security Cameras Steube 03/30/11
 Security Cameras: Reenacts provisions relating to prohibited standards for security cameras; provides for retroactive operation of act; provides exception under specified circumstances. Effective Date: upon becoming a law, and shall operate retroactively to June 1, 2009. If such retroactive application is held by a court of last resort to be unconstitutional, this act shall apply prospectively from the date that this act becomes a law
 (I: 0172)
 12/20/10 HOUSE Filed
 01/10/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee
 01/10/11 HOUSE Now in Community & Military Affairs Subcommittee
 01/19/11 HOUSE On Committee agenda - Community and Military Affairs Subcommittee, 01/26/11, 2:00 pm, 212 K
 01/26/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 14 Yeas, 0 Nays
 01/31/11 HOUSE Now in Economic Affairs Committee
 02/18/11 HOUSE On Committee agenda - Economic Affairs Committee, 02/25/11, 9:00 am, 102 H
 02/25/11 HOUSE Favorable by Economic Affairs; 17 Yeas, 0 Nays
 02/25/11 HOUSE Placed on Calendar, on second reading
 03/11/11 HOUSE Placed on Special Order Calendar for 03/15/11
 03/15/11 HOUSE Read Second Time
 03/15/11 HOUSE Placed on Third Reading
 03/16/11 HOUSE Read Third Time; Passed (Vote: 97 Yeas / 18 Nays)
 03/24/11 SENATE In Messages
 03/24/11 SENATE Received; Referred to Community Affairs; Judiciary; Budget
 03/29/11 SENATE Withdrawn from Community Affairs, Judiciary, Budget; Substituted for SB 0172; Read Second Time
 03/29/11 SENATE Placed on Third reading
 03/30/11 SENATE Read Third Time; Passed (Vote: 36 Yeas / 0 Nays)

SB 0172 Relating to Security Cameras Bennett 03/29/11
 Security Cameras; Reenacts a specified provision relating to prohibited standards for security cameras. Provides for retroactive operation of the act. Provides for an exception under specified circumstances. EFFECTIVE DATE: upon becoming a law
 (I: 0093)
 12/01/10 SENATE Filed
 12/16/10 SENATE Referred to Community Affairs; Judiciary; Budget
 01/03/11 SENATE On Committee agenda - Community Affairs, 01/11/11, 8:30 am, 412 K
 01/11/11 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays
 01/11/11 SENATE Now in Judiciary
 01/13/11 SENATE On Committee agenda - Judiciary, 01/25/11, 10:45 am, 110 S
 01/25/11 SENATE Favorable by Judiciary; 6 Yeas, 0 Nays
 01/25/11 SENATE Now in Budget
 03/10/11 SENATE On Committee agenda - Budget, 03/15/11, 3:15 pm, 412 K
 03/15/11 SENATE Favorable by Budget; 19 Yeas, 0 Nays
 03/16/11 SENATE Placed on Calendar, on second reading
 03/21/11 SENATE Placed on Special Order Calendar for 03/23/11
 03/23/11 SENATE Temporarily Postponed on Second Reading
 03/23/11 SENATE Retained on Calendar
 03/24/11 SENATE Placed on Special Order Calendar for 03/29/11
 03/29/11 SENATE Read Second Time; Substituted for HB 0093; Laid on Table, Refer to HB 0093

SB 0174 Relating to Growth Management Bennett 03/29/11
 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
 (I: 7001)
 12/01/10 SENATE Filed
 12/16/10 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 01/03/11 SENATE On Committee agenda - Community Affairs, 01/11/11, 8:30 am, 412 K
 01/11/11 SENATE Favorable by Community Affairs; 7 Yeas, 2 Nays
 01/11/11 SENATE Now in Governmental Oversight and Accountability
 01/27/11 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/08/11, 11:15 am, 110 S
 02/08/11 SENATE Favorable by Governmental Oversight and Accountability; 12 Yeas, 1 Nay
 02/09/11 SENATE Now in Budget
 03/10/11 SENATE On Committee agenda - Budget, 03/15/11, 3:15 pm, 412 K

03/15/11 SENATE Favorable by Budget; 17 Yeas, 3 Nays
 03/16/11 SENATE Placed on Calendar, on second reading
 03/21/11 SENATE Placed on Special Order Calendar for 03/23/11
 03/23/11 SENATE Temporarily Postponed on Second Reading
 03/23/11 SENATE Retained on Calendar
 03/24/11 SENATE Placed on Special Order Calendar for 03/29/11
 03/29/11 SENATE Read Second Time; Substituted for HB 7001; Laid on Table, Refer to HB 7001

SB 0176 Relating to Affordable Housing Bennett 03/29/11

(I: 7003) 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

12/01/10 SENATE Filed
 12/16/10 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 01/03/11 SENATE On Committee agenda - Community Affairs, 01/11/11, 8:30 am, 412 K
 01/11/11 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays
 01/11/11 SENATE Now in Governmental Oversight and Accountability
 01/27/11 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/08/11, 11:15 am, 110 S
 02/08/11 SENATE Favorable by Governmental Oversight and Accountability; 12 Yeas, 1 Nay
 02/09/11 SENATE Now in Budget
 03/10/11 SENATE On Committee agenda - Budget, 03/15/11, 3:15 pm, 412 K
 03/15/11 SENATE Favorable by Budget; 20 Yeas, 0 Nays
 03/16/11 SENATE Placed on Calendar, on second reading
 03/24/11 SENATE Placed on Special Order Calendar for 03/29/11
 03/29/11 SENATE Read Second Time; Substituted for HB 7003; Laid on Table, Refer to HB 7003

SB 0232 Relating to Century Commission for a Sustainable Florida Bennett 01/25/11

(I: 0261) 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

12/08/10 SENATE Filed
 01/05/11 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 01/14/11 SENATE On Committee agenda - Community Affairs, 01/25/11, 8:30 am, 412 K
 01/25/11 SENATE Favorable by Community Affairs; 8 Yeas, 0 Nays
 01/25/11 SENATE Now in Governmental Oversight and Accountability

HB 0261 Relating to Century Commission for a Sustainable Florida Pilon 02/01/11

(I: 0232) 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

01/18/11 HOUSE Filed
 02/01/11 HOUSE Referred to Community & Military Affairs Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
 02/01/11 HOUSE Now in Community & Military Affairs Subcommittee

HB 0287 Relating to Economic Development Eisnagle 03/15/11

(S: 0506) 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

01/20/11 HOUSE Filed
 02/01/11 HOUSE Referred to Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee
 02/01/11 HOUSE Now in Economic Development & Tourism Subcommittee

02/16/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/18/11, 9:00am, 117 K (No Votes Will Be Taken)
 02/23/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/25/11, 9:00 a.m., 117 K (No Votes Will Be Taken)
 03/11/11 HOUSE On Committee agenda - Economic Development & Tourism Subcommittee, 03/15/11, 12:30 pm, 12 H
 03/15/11 HOUSE Favorable by Economic Development & Tourism Subcommittee; 12 Yeas, 0 Nays
 03/15/11 HOUSE Now in Finance & Tax Committee

SB 0296 **Relating to Household Moving Services** **Wise** **03/31/11**
 (C: 0901) Household Moving Services; Provides for the biennial renewal of mover and moving broker registrations. Prohibits a mover or moving broker from conducting business without being registered with the department. Preempts local ordinances and regulations except in certain counties. Restricts the levy or collection of local registration fees and taxes of movers and moving brokers. Provides for local registration and bonding, etc. EFFECTIVE DATE: July 1, 2011
 12/21/10 SENATE Filed
 01/05/11 SENATE Referred to Commerce and Tourism; Community Affairs; Budget
 02/23/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/25/11, 9:00 a.m., 117 K (No Votes Will Be Taken)
 03/11/11 SENATE On Committee agenda - Commerce and Tourism, 03/16/11, 1:30 pm, 401 S
 03/16/11 SENATE Temporarily postponed by Commerce and Tourism
 03/24/11 SENATE On Committee agenda - Commerce and Tourism, 03/29/11, 1:00 pm, 401 S
 03/29/11 SENATE Favorable with CS by Commerce and Tourism; 6 Yeas, 0 Nays
 03/30/11 SENATE Committee Substitute Text (C1) Filed
 03/31/11 SENATE Now in Community Affairs

SB 0310 **Relating to Public Meetings** **Negron** **01/05/11**
 (I: 0285) 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
 12/22/10 SENATE Filed
 01/05/11 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules

HB 0379 **Relating to Small Municipalities** **Clemens** **02/07/11**
 (I: 1416) Small Municipalities: Defines term "municipality of special financial concern"; requires state land planning agency to grant waiver from requirements relating to updating capital improvements element of comprehensive plan & amendments updating regional water supply plan to certain municipal applicants who meet specified criteria; requires state land planning agency to grant waiver of requirements to certain municipal applicants who meet specified criteria; revises amount of municipal revenues or expenditures & expenses that require municipality to complete financial audit of its accounts & records. Effective Date: July 1, 2011
 01/24/11 HOUSE Filed
 02/07/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee
 02/07/11 HOUSE Now in Community & Military Affairs Subcommittee

SB 0396 **Relating to Building Construction and Inspection** **Bennett** **03/21/11**
 (C: 0709 0849 5007 0960) Building Construction and Inspection; Exempts certain rule proceedings relating to the Florida Building Code. Requires that state agencies, local governments, and the court system adopt a sustainable building rating system for new and renovated buildings. Revises the continuing education requirements for licensed home inspectors. Removes certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date, etc. EFFECTIVE DATE: July 1, 2011
 01/11/11 SENATE Filed
 01/21/11 SENATE Referred to Community Affairs; Regulated Industries; Budget
 02/10/11 SENATE On Committee agenda - Community Affairs, 02/21/11, 1:45 pm, 412 K
 02/21/11 SENATE Temporarily postponed by Community Affairs
 02/25/11 SENATE On Committee agenda - Community Affairs, 03/07/11, 3:15 pm, 412 K
 03/07/11 SENATE Favorable with CS by Community Affairs; 8 Yeas, 1 Nay
 03/09/11 SENATE Committee Substitute Text (C1) Filed
 03/11/11 SENATE Now in Regulated Industries
 03/11/11 SENATE On Committee agenda - Regulated Industries, 03/16/11, 1:30 pm, 110 S
 03/16/11 SENATE Favorable with CS by Regulated Industries; 12 Yeas, 0 Nays
 03/18/11 SENATE Committee Substitute Text (C2) Filed
 03/21/11 SENATE Now in Budget

SB 0410 **Relating to Impact Fees** **Bennett** **03/30/11**
 (S: 7021) Impact Fees; Reenacts a 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
 01/12/11 SENATE Filed
 01/21/11 SENATE Referred to Community Affairs; Judiciary; Rules
 01/27/11 SENATE On Committee agenda - Community Affairs, 02/08/11, 2:00 pm, 412 K
 02/08/11 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays
 02/09/11 SENATE Now in Judiciary
 03/04/11 SENATE On Committee agenda - Judiciary, 03/09/11, 3:15 pm, 110 S
 03/09/11 SENATE Favorable by Judiciary; 7 Yeas, 0 Nays
 03/10/11 SENATE Now in Rules
 03/11/11 SENATE On Committee agenda - Rules, 03/16/11, 8:00 am, 110 S
 03/16/11 SENATE Favorable by Rules; 12 Yeas, 0 Nays

03/16/11 SENATE Placed on Calendar, on second reading
 03/24/11 SENATE Placed on Special Order Calendar for 03/29/11
 03/29/11 SENATE Read Second Time
 03/29/11 SENATE Placed on Third reading
 03/30/11 SENATE Read Third Time; Passed (Vote: 37 Yeas / 1 Nay)

SB 0456 Relating to Working Waterfront Property Diaz de la Portilla 01/21/11
 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
 01/14/11 SENATE Filed
 01/21/11 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Budget

HB 0457 Relating to Fertilizer Ingram 03/29/11
 (S: 0606) Fertilizer; Deletes authority for certain counties & municipalities to adopt fertilizer management practices more stringent than standards of specified model ordinance; requires DOACS to regulate sale, composition, formulation, packaging, use, application, & distribution of fertilizer; preempts such regulation of fertilizer to state & DOACS; specifies that such regulation of fertilizer by counties, municipalities, & other political subdivisions is void; authorizes county & municipal governments to enforce model ordinance; specifies that such preemption does not limit certain authority of DEP & water management districts. Effective Date: July 1, 2011
 01/25/11 HOUSE Filed
 02/07/11 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Community & Military Affairs Subcommittee; Rulemaking & Regulation Subcommittee; State Affairs Committee
 02/07/11 HOUSE Now in Agriculture & Natural Resources Subcommittee
 02/15/11 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 02/22/11, 1:00 pm, 102 H
 02/22/11 HOUSE Favorable with CS by Agriculture & Natural Resources Subcommittee; 10 Yeas, 3 Nays
 02/28/11 HOUSE Committee Substitute Text (C1) Filed
 03/03/11 HOUSE Now in Community & Military Affairs Subcommittee
 03/21/11 HOUSE On Committee agenda - Community & Military Affairs Subcommittee, 03/23/11, 8:00 AM, 212 K
 03/23/11 HOUSE Favorable with CS by Community & Military Affairs Subcommittee; 8 Yeas, 7 Nays
 03/28/11 HOUSE Committee Substitute Text (C2) Filed
 03/29/11 HOUSE Reference to Rulemaking & Regulation Subcommittee removed: Remaining reference: State Affairs Committee
 03/29/11 HOUSE Now in State Affairs Committee

SB 0468 Relating to Community Redevelopment Bullard (L) 04/01/11
 (S: 1343) Community Redevelopment; Expands the definition of the term "blighted area" to include land previously used as a military facility. EFFECTIVE DATE: July 1, 2011
 01/19/11 SENATE Filed
 01/25/11 SENATE Referred to Community Affairs; Military Affairs, Space, and Domestic Security; Budget
 03/16/11 SENATE On Committee agenda - Community Affairs, 03/21/11, 10:15 AM, 412 K
 03/21/11 SENATE Favorable by Community Affairs; 8 Yeas, 0 Nays
 03/21/11 SENATE Now in Military Affairs, Space, and Domestic Security
 03/25/11 SENATE On Committee agenda - Military Affairs, Space and Domestic Security, 03/30/11, 3:45 PM, 37 S
 03/30/11 SENATE Favorable by Military Affairs, Space and Domestic Security; 6 Yeas, 0 Nays
 03/31/11 SENATE Now in Budget
 04/01/11 SENATE Subreferred to Budget Subcommittee on Finance and Tax
 04/01/11 SENATE Now in Budget Subcommittee on Finance and Tax
 04/01/11 SENATE On Committee agenda - Budget Subcommittee on Finance and Tax, 04/06/11, 8:00 am, 301 S

SB 0506 Relating to Economic Development Bogdanoff 02/25/11
 (S: 0287) 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
 01/20/11 SENATE Filed
 01/25/11 SENATE Referred to Community Affairs; Commerce and Tourism; Budget
 02/10/11 SENATE On Committee agenda - Community Affairs, 02/21/11, 1:45 pm, 412 K
 02/16/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/18/11, 9:00am, 117 K (No Votes Will Be Taken)
 02/21/11 SENATE Favorable with CS by Community Affairs; 7 Yeas, 0 Nays
 02/22/11 SENATE Committee Substitute Text (C1) Filed
 02/23/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/25/11, 9:00 a.m., 117 K (No Votes Will Be Taken)
 02/25/11 SENATE Now in Commerce and Tourism

SB 0606 Relating to Fertilizer Evers 03/22/11
 (S: 0457) Fertilizer; Deletes legislative findings relating to the implementation by local governments of certain fertilizer management practices. Deletes authority for certain counties and municipalities to adopt fertilizer management practices more stringent than standards of a specified model ordinance. Requires the Department of Agriculture and Consumer Services to regulate the sale, composition, formulation, packaging, use, application, and distribution of fertilizer. Preempts such regulation of fertilizer to the state and the department, etc. EFFECTIVE DATE: July 1, 2011
 01/26/11 SENATE Filed
 02/09/11 SENATE Referred to Agriculture; Community Affairs; Budget

02/28/11 SENATE On Committee agenda - Agriculture, 03/07/11, 3:15 pm, 37 S
 03/07/11 SENATE Temporarily postponed by Agriculture
 03/09/11 SENATE On Committee agenda - Agriculture, 03/14/11, 10:15 am, 37 S
 03/14/11 SENATE Favorable with CS by Agriculture; 4 Yeas, 0 Nays
 03/16/11 SENATE Committee Substitute Text (C1) Filed
 03/22/11 SENATE Reference to Rules added; Remaining references Community Affairs, Rules, Budget
 03/22/11 SENATE Now in Community Affairs

HB 0615 Relating to Sovereign Immunity Coley 02/16/11

(S: 0966)

Sovereign Immunity: Provides that certain health care providers & vendors who primarily serve clients with specified conditions may be considered agents & employees of state or its subdivisions with respect to such services while acting within scope of & pursuant to guidelines established in contractual agreement or Medicaid provider agreement; requires indemnification; provides construction of provisions. Effective Date: July 1, 2011
 02/04/11 HOUSE Filed
 02/16/11 HOUSE Referred to Health & Human Services Access Subcommittee; Civil Justice Subcommittee; Appropriations Committee; Health & Human Services Committee
 02/16/11 HOUSE Now in Health & Human Services Access Subcommittee

HB 0639 Relating to Affordable Housing Aubuchon 03/31/11

(C: 1804)
(I: 0912)

Affordable Housing: Provides housing finance authority with additional purpose for which it may exercise power to borrow; revises provisions relating to local comprehensive plans to authorize inclusion of element for affordable housing for certain seniors; provides for disposition of real property by local government for certain purposes; revises allocation of certain proceeds distributed from excise tax on documents that are paid into State Treasury to credit of State Housing Trust Fund; includes needs of persons with special needs in state housing strategy's periodic review & report; authorizes DCA Secretary to designate senior-level agency employee to serve on board of directors of FHFC; provides for appointment of inspector general of FHFC; requires certain rates of interest to be made available to sponsors of projects for persons with special needs; provides & revises powers of FHFC; limits reservation of funds within each notice of fund availability to persons with special needs tenant group; includes persons with special needs as tenant group for specified purposes of State Apartment Incentive Loan Program; revises & provides criteria to be used by specified review committee for competitive ranking of applications for such program; prohibits funds from State Housing Trust Fund or Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes. Effective Date: July 1, 2011
 02/07/11 HOUSE Filed
 02/22/11 HOUSE Referred to Community & Military Affairs Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
 02/22/11 HOUSE Now in Community & Military Affairs Subcommittee
 03/04/11 HOUSE On Committee agenda - Community & Military Affairs Subcommittee, 03/08/11, 8:00 am, 212 K
 03/08/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 15 Yeas, 0 Nays
 03/08/11 HOUSE Now in Transportation and Economic Development Appropriations Subcommittee
 03/09/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 03/11/11, 12:30pm, 117 K (No Votes Will Be Taken)
 03/18/11 HOUSE On Committee agenda - Transportation & Economic Development Appropriations Subcommittee, 03/22/11, 9:00 am, 102 H
 03/22/11 HOUSE Favorable by Transportation & Economic Development Appropriations; 11 Yeas, 0 Nays
 03/22/11 HOUSE On Committee agenda - Economic Affairs Committee, 03/24/11, 8:30 am, 102 H
 03/24/11 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays
 03/24/11 HOUSE Placed on Calendar, on second reading
 03/25/11 HOUSE Placed on Special Order Calendar for 03/29/11
 03/29/11 HOUSE Read Second Time
 03/29/11 HOUSE Placed on Third Reading
 03/31/11 HOUSE Read Third Time; Passed (Vote: 117 Yeas / 0 Nays)

HB 0707 Relating to Agriculture Crisafulli 04/01/11

(C: 0803 0408)
(I: 0858)

Agriculture: Prohibits county from enforcing certain limits on activity of bona fide farm operation on agricultural land or charging such land for stormwater management assessments & fees; allows assessment to be collected if credits against assessment are provided for implementation of best management practices; provides exemptions from certain restrictions on county's powers over activity on agricultural land; creates "Agricultural Land Acknowledgement Act"; requires applicant for certain development permits to acknowledge certain contiguous agricultural lands as condition of permit; authorizes certain sellers of agricultural products to qualify for exemption from obtaining local business tax receipt; revises term "farm tractor" for purposes of driver's licenses; exempts tropical foliage from agricultural products dealer regulations; exempts farm fences from Florida Building Code; exempts nonresidential farm buildings & farm fences from county & municipal codes & fees; requires that gross written premiums for certain crop insurance not be included in insurer's gross writing ratio; requires certain insurers to disclose breakout of gross written premiums for crop insurance; revises requirements for open burning. Effective Date: July 1, 2011
 02/10/11 HOUSE Filed
 02/22/11 HOUSE Referred to Community & Military Affairs Subcommittee, Rulemaking & Regulation Subcommittee, Agriculture & Natural Resources Appropriations Subcommittee, State Affairs Committee
 02/22/11 HOUSE Now in Community & Military Affairs Subcommittee
 02/23/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/25/11, 9:00 a.m., 117 K (No Votes Will Be Taken)
 03/02/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 03/04/11, 9:00 am, 117 K (No Votes Will Be Taken)
 03/17/11 HOUSE On Committee agenda - Community & Military Affairs Subcommittee, 03/21/11, 4:00 pm, 212 K
 03/21/11 HOUSE Favorable with CS by Community & Military Affairs Subcommittee; 14 Yeas, 0 Nays
 03/21/11 HOUSE On Committee agenda - Community & Military Affairs Subcommittee, 03/23/11, 8:00 AM, 212 K
 03/23/11 HOUSE Not Considered by Community & Military Affairs Subcommittee
 03/23/11 HOUSE Committee Substitute Text (C1) Filed

03/24/11 HOUSE Now in Rulemaking & Regulation Subcommittee
 04/01/11 HOUSE On Committee agenda - Rulemaking & Regulation Subcommittee, 04/05/11, 3:00 pm, 306 H

HB 0781 Relating to Neighborhood Improvement Districts Soto 03/03/11

(I: 1010) Neighborhood Improvement Districts: Provides & revises provisions relating to neighborhood improvement districts, including creation & funding of safe districts, powers & duties of municipalities & counties, requirements, bonds & assessments, governing bodies, board of directors; property owners' associations, state grants, special neighborhood improvement districts, community redevelopment neighborhood improvement districts, powers of local governing bodies, & ad valorem tax on real or personal property; repeals provisions relating to crime prevention through community policing innovations, safe neighborhoods program, duties of Department of Legal Affairs, neighborhood improvement district inside enterprise zone, effect & construction of existing laws, state redevelopment programs, safe neighborhood districts, Neighborhood Preservation & Enhancement Program, & Neighborhood Councils & local government designated agency. Effective Date: July 1, 2011
 02/16/11 HOUSE Filed
 03/03/11 HOUSE Referred to Community & Military Affairs Subcommittee; Finance & Tax Committee; Economic Affairs Committee
 03/03/11 HOUSE Now in Community & Military Affairs Subcommittee

SB 0858 Relating to Agriculture Hays 03/21/11

(C: 0803 0991 0408) (S: 0707) Agriculture; Prohibits a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances. Prohibits a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances. Allows an assessment to be collected if credits against the assessment are provided for implementation of best management practices. Creates the "Agricultural Land Acknowledgement Act," etc. EFFECTIVE DATE: July 1, 2011
 02/08/11 SENATE Filed
 02/17/11 SENATE Referred to Agriculture; Community Affairs; Regulated Industries; Budget
 02/23/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/25/11, 9:00 a.m., 117 K (No Votes Will Be Taken)
 02/28/11 SENATE On Committee agenda - Agriculture, 03/07/11, 3:15 pm, 37 S
 03/02/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 03/04/11, 9:00 am, 117 K (No Votes Will Be Taken)
 03/07/11 SENATE Favorable with CS by Agriculture; 4 Yeas, 0 Nays
 03/08/11 SENATE Committee Substitute Text (C1) Filed
 03/08/11 SENATE Reference to Regulated Industries removed; Remaining references Community Affairs, Budget
 03/08/11 SENATE Now in Community Affairs
 03/16/11 SENATE On Committee agenda - Community Affairs, 03/21/11, 10:15 AM, 412 K
 03/21/11 SENATE Favorable by Community Affairs; 8 Yeas, 0 Nays
 03/21/11 SENATE Now in Budget

SB 0912 Relating to Affordable Housing Bennett 03/15/11

(C: 1804) (I: 0639) Affordable Housing; Requires the inspector general to prepare an annual report. Provides a housing finance authority with an additional purpose for which it may exercise its power to borrow. Revises provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors. Revises the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund, etc. EFFECTIVE DATE: July 1, 2011
 02/09/11 SENATE Filed
 02/17/11 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs; Budget
 02/25/11 SENATE On Committee agenda - Community Affairs, 03/07/11, 3:15 pm, 412 K
 03/07/11 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays
 03/08/11 SENATE Now in Children, Families, and Elder Affairs
 03/09/11 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 03/11/11, 12:30pm, 117 K (No Votes Will Be Taken)
 03/09/11 SENATE On Committee agenda - Children, Families, and Elder Affairs, 03/14/11, 1:00 pm, 401 S
 03/14/11 SENATE Favorable by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays
 03/15/11 SENATE Now in Budget

SB 0914 Relating to Effective Public Notices By Governmental Entities Bennett 02/17/11

(I: 0089) Effective Public Notices by Governmental Entities; Authorizes a local government to use its publicly accessible website for legally required advertisements and public notices. Provides conditions for such use. Provides for advertisement on a publicly accessible website of a taxing authority's intent to adopt a millage rate and budget. Provides for advertisement of notice on such website of funding availability through a local housing assistance plan under the State Housing Initiatives Partnership Act, etc. EFFECTIVE DATE: October 1, 2011
 02/09/11 SENATE Filed
 02/17/11 SENATE Referred to Community Affairs; Judiciary; Budget

SB 0944 Relating to Florida Statutes Thrasher 03/25/11

(I: 7007) Florida Statutes; Amends and reenacts various provisions of the Florida Statutes. EFFECTIVE DATE: 60 days after sine die
 02/09/11 SENATE Filed
 02/10/11 SENATE Referred to Rules
 02/14/11 SENATE On Committee agenda - Rules, 02/24/11, 1:15 pm, 110 S
 02/24/11 SENATE Favorable by Rules; 11 Yeas, 0 Nays
 02/24/11 SENATE Placed on Calendar, on second reading
 02/24/11 SENATE Placed on Special Order Calendar for 03/09/11
 03/09/11 SENATE Read Second Time; Read Third Time; Passed (Vote: 39 Yeas / 0 Nays); Immediately Certified
 03/09/11 HOUSE In Messages
 03/09/11 HOUSE Referred to Calendar

03/09/11 HOUSE Placed on Special Order Calendar for 03/10/11
 03/10/11 HOUSE Substituted for HB 7007; Read Second Time; Read Third Time; Passed (Vote: 119 Yeas / 0 Nays)
 03/15/11 SENATE Ordered enrolled
 03/16/11 SENATE Enrolled Text (ER) Filed
 03/21/11 Signed by Officers and presented to Governor
 03/25/11 Approved by Governor; Chapter No. 2011-4

HB 0945 Relating to Growth Management Young 03/03/11
 (S: 1440)
 Growth Management: Authorizes Fish and Wildlife Conservation Commission, in cooperation with other specified state agencies, to provide assistance to landowners & local governments in implementing provisions relating to rural land stewardship areas; revises criteria for establishing rural land stewardship area; revises provisions relating to transferrable land use credits; revises credit limitations; provides legislative findings & intent; prohibits state land planning agency from adopting certain rules; repeals certain administrative rules relating to rural land stewardship areas. Effective Date: July 1, 2011
 02/23/11 HOUSE Filed
 03/03/11 HOUSE Referred to Community & Military Affairs Subcommittee; Agriculture & Natural Resources Subcommittee; Economic Affairs Committee
 03/03/11 HOUSE Now in Community & Military Affairs Subcommittee

SB 0966 Relating to Sovereign Immunity Bennett 02/17/11
 (S: 0615)
 Sovereign Immunity; Provides that certain health care providers and vendors, and their agents and employees, who primarily serve clients with specified conditions may be considered agents and employees of the state or its subdivisions with respect to such services while acting within the scope of and pursuant to guidelines established in a contractual agreement or Medicaid provider agreement. Requires indemnification. Provides construction of provisions. Conforms cross-references to changes made by the act. EFFECTIVE DATE: July 1, 2011
 02/10/11 SENATE Filed
 02/17/11 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Judiciary

HB 0987 Relating to Optional Sector Plans Crisafulli 03/03/11
 (C: 7129 1122 1904)
 Optional Sector Plans: Increases minimum size of geographic areas that qualify for use of optional sector plans; revises terminology relating to plans; deletes obsolete provisions; revises content required to be included in conceptual long-term overlay plans & detailed specific area plans; requires identification of water development projects & transportation facilities to serve future development needs; exempts certain developments from requirement to develop detailed specific area plan; requires that certain plan amendments or long-term conceptual overlay plans include buildout date & precludes certain changes in development until after that date; authorizes certain development agreements between developer & local government; provides for continuation of certain existing land uses. Effective Date: July 1, 2011
 02/24/11 HOUSE Filed
 03/03/11 HOUSE Referred to Community & Military Affairs Subcommittee; Appropriations Committee; Economic Affairs Committee
 03/03/11 HOUSE Now in Community & Military Affairs Subcommittee

HB 0991 Relating to Environmental Permitting Patronis 04/01/11
 (C: 0707 0858 1180 1404 1966)
 Environmental Regulation: Creates, amends, & revises numerous provisions relating to development, construction, operating, & building permits; permit application requirements & procedures, including waivers, variances, & revocation; local government comprehensive plans & plan amendments; programmatic general permits & regional general permits; permits for projects relating to surface water management systems, coastal construction, dredge & fill activities, inland multimodal facilities & commercial & industrial development, biofuel & renewable energy facilities, & mining activities; provisions relating to innocent victim petroleum storage system restoration, ambient air quality & water quality standards, & solid waste disposal; revises provisions relating to the Miami-Dade County Lake Belt Mitigation Plan; authorizes sale of unblended fuels for certain uses; provides exemptions for farm buildings & fences; revises deadline for completion of certain fuel tank upgrades; revises DEP rules relating to uniform mitigation assessment method for activities in surface waters & wetlands; directs DEP to make changes to conform; provides for reassessment of mitigation banks under certain conditions. Effective Date: July 1, 2011
 02/24/11 HOUSE Filed
 03/03/11 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Rulemaking & Regulation Subcommittee; Economic Affairs Committee; Appropriations Committee; State Affairs Committee
 03/03/11 HOUSE Now in Agriculture & Natural Resources Subcommittee
 03/11/11 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 03/15/11, 12:30 pm, 102 H
 03/15/11 HOUSE Favorable with CS by Agriculture & Natural Resources Subcommittee; 10 Yeas, 5 Nays
 03/18/11 HOUSE Committee Substitute Text (C1) Filed
 03/21/11 HOUSE Now in Rulemaking & Regulation Subcommittee
 03/21/11 HOUSE On Committee agenda - Rulemaking & Regulation Subcommittee, 03/23/11, 1:00 pm, 306 H
 03/23/11 HOUSE Favorable with CS by Rulemaking & Regulation Subcommittee; 14 Yeas, 0 Nays
 04/01/11 HOUSE Committee Substitute Text (C2) Filed

SB 1010 Relating to Neighborhood Improvement Districts Simmons 03/29/11
 (I: 0781)
 Neighborhood Improvement Districts; Revises the short title to become the "Neighborhoods Improvement Act." Authorizes the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance. Removes provisions pertaining to the creation and funding of safe neighborhood districts. Revises provisions authorizing a local governing body to create a local government neighborhood improvement district, etc. EFFECTIVE DATE: July 1, 2011
 02/11/11 SENATE Filed
 02/17/11 SENATE Referred to Community Affairs; Judiciary; Budget
 03/29/11 SENATE On Committee agenda - Community Affairs, 04/04/11, 1:00 PM, 412 K

SB 1122 Relating to Growth Management Bennett 03/30/11

(C: 7021) Growth Management; Redesignates the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act." Redesignates the "Agricultural Lands and Practices Act" as the "Agricultural Lands and Practices" section. Removes regional planning agencies from responsibility to prepare comprehensive plans. Prohibits initiative or referendum processes in regard to development orders, local comprehensive plan amendments, and map amendments, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided
 02/15/11 SENATE Filed
 03/01/11 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Budget
 03/23/11 SENATE On Committee agenda - Community Affairs, 03/28/11, 1:00 pm, 412 K
 03/28/11 SENATE Favorable with CS by Community Affairs; 9 Yeas, 0 Nays
 03/30/11 SENATE Committee Substitute Text (C1) Filed
 03/30/11 SENATE Now in Environmental Preservation and Conservation

HB 1153 Relating to Infrastructure Investment Ray 03/14/11
 (C: 0399 0768 1404 1716) Infrastructure Investment: Directs Secretary of Transportation to designate assistant secretary with duties relating to economic development, investment opportunities, & transportation projects; provides for Trade Infrastructure Steering Committee, State Infrastructure Bank Selection Committee, Strategic Intermodal System Project Selection Committee, & prioritizing funding for transportation projects; revises provisions relating to concurrency requirements, Strategic Intermodal System, transportation facility project funding, Seaport Transportation & Economic Development Council & Florida Seaport Mission Plan, state-funded infrastructure bank, Strategic Intermodal System Plan, facilities located in deepwater ports, & dredging in seaports. Effective Date: July 1, 2011
 (S: 1718)
 (L: 1155)
 03/03/11 HOUSE Filed
 03/14/11 HOUSE Referred to Transportation & Highway Safety Subcommittee; Agriculture & Natural Resources Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
 03/14/11 HOUSE Now in Transportation & Highway Safety Subcommittee

HB 1175 Relating to Energy Economic Zones Pilon 03/14/11
 (S: 1460) Energy Economic Zones: Requires DCA to include in its report on Energy Economic Zone Pilot Program information relating to incentives available under program; exempts certain building materials used in construction or rehabilitation of energy-efficient structures & clean energy technology & manufacturing products from tax on sales, use, & other transactions; exempts energy economic zones from minimum wage requirements; provides fiscal & regulatory incentives & reimbursement grants, jobs tax credits, property tax credits, & qualified target industry business tax credits for businesses in energy economic zones; authorizes community contribution tax credits for certain local governing bodies. Effective Date: July 1, 2011
 03/03/11 HOUSE Filed
 03/14/11 HOUSE Referred to Economic Development & Tourism Subcommittee; Energy & Utilities Subcommittee; Finance & Tax Committee; Economic Affairs Committee
 03/14/11 HOUSE Now in Economic Development & Tourism Subcommittee

SB 1180 Relating to Transportation Latvala 04/01/11
 (C: 0283 0991 1363 1371 1389 0524 0768 1404 1570 1934 1966 2152) Transportation; Provides that the Florida Statewide Passenger Rail Commission has the primary and exclusive authority to monitor certain designated functions related to passenger rail systems. Removes from the Florida Transportation Commission the responsibility and duty to monitor the efficiency, productivity, and management of all publicly funded passenger rail systems in the state, etc. EFFECTIVE DATE: July 1, 2011
 02/17/11 SENATE Filed
 03/01/11 SENATE Referred to Transportation; Budget
 03/17/11 SENATE On Committee agenda - Transportation, 03/22/11, 1:15 pm, 37 S
 03/22/11 SENATE Temporarily postponed by Transportation
 03/24/11 SENATE On Committee agenda - Transportation, 03/29/11, 1:00 pm, 37 S
 03/29/11 SENATE Favorable with CS by Transportation; 6 Yeas, 0 Nays
 04/01/11 SENATE Committee Substitute Text (C1) Filed
 04/01/11 SENATE Now in Budget

SB 1204 Relating to Joint Legislative Organizations Thrasher 03/16/11
 (C: 7211) Joint Legislative Organizations; Repeals provisions relating to the Office of Program Policy Analysis and Government Accountability, the Joint Administrative Procedures Committee, the Legislative Committee on Intergovernmental Relations, the Joint Legislative Committee on Everglades Oversight, and the Florida Government Accountability Act. Repeal provisions relating to creation of a joint
 (I: 7017) select committee to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential
 (L: 7099 1970) action, etc. EFFECTIVE DATE: upon becoming a law
 02/17/11 SENATE Filed
 02/17/11 SENATE Referred to Rules
 02/17/11 SENATE On Committee agenda - Rules, 02/24/11, 1:15 pm, 110 S
 02/24/11 SENATE Favorable by Rules; 11 Yeas, 0 Nays
 02/24/11 SENATE Placed on Calendar, on second reading
 02/24/11 SENATE Placed on Special Order Calendar for 03/08/11
 03/08/11 SENATE Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays); Immediately Certified
 03/08/11 HOUSE In Messages
 03/08/11 HOUSE Referred to Calendar
 03/08/11 HOUSE Placed on Special Order Calendar for 03/09/11
 03/09/11 HOUSE Substituted for HB 7017; Read Second Time
 03/09/11 HOUSE Placed on Third Reading
 03/10/11 HOUSE Read Third Time; Passed (Vote: 96 Yeas / 20 Nays)
 03/15/11 SENATE Ordered enrolled
 03/16/11 SENATE Enrolled Text (ER) Filed

HB 1245 Relating to Division of Emergency Management Nehr 04/01/11

(I: 1602) Division of Emergency Management: Transfers division to EOG & renames it "Office of Emergency Management"; revises membership of Hurricane Loss Mitigation Program's advisory group. Effective Date: October 1, 2011
 03/04/11 HOUSE Filed
 03/14/11 HOUSE Referred to Government Operations Subcommittee; Appropriations Committee; State Affairs Committee
 03/14/11 HOUSE Now in Government Operations Subcommittee
 03/30/11 HOUSE On Committee agenda - Government Operations Subcommittee, 04/01/11, 8:45 am, 17 H
 04/01/11 HOUSE Favorable with CS by Government Operations Subcommittee; 12 Yeas, 0 Nays

HB 1275 Relating to Enterprise Zones Metz 03/14/11
 Enterprise Zones: Revises criteria for designation of enterprise zones; deletes pervasive poverty from such criteria; revises maximum number of enterprise zones authorized; revises requirements for contents of enterprise zone strategic plans; authorizes Lake County to apply for designation of enterprise zone; requires OTTED to establish effective date for enterprise zone; revises maximum tax refunds for building materials & business property used in enterprise zone; revises enterprise zone jobs credits against sales tax & corporate income tax, & enterprise zone property tax credit, to include credit for part-time employment; deletes provisions for tax credits based upon employment of persons residing in enterprise zones. Effective Date: July 1, 2011
 (I: 1820) 03/04/11 HOUSE Filed
 03/14/11 HOUSE Referred to Economic Development & Tourism Subcommittee; Finance & Tax Committee; Economic Affairs Committee
 03/14/11 HOUSE Now in Economic Development & Tourism Subcommittee

SB 1296 Relating to Enterprise Zones Detert 04/01/11
 Enterprise Zones; Advances the date of the expiration of the Florida Enterprise Zone Act. Provides for the expiration of a provision to conform to the expiration of the Florida Enterprise Zone Act which authorizes the governing body of a county or municipality containing an enterprise zone to make a funding request for capital improvements relating to crime prevention under certain circumstances. Provides that the repeal of the Florida Enterprise Zone Act does not affect the availability of certain tax credits or tax refunds, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided
 (C: 1099) 02/22/11 SENATE Filed
 03/07/11 SENATE Referred to Commerce and Tourism; Community Affairs; Budget
 04/01/11 SENATE Pending withdrawal

HB 1343 Relating to Community Redevelopment Bullard (D) 03/14/11
 Community Redevelopment: Expands definition of term "blighted area" to include land previously used as military facility. Effective Date: July 1, 2011
 (S: 0468) 03/07/11 HOUSE Filed
 03/14/11 HOUSE Referred to Community & Military Affairs Subcommittee; Finance & Tax Committee; Economic Affairs Committee
 03/14/11 HOUSE Now in Community & Military Affairs Subcommittee

HB 1363 Relating to Department of Transportation Brandes 03/30/11
 Department of Transportation: Revises provisions relating to commercial motor vehicle safety regulations & driver qualifications, imposition of fuel taxes, powers & duties & authority of DOT, utility facilities, installations at highway rest areas & in right-of-way limits, Florida Transportation Plan, Strategic Intermodal System, Emerging Strategic Intermodal System, & outdoor advertising; provides road designations; removes references to Florida Intrastate Highway System. Effective Date: July 1, 2011
 (C: 0351 0489 0953 0963 1389 7213 0492 0908 1172 1180 1464 1934)
 03/07/11 HOUSE Filed
 03/14/11 HOUSE Referred to Transportation & Highway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee
 03/14/11 HOUSE Now in Transportation & Highway Safety Subcommittee
 03/18/11 HOUSE On Committee agenda - Transportation & Highway Safety Subcommittee, 03/22/11, 12:05 pm, 306 H
 03/22/11 HOUSE Favorable with CS by Transportation & Highway Safety Subcommittee; 15 Yeas, 0 Nays
 03/29/11 HOUSE Committee Substitute Text (C1) Filed
 03/30/11 HOUSE Now in Transportation & Economic Development Appropriations Subcommittee

SB 1404 Relating to Environmental Permitting Evers 03/30/11
 Environmental Permitting; Authorizes the provision of certain notices under the Administrative Procedure Act via a link to a publicly available Internet website. Provides that the construction and operation of a biofuel processing facility or renewable energy generating facility and the cultivation of bioenergy by a local government is a valid and permitted land use. Authorizes expedited permitting for certain inland multimodal facilities and for commercial or industrial development projects that individually or collectively will create a minimum number of jobs, etc. EFFECTIVE DATE: upon becoming a law
 (C: 0991 1153 1718 1966)
 02/24/11 SENATE Filed
 03/07/11 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Agriculture; Budget
 03/25/11 SENATE On Committee agenda - Environmental Preservation and Conservation, 03/30/11, 1:30 pm, 110 S
 03/30/11 SENATE Temporarily postponed by Environmental Preservation and Conservation

SB 1416 Relating to Small Municipalities Benacquisto 03/07/11
 Small Municipalities; Defines the term "municipality of special financial concern." Requires the state land planning agency to grant a waiver from requirements relating to updating the capital improvements element of the comprehensive plan and amendments updating the regional water supply plan to certain municipal applicants who meet specified criteria. Requires the state land planning agency to grant a waiver of requirements to certain municipal applicants who meet specified criteria, etc. EFFECTIVE DATE: July 1, 2011
 (I: 0379) 02/25/11 SENATE Filed
 03/07/11 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Budget

HB 1427 Relating to Growth Management Davis 03/14/11

(C: 7129 1122) (S: 1512)	Growth Management; Revises & provides definitions relating to Local Government Comprehensive Planning & Land Development Regulation Act; revises requirements for comprehensive plans relating to capital improvements & future land use plan elements; revises transportation concurrency requirements relating to transportation planning & proportionate share; revises definition of term "transportation concurrency backlog" to "transportation deficiency"; revises provisions relating to transportation deficiency plans & projects; exempts transit-oriented developments from review of transportation impacts in developments-of-regional-impact process. Effective Date: upon becoming a law 03/08/11 HOUSE Filed 03/14/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee 03/14/11 HOUSE Now in Community & Military Affairs Subcommittee		
SB 1440 (S: 0945)	Relating to Rural Land Development Rural Land Development; Adds the Fish and Wildlife Conservation Commission and removes the water management districts from the list of governmental entities that must cooperate in providing assistance in the implementation of laws governing land use planning and development and related agency rule. Adds a landowner as a recipient of assistance in designating rural land stewardship areas. Exempts a landowner or local government from a requirement to demonstrate need, etc. EFFECTIVE DATE: July 1, 2011 02/25/11 SENATE Filed 03/09/11 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Budget 03/18/11 SENATE On Committee agenda - Environmental Preservation and Conservation, 03/23/11, 1:00 pm, 110 S 03/23/11 SENATE Temporarily Postponed by Environmental Preservation and Conservation	Hays	03/23/11
SB 1460 (S: 1175)	Relating to Energy Economic Zones Energy Economic Zones; Includes energy economic zones in the pilot program implementing an alternative state review process. Exempts certain machinery and equipment used in the production of renewable energy in an energy economic zone from the tax on sales, use, and other transactions. Exempts certain building materials used in the rehabilitation of real property located in an energy economic zone from the tax on sales, use, and other transactions. Provides for expiration of the tax exemption for energy economic zones, etc. EFFECTIVE DATE: July 1, 2011 03/01/11 SENATE Filed 03/09/11 SENATE Referred to Commerce and Tourism; Communications, Energy, and Public Utilities; Community Affairs; Budget 03/24/11 SENATE On Committee agenda - Commerce and Tourism, 03/29/11, 1:00 pm, 401 S 03/29/11 SENATE Favorable with CS by Commerce and Tourism; 6 Yeas, 0 Nays 03/30/11 SENATE Committee Substitute Text (C1) Filed 03/30/11 SENATE Now in Communications, Energy, and Public Utilities	Bennett	03/30/11
SB 1512 (C: 7129 1122) (S: 1427)	Relating to Growth Management Growth Management; Revises and provides definitions relating to the Local Government Comprehensive Planning and Land Development Regulation Act. Revises requirements for comprehensive plans relating to capital improvements and future land use plan elements. Revises transportation concurrency requirements relating to transportation planning and proportionate share. Revises the definition of the term "transportation concurrency backlog" to "transportation deficiency," etc. EFFECTIVE DATE: upon becoming a law 03/02/11 SENATE Filed 03/09/11 SENATE Referred to Community Affairs; Military Affairs, Space, and Domestic Security; Transportation; Budget 03/16/11 SENATE On Committee agenda - Community Affairs, 03/21/11, 10:15 AM, 412 K 03/21/11 SENATE Favorable with CS by Community Affairs; 9 Yeas, 0 Nays 03/21/11 SENATE Committee Substitute Text (C1) Filed 03/22/11 SENATE Reference to Military Affairs, Space, and Domestic Security removed; Remaining references: Transportation, Budget 03/22/11 SENATE Now in Transportation	Bennett	03/22/11
SB 1546 (C: 7195 7197 1620)	Relating to Charter Schools Charter Schools; Revises provisions relating to the sponsoring entities of charter schools. Authorizes state universities and colleges to approve charter school applications and develop charter schools under certain circumstances. Provides for the designation of charter schools as high-performing if certain requirements are met. Creates the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students. Requires that the OPPAGA conduct a study comparing the funding of charter schools to the funding of public schools, etc. EFFECTIVE DATE: July 1, 2011 03/02/11 SENATE Filed 03/09/11 SENATE Referred to Education Pre-K - 12; Higher Education; Budget 03/18/11 SENATE On Committee agenda - Education Pre-K - 12, 03/23/11, 1:00 pm, 301 S 03/23/11 SENATE Temporarily Postponed by Education Pre-K - 12 03/25/11 SENATE On Committee agenda - Education Pre-K - 12, 03/30/11, 1:30 PM, 301 S 03/30/11 SENATE Favorable with CS by Education Pre-K - 12; 3 Yeas, 0 Nays 03/31/11 SENATE Committee Substitute Text (C1) Filed 04/01/11 SENATE Now in Higher Education 04/01/11 SENATE On Committee agenda - Higher Education, 04/04/11, 3:15 pm, 301 S	Thrasher	04/01/11
SB 1602 (I: 1245)	Relating to Division of Emergency Management Division of Emergency Management; Transfers the Division of Emergency Management to the Executive Office of the Governor and renames it the "Office of Emergency Management." Conforms provisions to changes made by the act. Revises the membership of the Hurricane Loss Mitigation Program's advisory group, etc. EFFECTIVE DATE: October 1, 2011 03/03/11 SENATE Filed 03/09/11 SENATE Referred to Military Affairs, Space, and Domestic Security; Governmental Oversight and Accountability; Budget	Gaetz (D)	03/09/11
SB 1620 (C: 7197 1546)	Relating to K-12 Educational Instruction K-12 Educational Instruction; Adds statewide virtual providers to the list of public school choices. Authorizes the creation of a virtual charter school. Requires the virtual charter school to contract with an approved statewide virtual provider. Provides for funding of the virtual charter school. Provides for a blended-learning charter school. Provides that home education students may enroll in certain virtual education courses or courses offered in the school district in which they reside, etc. EFFECTIVE DATE: upon becoming a law	Flores	03/31/11

03/03/11 SENATE Filed
 03/09/11 SENATE Referred to Education Pre-K - 12; Budget
 03/31/11 SENATE On Committee agenda - Education Pre-K - 12, 04/05/11, 1:15 PM, 301 S

SB 1792 Relating to Growth Policy Diaz de la Portilla 03/28/11
 (I: 4001) Growth Policy; Repeals provisions relating to the Urban Infill and Redevelopment Assistance Grant Program, to terminate the program. Conforms cross-references to changes made by the act. EFFECTIVE DATE: July 1, 2011
 03/04/11 SENATE Filed
 03/14/11 SENATE Referred to Community Affairs; Budget
 03/23/11 SENATE On Committee agenda - Community Affairs, 03/28/11, 1:00 pm, 412 K
 03/28/11 SENATE Favorable by Community Affairs; 9 Yeas, 0 Nays
 03/28/11 SENATE Now in Budget

SB 1804 Relating to Growth Management Diaz de la Portilla 03/14/11
 (C: 0639 0912) Growth Management; Requires that charter schools be a permitted mitigation option for purposes of meeting concurrency requirements. Provides that an amendment to a comprehensive plan that affects acreage of 10 acres or less is a small scale development amendment, notwithstanding any restrictive covenant. Removes the funding cap for the State Housing Trust Fund and the Local Government Housing Trust Fund, etc. EFFECTIVE DATE: July 1, 2011
 03/04/11 SENATE Filed
 03/14/11 SENATE Referred to Community Affairs; Education Pre-K - 12; Budget

SB 1820 Relating to Enterprise Zones Hays 03/14/11
 (I: 1275) Enterprise Zones; Revises criteria for the designation of enterprise zones. Revises the maximum number of enterprise zones authorized. Authorizes Lake County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone. Reenacts provisions relating to the scheduled repeal of the Florida Enterprise Zone Act. Revises the maximum tax refunds for building materials and business property used in an enterprise zone. Deletes provisions for tax refunds based upon a certain percentage of employees residing in an enterprise zone, etc. EFFECTIVE DATE: July 1, 2011
 03/04/11 SENATE Filed
 03/14/11 SENATE Referred to Commerce and Tourism; Community Affairs; Budget

SB 1904 Relating to Growth Management Altman 03/31/11
 (C: 0987 7129 1122) Growth Management; Increases the minimum size of geographic areas that qualify for the use of sector plans. Revises terminology relating to such plans. Revises the content required to be included in long-term master plans and detailed specified area plans. Requires identification of water development projects and transportation facilities to serve future development needs. Authorizes certain development agreements between the developer and the local government, etc. EFFECTIVE DATE: upon becoming a law
 03/07/11 SENATE Filed
 03/16/11 SENATE Referred to Community Affairs; Environmental Preservation and Conservation; Transportation; Budget
 03/23/11 SENATE On Committee agenda - Community Affairs, 03/28/11, 1:00 pm, 412 K
 03/28/11 SENATE Favorable with CS by Community Affairs; 9 Yeas, 0 Nays
 03/29/11 SENATE Committee Substitute Text (C1) Filed
 03/30/11 SENATE Now in Environmental Preservation and Conservation
 03/31/11 SENATE On Committee agenda - Environmental Preservation and Conservation, 04/05/11, 1:15 pm, 110 S

SB 1910 Relating to State and Regional Planning Diaz de la Portilla 03/24/11
 (C: 7129 1122) State and Regional Planning; Repeals provisions relating to the Florida Regional Planning Council Act. Amends provisions relating to comprehensive planning. Removes a reference to a dispute resolution process, to conform. Amends provisions relating to concurrency exception areas. Removes a provision allowing the state land planning agency to delegate review of evaluation and appraisal reports to the appropriate regional planning council, to conform, etc. EFFECTIVE DATE: July 1, 2011
 03/07/11 SENATE Filed
 03/16/11 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 03/23/11 SENATE Pending withdrawal
 03/24/11 SENATE Withdrawn from Community Affairs; Governmental Oversight and Accountability; Budget
 03/24/11 SENATE Withdrawn from further consideration

SB 1942 Relating to Local Government Services Bennett 03/29/11
 (I: 4031) Local Government Services; Repeals provisions relating to efficiency and accountability in local government services. EFFECTIVE DATE: July 1, 2011
 03/07/11 SENATE Filed
 03/16/11 SENATE Referred to Community Affairs; Budget
 03/29/11 SENATE On Committee agenda - Community Affairs, 04/04/11, 1:00 PM, 412 K

SB 1972 Relating to Health and Human Services Negron 04/01/11
 (C: 0119 0199 0245 0395 0445 0479 0661 0795 0935 1019 1289 1393 7107 0094 0406 0626 0656 1356 1396 1410 1500 1522 1590 1676 1736 1892 1924) Health and Human Services; Exempts hospital districts from the requirement to provide funding to a community redevelopment agency. Provides for medical assistance for children in out-of-home-care and adopted children. Revises provisions relating to conditions for Medicaid eligibility. Establishes the Medicaid managed care program as the statewide, integrated managed care program for medical assistance and long-term care services. Requires all Medicaid recipients to be enrolled in Medicaid managed care. Establishes regions for separate procurement of plans, etc. EFFECTIVE DATE: upon becoming a law
 03/07/11 SENATE Filed

03/16/11 SENATE Referred to Health Regulation; Budget
 03/23/11 SENATE On Committee agenda - Health Regulation, 03/30/11, 8:00 AM, 412 K
 03/30/11 SENATE Favorable with CS by Health Regulation; 11 Yeas, 0 Nays
 04/01/11 SENATE Committee Substitute Text (C1) Filed
 04/01/11 SENATE Now in Budget
 04/01/11 SENATE Subreferred to Budget Subcommittee on Health and Human Services Appropriations
 04/01/11 SENATE Now in Budget Subcommittee on Health and Human Services Appropriations
 04/01/11 SENATE On Committee agenda - Budget Subcommittee on Health and Human Services Appropriations, 04/06/11, 8:00 am, 110 S

HB 4001 (I: 1792)	Relating to Growth Policy	Diaz	03/24/11
<p>Growth Policy: Repeals Urban Infill & Redevelopment Assistance Grant Program. Effective Date: July 1, 2011 01/12/11 HOUSE Filed 01/26/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee 01/26/11 HOUSE Now in Community & Military Affairs Subcommittee 02/02/11 HOUSE On Committee agenda - Community & Military Affairs, 02/09/11, 1:00 pm, 17 H 02/09/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 14 Yeas, 1 Nay 02/10/11 HOUSE Now in Economic Affairs Committee 03/08/11 HOUSE On Committee agenda - Economic Affairs Committee, 03/10/11, 2:45 pm, Reed Hall 03/10/11 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays 03/11/11 HOUSE Placed on Calendar, on second reading 03/22/11 HOUSE Placed on Special Order Calendar for 03/24/11 03/24/11 HOUSE Read Second Time; Read Third Time; Passed (Vote: 102 Yeas / 14 Nays)</p>			
HB 4031 (I: 1942)	Relating to Local Government Services	Dorworth	03/25/11
<p>Local Government Services: Repeals statute relating to efficiency & accountability in local government services. Effective Date: July 1, 2011 01/12/11 HOUSE Filed 01/26/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee 01/26/11 HOUSE Now in Community & Military Affairs Subcommittee 02/02/11 HOUSE On Committee agenda - Community & Military Affairs, 02/09/11, 1:00 pm, 17 H 02/09/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 14 Yeas, 0 Nays 02/10/11 HOUSE Now in Economic Affairs Committee 03/08/11 HOUSE On Committee agenda - Economic Affairs Committee, 03/10/11, 2:45 pm, Reed Hall 03/10/11 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays 03/11/11 HOUSE Placed on Calendar, on second reading 03/22/11 HOUSE Placed on Special Order Calendar for 03/24/11 03/24/11 HOUSE Read Second Time; Read Third Time; Passed (Vote: 118 Yeas / 0 Nays) 03/25/11 SENATE In Messages</p>			
HB 4071	Relating to Miami River Commission	Diaz	02/02/11
<p>Miami River Commission: Repeals provisions requiring unanimous vote of appointed members of Miami River Commission to adopt certain acts. Effective Date: July 1, 2011 01/18/11 HOUSE Filed 02/01/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee 02/01/11 HOUSE Now in Community & Military Affairs Subcommittee 02/02/11 HOUSE Withdrawn prior to introduction</p>			
HB 4093	Relating to Small County Technical Assistance Program	Diaz	02/17/11
<p>Small County Technical Assistance Program: Repeals provisions relating to Small County Technical Assistance Program, to terminate program. Effective Date: July 1, 2011 01/31/11 HOUSE Filed 02/16/11 HOUSE Referred to Agriculture & Natural Resources Subcommittee; State Affairs Committee 02/16/11 HOUSE Now in Agriculture & Natural Resources Subcommittee 02/17/11 HOUSE Withdrawn from Agriculture & Natural Resources Subcommittee; State Affairs Committee 02/17/11 HOUSE Withdrawn prior to introduction</p>			
HB 4165	Relating to Community-Based Development Organizations	Rouson	03/24/11
<p>Community-Based Development Organizations: Repeals provisions relating to Community-Based Development Organization Act, eligibility of community-based development organizations & eligible activities for certain grant funding, award of grants by DCA, & reporting of certain information by grant recipients to DCA. Effective Date: July 1, 2011 02/15/11 HOUSE Filed 03/03/11 HOUSE Referred to Community & Military Affairs Subcommittee; Economic Affairs Committee 03/03/11 HOUSE Now in Community & Military Affairs Subcommittee 03/15/11 HOUSE On Committee agenda - Community & Military Affairs Subcommittee, 03/17/11, 3:15 pm, 212 K 03/17/11 HOUSE Favorable by Community & Military Affairs Subcommittee; 12 Yeas, 0 Nays 03/17/11 HOUSE Now in Economic Affairs Committee 03/22/11 HOUSE On Committee agenda - Economic Affairs Committee, 03/24/11, 8:30 am, 102 H 03/24/11 HOUSE Favorable by Economic Affairs Committee; 15 Yeas, 0 Nays 03/24/11 HOUSE Placed on Calendar, on second reading</p>			

HB 7001 Relating to Growth Management Community & Military Affairs Subcommittee 03/30/11

(I: 0174) Growth Management: Reenacts provisions of law relating to growth management, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions. Effective Date: upon becoming a law

01/27/11 HOUSE Filed (Formerly PCB CMA1)
 01/31/11 HOUSE Referred to Economic Affairs Committee
 01/31/11 HOUSE Now in Economic Affairs Committee
 02/18/11 HOUSE On Committee agenda - Economic Affairs Committee, 02/25/11, 9:00 am, 102 H
 02/25/11 HOUSE Favorable by Economic Affairs; 12 Yeas, 5 Nays
 02/25/11 HOUSE Placed on Calendar, on second reading
 03/11/11 HOUSE Placed on Special Order Calendar for 03/15/11
 03/15/11 HOUSE Read Second Time; Amendment Withdrawn (890879)
 03/15/11 HOUSE Placed on Third Reading
 03/16/11 HOUSE Read Third Time; Passed (Vote: 79 Yeas / 36 Nays); Called Up for Reconsideration; Reconsidered; Passed (Vote: 80 Yeas / 39 Nays)
 03/24/11 SENATE In Messages
 03/24/11 SENATE Received; Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 03/29/11 SENATE Withdrawn from Community Affairs, Governmental Oversight and Accountability, Budget; Substituted for SB 0174; Read Second Time
 03/29/11 SENATE Placed on Third reading
 03/30/11 SENATE Read Third Time; Passed (Vote: 30 Yeas / 7 Nays)

HB 7003 Relating to Affordable Housing Community & Military Affairs Subcommittee 03/30/11

(I: 0176) Affordable Housing: Reenacts provisions of law relating to affordable housing, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions. Effective Date: upon becoming a law

01/27/11 HOUSE Filed (Formerly PCB CMA2)
 01/31/11 HOUSE Referred to Economic Affairs Committee
 01/31/11 HOUSE Now in Economic Affairs Committee
 02/18/11 HOUSE On Committee agenda - Economic Affairs Committee, 02/25/11, 9:00 am, 102 H
 02/25/11 HOUSE Favorable by Economic Affairs; 17 Yeas, 0 Nays
 02/25/11 HOUSE Placed on Calendar, on second reading
 03/11/11 HOUSE Placed on Special Order Calendar for 03/15/11
 03/15/11 HOUSE Read Second Time
 03/15/11 HOUSE Placed on Third Reading
 03/16/11 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)
 03/24/11 SENATE In Messages
 03/24/11 SENATE Received; Referred to Community Affairs; Governmental Oversight and Accountability; Budget
 03/29/11 SENATE Withdrawn from Community Affairs, Governmental Oversight and Accountability, Budget; Substituted for SB 0176; Read Second Time
 03/29/11 SENATE Placed on Third reading
 03/30/11 SENATE Read Third Time; Passed (Vote: 36 Yeas / 2 Nays)

HB 7007 Relating to Florida Statutes Rules & Calendar Committee 03/10/11

(I: 0944) Florida Statutes: Deletes provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replaces incorrect cross-references & citations; corrects grammatical, typographical, & like errors; removes inconsistencies, redundancies, & unnecessary repetition in statutes; improves clarity of statutes & facilitates their correct interpretation; confirms restoration of provisions unintentionally omitted from republication in acts of Legislature during amendatory process & removes gender-specific references applicable to human beings from Florida Statutes without substantive change in legal effect. Effective Date: on the 60th day after adjournment sine die of the session of the Legislature in which enacted

02/23/11 HOUSE Filed (Formerly PCB RCC1)
 03/07/11 HOUSE Referred to Calendar
 03/07/11 HOUSE Placed on Special Order Calendar for 03/10/11
 03/10/11 HOUSE Read Second Time; Substituted for SB 0944; Laid on Table, Refer to SB 0944

HB 7017 Relating to Joint Legislative Organizations Rulemaking & Regulation Subcommittee 03/09/11

(C: 7211 1970)
 (I: 1204) Joint Legislative Organizations: Repeals provisions relating to OPPAGA, Joint Administrative Procedures Committee, Legislative Committee on Intergovernmental Relations, Joint Legislative Committee on Everglades Oversight, Florida Government Accountability Act, creation of joint select committee to review findings & recommendations of Century Commission for a Sustainable Florida for potential action, review of information technology resources needs & special monitoring process for designated information resources management projects, Committee on Public Counsel Oversight, & Legislative Commission on Migrant & Seasonal Labor; defines terms "Administrative Procedures Committee," "Legislative Auditing Committee," "Office of Program Policy Analysis & Government Accountability," & "Office of Economic & Demographic Research," applicable throughout statutes; revises provisions relating to creation & duties of Office of Legislative Services; revising duties of Legislative Auditing Committee; revises provisions relating to creation & duties of OPPAGA; revises reporting duties of DCFs with respect to children & families client & management information system; deletes provisions relating to creation of Council for Education Policy Research & Improvement. Effective Date: upon becoming a law

02/23/11 HOUSE Filed (Formerly PCB RCC6)

03/07/11 HOUSE Referred to Calendar
03/07/11 HOUSE Placed on Special Order Calendar for 03/09/11
03/09/11 HOUSE Read Second Time; Substituted for SB 1204; Laid on Table, Refer to SB 1204

HB 7021 Relating to Impact Fees Community & Military Affairs Subcommittee 03/17/11

(C: 1122) Impact Fees: Reenacts s. 163.31801(5), F.S., relating to burden of proof required by government in action challenging impact fee; provides legislative finding of important state interest; provides for retroactive operation; provides for exception under specified circumstances. Effective Date: upon becoming a law
(S: 0410)

03/01/11 HOUSE Filed (Formerly PCB CMA3)
03/15/11 HOUSE On Committee agenda - Economic Affairs Committee, 03/17/11, 8:30 AM, 102 H
03/17/11 HOUSE Favorable by Economic Affairs Committee; 14 Yeas, 3 Nays
03/17/11 HOUSE Placed on Calendar, on second reading



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APA Florida's latest Bill Tracking Report is dated **April 7, 2011** and is posted to www.floridaplanning.org/legislative/index.asp. These reports are updated and posted every week. You may also check the status of a bill or review bill text and amendments on the Florida Legislature's website at www.leg.state.fl.us as things can change quickly. Finally APA Florida's Legislative Program and Policies are always at your disposal on APA Florida's Legislative Website at [www.floridaplanning.org/legislative/11docs/Approved Legislative Platform9.16.10.pdf](http://www.floridaplanning.org/legislative/11docs/Approved%20Legislative%20Platform9.16.10.pdf). Please bookmark these sites for continued access throughout the 2011 Legislative Session.

[back to top](#)

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Legislative Updates

Budget:

Both the House and Senate budget panels unveiled their proposed version of the state budget last week. The House budget is approximately 3.3 billion less than the Senate's nearly \$70 billion budget, Both budgets eliminate more than 5,000 positions but focus on very different cuts to make up the projected almost 4 billion budget shortfall for next year. These differences could lead to some heated discussions as the Legislature works to develop a final budget by the end of the session.

State Agency Reorganization:

Last week, the House Select Committee on Government Reorganization unveiled a [proposal](#) to create the Department of Economic Opportunity, similar to the Senate's proposal in [SB 2156](#) (Budget) to create a new agency called Jobs Florida. The Division of Housing and Community Development, the Division of Community Planning, and the Florida Housing Finance Corporation would be transferred from the Department of Community Affairs to this new department. The Division of Emergency Management would be transferred to the Executive Office of the Governor and the Florida Building Commission would be transferred to the Department of Business and Professional Regulation. Florida Communities Trust and the Stan Mayfield Working Waterfronts programs would be transferred to the Department of Environmental Regulation. The Office of Tourism, Trade and Economic Development, and some of the programs from the Agency for Workforce Innovation would also be transferred to the Department of Economic Opportunity. As part of the House proposal, existing trust funds would be merged into a single State Economic Enhancement and Development fund controlled by the governor, to be used for affordable housing, transportation and economic development.

Growth Management:

The legislative session is roughly halfway done and two bills are emerging as the main growth management reform vehicles. (To see a summary of all the bills that APA Florida is following, click on the bill tracking report in the section above.)

[CS/SB 1122](#) (Senator Bennett, R-District 21) and [CS/HB 7129](#) (House Community and Military Affairs Subcommittee) are both comprehensive growth management reform bills that would significantly change Florida's planning process. The bills are similar in that they both make the existing pilot program for expedited review of comprehensive plan amendments applicable statewide. Most comprehensive plan amendments would now qualify for this expedited review process, which reduces the scope and scale of state agency review of plan amendments. The bills also make school and transportation concurrency optional for local governments. Both bills remove the pilot project status of the sector planning process, would make it applicable statewide and amend the state role in the review of these projects. Both bills make changes to the Rural Land Stewardship Area process. Additionally, the requirements and review associated with preparation of evaluation and appraisal reports is reduced in both bills. Both also would repeal Rules 9J-5 and 9J-11, F.A.C .

However, the bills currently differ on several major issues:

- CS/HB 7129 eliminates the financial feasibility requirement for local comprehensive plans while it remains as a requirement in CS/SB 1122.
- the burden of proof in legal challenges to local government comprehensive plan amendments is changed to a more deferential "fairly debatable" standard from the "preponderance of evidence test in CS/HB 7129.
- CS/HB 7129 would require plan amendments that are not subject to the expedited review process to be reviewed under a state coordinated review process and would limit agency comments to issues that substantially impact state resources and facilities under their agency purview. CS/SB 1122 would apply the existing review process.
- CS/SB 1122 includes language that changes the burden of proof in challenges to local government impact fees and provisions that impose a moratorium on impact fees for non-residential uses;
- CS/SB 1122 contains language addressing zoning requirements for the placement of billboards.
- CS/HB 7129 includes language which provides an automatic 7-year permit extension for developments of regional impact, an automatic 2-year permit extension for all other local permits, and provides a temporary increase to the DRI thresholds until 2017 when the Florida Legislature's Office of Program Policy Analysis and Government Accountability is required to provide recommendations on changes to the DRI thresholds. Projects below 150% of all thresholds would not be a DRI; projects between 150 and 200% would be presumed to be required to undergo DRI review and projects over 200% would be required to undergo review.

CS/SB 1122 passed the Senate Community Affairs Committee and is now in the Senate Environmental Preservation and Conservation Committee, with one more committee of reference to follow. CS/HB 7129 passed the House Economic Affairs Committee, its only committee of reference, and is now available for House floor action.

[HB 987](#) (Representative Crisafulli, R-District 32) and [CS/SB 1904](#) (Senator Altman, R-District 24) are stand-alone sector planning bills that reflect the concepts incorporated in CS/SB 1122 and HB 7129 discussed above. HB 987 is in the House Community and Military Affairs Subcommittee. CS/SB 1904 passed the Senate Community Affairs Committee and was temporarily postponed by the Senate Environmental Preservation and Conservation Committee on April 5th.

[HB 7001](#) (House Community and Military Affairs Subcommittee) and [HB 7003](#) (House Community and Military Affairs Subcommittee) which reenact provisions of SB 360 that were found to be unconstitutional, were both passed by the House and received by the Senate. SB 174 and SB 176 were both laid on the table and substituted for HB 7001 and HB 7003 on March 29th. HB 7001 and 7003 were both passed by the Senate on March 30th. The effective date of both bills is upon becoming law.

[HB 7021](#) (Community and Military Affairs Subcommittee) reenacts s. 163.31801(5) F.S. which states that, in any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets legal requirements. It prohibits a court from using a deferential standard. The bill was moved favorably by the Economic Affairs Committee and placed on the House Calendar. A similar bill, [SB 410](#) (Senator Bennett, R-District 21) was passed by the Senate on March 30th and is in House messages.

[CS/CS/HB 991](#) (Representative Patronis, R-District 6) makes a number of changes to permit applications and procedures. However it also proposes several changes related to the comprehensive planning process:

- defines the construction and operation of a biofuel processing facility or a renewable energy generating facility, as defined in s. 366.91(2)(d), and the cultivation and production of bioenergy, as defined pursuant to s. 163.3177, shall be considered by a local government to be a valid industrial, agricultural, and silvicultural use permitted within those land use categories in the local comprehensive land use plan.
- prohibits a local government from requiring, as a condition of approval for a development permit, that an applicant obtain a permit or approval from any other state or federal agency.
- amends Section 373.441 to requires a county having a population of 75,000 or more or a municipality with local

pollution control programs serving populations of more than 50,000 must apply for delegation of state environmental resource permitting on or before June 1, 2012.

- amends Section 380.06(24) to exempt mines and mine expansions from the DRI process.
- amends Section 380.0657 to make any inland multimodal facility, receiving or sending cargo to or from Florida ports, eligible for the expedited permitting process for economic development projects amends Section 163.3180 to create a limited exemption from Strategic Intermodal System adopted level-of-service standards for new or redevelopment projects that are inland multimodal facilities receiving or sending cargo for distribution

This bill was moved favorably by the House Rulemaking and Regulation Subcommittee on March 23rd and is now in the House Economic Affairs Committee, with two more committees of reference.

Affordable Housing:

[HB 639](#) (Aubuchon, R-District 74) and [SB 912](#) (Senator Bennett, R-District 21) eliminate the \$234 million cap on documentary stamp tax revenues to be deposited into the State Housing Trust Fund. Such deposited funds may be used only for the purpose of financing, rehabilitating, or constructing homes or apartments already built and occupied prior to December 31, 2010. The bills also provide that the comprehensive plan housing element may include provisions for affordable housing for seniors (60 years or older) and that property conveyed to a local government for affordable housing shall be disposed of for other affordable housing purposes. HB 639 passed the House on March 31st and is currently in the Senate messages. SB 912 is in the Senate Budget Committee.

Agriculture:

Last year, [HB 7103ER](#) was vetoed by Governor Crist. On March 24, 2011, the Legislature overrode this veto and the bill will become effective upon becoming law. This bill prohibits local governments from enforcing certain activity limits or charging certain assessments on agricultural land. It creates the Agricultural Land Acknowledgement Act, designed to reduce conflict between agricultural and non agricultural uses to protect sustainable agricultural lands. Prior to issuance of a local land use permit, building permit, or certificate of occupancy for a non-agricultural use contiguous to sustainable agricultural land, the permit applicant must sign and submit for recordation a written acknowledgment of contiguous sustainable agricultural land. The bill defines sustainable agricultural land as "land classified as agricultural land pursuant to s. 193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity, to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities." The bill also amends existing language to now state that nonresidential farm buildings and fences are exempt from the Florida Building Code and all local codes or fees except for floodplain management regulations.

Community Redevelopment:

[SB 468](#) (Senator Bullard, D-District 39) expands the definition of "blighted area" to include land previously used as a military facility. This bill was moved favorably by its first two committees of reference and is now in the Senate Budget Subcommittee on Finance and Tax. A similar bill, [HB 1343](#) (Representative Bullard, D-District 118), was filed in early March and has not yet been heard by any of its three committees of reference.

Property Rights:

[HB 701](#) (Representative Eisnaugle, R-District 40) and [CS/SB 998](#) (Senator Simmons, R-District 22) both make changes relative to the Bert Harris Act. HB 701 is now in its last committee of reference (Economic Affairs Committee). The bill says that a moratorium on development that lasts more than a year may constitute an inordinate burden. The bill changes some of the time frames for presenting and acting on claims, and clarifies that enacting a law or regulation does not constitute applying that law to a property. It also indicates that the state and its agencies and political subdivisions waive sovereign immunity. CS/SB 998, moved favorably by the Senate Judiciary Committee on March 28th contains similar provisions and is now in the Budget Committee, its last committee of reference.

Regional Planning Councils:

SB 1910 (Senator Diaz de la Portilla, R-District 36) would have repealed the Florida Regional Planning Council Act. This bill was withdrawn on March 24th.

[back to top](#)

Legislative Newsclips

Florida's Biggest Private Landowners

The 10 – which own about a tenth of the state- will play a key role in Florida's future.

Cynthia Barnett, Florida Trend, April 1, 2011

www.floridatrend.com/article.asp?aID=54748

Quinnipiac poll: Scott's approval rating is low

Florida Capital News, April 6, 2011

www.floridacapitalnews.com/article/20110406/CAPITOLNEWS/110406002&theme=

Changes coming to state's massive pension plan

Paul Fleming, Florida Today, April 5, 2011

www.floridatoday.com/article/20110405/NEWS01/104050328/-1/7daysarchives/Public-employee-pension-changes-coming

Critics: Bill could spur development, endanger wetlands

Jim Ash, Florida Capital News, April 6, 2011

www.floridacapitalnews.com/article/20110406/CAPITOLNEWS/104060314

Senate panel diverts low-cost housing funds

Bill Kaczor, Florida Capital News, April 2, 2011

www.floridacapitalnews.com/article/20110402/CAPITOLNEWS/104020313&theme=

State aims to privatize thousands of public jobs

Lloyd Dunkelberger, Gainesville Sun, April 4, 2011

www.gainesville.com/article/20110403/ARTICLES/110409877/1003/news04?Title=State-aims-to-privatize-thousands-of-public-jobs

Florida Legislature means business as it tackles 10 major reforms

Ryan Mills and Jonathan Matisse, Naples News, April 2, 2011

www.naplesnews.com/news/2011/apr/02/business-friendly-bills-florida-legislature-Scott/

[back to top](#)

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Legislative Update
April 1, 2011

The 2011 Legislative Session is almost to the half-way point. This week the focus has been on the budget. Both the House and Senate budget committees passed Appropriations bills. The next step is for both chambers to pass their respective budgets on the floor and then Conference committees will be appointed to meet and reconcile the differences between the two bills. Additionally, a number of bills moved forward this week.

SB 882/HB 649 – Sen. Detert/Rep. Pilon
Water Management Districts

This legislation creates additional efficiencies for Basin Boards within our District and provides continuity in basin operations. The proposed changes would provide that a member of the Governing Board serving as a Basin Board Chair would be a voting member of the Basin Board and counted for purposes of establishing a quorum. In the event a vacancy occurs, the remaining members of the Basin Board may continue to transact official business, provided a quorum is present. The legislation also clarifies that cooperative funding programs are not subject to rulemaking. Additionally, local governments can adopt lawn irrigation ordinances to implement water management district irrigation restrictions. The bill also allows flexibility in funding for the Suwannee River Water Management District, through the Water Protection and Sustainability Trust Fund, for springs protection and water resource development when, and if, that trust fund is restored.

The Senate bill passed the Government Oversight and Accountability Committee this week. The districts are trying to get the House bill withdrawn from the Agriculture and Natural Resources Appropriations Subcommittee as it has no fiscal impact.

SB934/HB 389 – Sen. Storms/Rep. Glorioso
Urban Redevelopment

The purpose of this legislation is to expedite the stormwater management permit process for projects that are located in an urban redevelopment area. The goal is to be able to redevelop those areas for economic purposes. The bills authorize an entity, which has established a stormwater management plan, to apply for a Conceptual Permit from the water management district. Urban redevelopment projects that meet the criteria established in the conceptual permit will qualify as a Noticed General Permit that shall allow construction and operation for the duration authorized in the Conceptual Permit. The permit will address stormwater discharges and demonstrate a net improvement of the quality of the discharged water, among other provisions. The Senate bill includes language enabling the Department of Environmental Protection to initiate rulemaking for stormwater management systems serving airside activities at airports. It does not, in its current form, negatively impact water management districts.

The House bill passed the Community and Military Affairs Subcommittee this week. The Senate Bill will be heard this coming week in the Community Affairs Committee.

SB1130/HB1405 – Sen. Ring/Rep. Workman
Retirement

Legislation regarding the Florida Retirement System (FRS) moved forward this week. The Senate version became part of the budget (SB7094) and is different than SB1130, which specified the level of employee contribution to FRS that will be required.

SB7094 and HB1405 would take effect on July 1, 2011, and in most cases, would apply to new members enrolling on, or after, that date. Both bills change the name of the FRS defined benefit program to the FRS Pension Plan and change the name of the FRS defined contribution program to the FRS Investment Plan.

Regarding employee contributions, the bills are very similar now. Both require each member to contribute 3% of gross compensation to the FRS, prior to federal tax withholdings. The member must consent to the deduction as a condition of employment. A member is fully, and immediately, vested in all employee contributions paid to the investment or pension plan, plus interest and earnings.

The Senate bill increases the retirement age from 55 to 62 for members of the Special Risk Class and the Special Risk Administrative Support Class, and increases the years of creditable service from 25 to 30 years to align with members of all other classes. HB1405 increases the retirement age from 62 to 65 and increases the years of creditable service from 30 to 33 for FRS members who enroll on, or after, July 1, 2011. Both bills close DROP to new participants, but any member entering DROP prior to July 1, 2011 may continue in DROP until completion.

The Senate bill eliminates the cost-of-living adjustment for service earned on, or after, July 1, 2011, the House bill does not. Additionally, the Senate bill closes the pension plan to new enrollees and requires compulsory enrollment in the investment plan, except those who qualify for Special Risk Class membership may still enroll in the pension plan, and those that are eligible to enroll in one of the three optional retirement programs may elect to do so in lieu of enrollment in the investment plan. The House bill does not include this. Both the House and Senate bills maintain the retiree health insurance subsidy.

The House bill is scheduled to be heard on the floor this coming week. The Senate bill should also be scheduled for floor action in the near future.

SB1174/HB421 – Sen. Siplin/Rep. Bembry

Agricultural-related Exemptions to Water Management District Requirements

This bill revises the current agricultural exemption to specify that certain agricultural activities may impede or divert the flow of surface waters, or adversely impact wetlands, as long as it is not for the sole or predominant purpose of the agricultural activity or alteration. The bill also provides retroactive application of the exemption to July 1, 1984. The bill allows the water management district, or a landowner, to request a binding, rather than the current non-binding, determination from the Department of Agriculture and Consumer Services (DACCS) when a dispute regarding an exemption occurs. The bill also amends the definition of agricultural activities to include: cultivating, fallowing, and leveling, and provides that such activities constitute "agricultural activities" provided the activities are not for the sole or predominant purpose of impeding or diverting the flow of surface waters, or adversely impacting wetlands.

An amendment drafted by the districts passed on the Senate bill. The amendment clarifies that the exemption is only applicable on lands classified as agricultural pursuant to s. 193.461 and to activities regulated pursuant to part IV, chapter 373. This exemption shall not apply to any activities previously authorized by an Environmental Resource permit or Management and Storage of Surface Water permit issued pursuant to part IV, chapter 373, or a Dredge and Fill permit issued pursuant to chapter 403. The intent is to ensure that the exemption would only apply to new environmental resource permits and not undo existing permits. Additionally, Sen. Latvala added a late-filed amendment to the bill that read that mitigation is not required if the adverse activities occurred on the land in the last "4 years," prior to land conversion, rather than in "at least 4 of the last 7 years."

The House bill is in the Agriculture and Natural Resources Appropriations Subcommittee and the Senate bill moves to the Senate Budget Committee.

SB 1180 – Sen. Latvala Transportation

This legislation makes a number of changes on behalf of the Department of Transportation (DOT), including mitigation for DOT projects. The Legislature is intending to provide the Governing Board or DOT additional flexibility in the permitting of stormwater management systems associated with the construction or alteration of systems serving state transportation projects and facilities. Additionally, the bill states that environmental mitigation for the impact of transportation projects proposed by the DOT, or a transportation authority, can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis.

It remains the intent that mitigation to offset the adverse effects of these transportation projects be funded by the DOT and be carried out by the water management districts, including the use of mitigation banks and any other mitigation options that satisfy state and federal requirements. By July 1 of each year, the DOT, or a transportation authority which chooses to participate in this program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of habitats addressed in the rules adopted which may be impacted by its plan of construction. The DOT is amenable to language that clarifies that the DOT, or water management district, will balance the cost and the benefits of stormwater facilities for DOT projects, and that the DOT should design the most cost efficient and effective method of achieving the project objectives. DOT has raised concerns with legislative sponsors regarding the use of private mitigation banks over other forms of mitigation, and continues to dialogue with the Districts about the consequences of DOT pulling projects out of its annual work plan after adoption.

An amendment has been proposed to DOT for consideration. SB1180 is scheduled to be heard in the Transportation Committee this week.

SB1404/HB 991 – Sen. Evers/Rep. Patronis Expedited Permitting

This bill creates, amends and revises numerous provisions relating to development, construction, operating and building permits; permit application requirements and procedures, including waivers, variances and revocation; local government comprehensive plans and plan amendments; programmatic general permits and regional general permits; permits for projects relating to coastal construction, surface water management systems, dredge and fill activities, inland multimodal facilities and commercial and industrial development, biofuel and renewable energy facilities and mining activities. It revises the requirement for demonstrating injury in order to seek relief under the Environmental Protection Act. For almost all persons who have previously had District permits, the bill would require the District to review permit applications on an expedited basis, to reduce the duration of such permits, and to reduce compliance inspections for such permits. For new applicants, the time an agency must act on a permit is reduced from 90 to 60 days, and requests for additional information must be signed by upper level District officers. The bill would also significantly impact the rights of third parties who may want to challenge a permit or intervene in the environmental permit process. There are still concerns with the “Incentive Based Permitting” section of the bill and the Uniform Mitigation section.

The Senate bill was scheduled in the Environmental Preservation and Conservation Committee this week, but was temporarily postponed after the Chair, Sen. Dean, raised concerns that the bill was so extensive and not enough discussion had taken place yet. It is unclear as to whether it will be rescheduled for this coming week.

SB1490/HB 239 – Sen. Evers/Rep. Williams Numeric Nutrient Water Quality Criteria

This bill prohibits implementation of certain federal numeric nutrient water quality criteria rules by DEP, water management districts, and local governmental entities, and authorizes DEP to adopt numeric nutrient water quality criteria for surface waters. The bill provides that certain total maximum daily loads and associated numeric interpretations constitute site specific numeric nutrient water quality criteria and

provides for effect, governance, and challenge of such criteria. This bill will essentially block any attempt by the state to implement EPA's final Numeric Nutrient Criterion (NNC) rule. This legislation may be subject to a constitutional challenge under the Doctrine of Federal Supremacy in that the legislation essentially refuses to implement established federal law.

The House bill is being rewritten and is scheduled for a hearing in the Federal Affairs Subcommittee this coming week. The Senate bill has not been heard.

SB1514/HB1001 – Sen. Latvala/Rep. Williams
Consumptive Use of Water

This legislation requires consumptive use permits to be issued for a period of 20 years, eliminates requirements for permit compliance reports and removes the authority of DEP and the Governing Boards to modify or revoke consumptive use permits. It also includes language that is the result of the Reclaimed Water Task Force, providing requirements for water management districts in evaluating applications for consumptive use of water in mandatory reuse zones. The legislation also requires water management districts to implement a "sustainable" water use permit program. This new type of permit would in effect create a "hierarchy" of permits, putting utilities over other users. In addition to concerns from the districts, agricultural interests in particular have strong concerns over this provision in the bill.

The Senate bill passed the Senate Environmental Preservation and Conservation Committee this week. Two amendments passed on the bill. One added an exemption for agriculture from being included in the mandatory reuse zone requirements. The other one amends the criterion of the sustainable use permit to allow capture and recovery from alternative water supply sources and adds an additional criterion to the list of significant factors a District Governing Board must consider when determining alternative water supply development funding, specifically, whether or not the project provides additional storage capacity of surface water flows to ensure sustainability of the public water supply.

The Senate bill now moves to the Agriculture Committee. The House bill has not been heard.

SB1842 – Sen. Hays
Water Management District Budgets

SB1842 requires water management district budget review and approval by the Executive Office of the Governor and requires that the Governing Board give notice to the Executive Office of the Governor within 30 days after unanticipated and unallocated funds are applied during a disaster or emergency. The legislation prohibits the districts from using other means to enact a proposal rejected by the Governor and requires that state funds be withheld from a water management district that fails to comply with the review requirements. The legislation requires an accounting of the source and balance of unobligated funds or net cash balance on hand, and it also contains the Governor's recommendation of a two-year "tax holiday," whereby the districts may not levy ad valorem taxes in excess of 75 percent of the ad valorem tax levied in the 2010-2011 fiscal year.

This bill does not have a house companion. It remains in the Environmental Preservation and Conservation Committee.

Proposed Committee Bill (PCB) SCWP 11-01 – Rep. Williams
Fiscal Management of Water Management Districts

The House Select Committee on Water Policy met this week and voted to support the introduction of a bill related to water management district conservation lands and gubernatorial approval of water management district budget transfers (one of the Governor's recommendations). Specifically, the bill requires the districts to review their land holdings every five years to determine which parcels that are not needed for water management or conservation, might be available for surplus. Other than the fact that this requires the review of a large number of parcels every five years, there is no significant impact with the legislation. With regard to the review of budget transfers, this has not moved forward in the Senate, as they have their own plan for the districts' budgets.

There is no companion legislation in the Senate. The House PCB will be filed, numbered and referenced to substantive committees.

Budget

The Senate and House budgets advanced this week with both the full Appropriations Committee in the House and the Budget Committee in the Senate passing their respective budgets. The budgets are \$3.3 billion apart with the Senate budget totaling \$70 million.

With regard to water management and the environment, the House budget includes \$18.3 million from the Water Management Lands Trust Fund to pay debt service for the South Florida and St. John's River Water Management Districts, redirect \$8 million to general revenue and offset costs to the Northwest Florida and Suwannee River Water Management Districts. The budget also includes \$26 million for Everglades Restoration.

The Senate budget includes \$15.8 million for WMLTF, removing funding for the Northwest Florida Water Management District. \$2.1 million is included for Everglades Restoration. The bill also significantly changes the way water management districts currently develop and implement their budgets. For FY 2011-2012, the bill limits the ability of water management districts to raise property tax revenues by specifying the amount that each district will be allowed to levy. The total budget for the Southwest Florida Water Management District is \$107,766,957. This is a reduction of 33%.

The conforming bill (SB 2142) has a number of provisions tied to oversight of the authority of water management districts to levy ad valorem taxes and the development and approval of water management district budgets. The bill:

- Provides that expenditures in the General Appropriations Act is the only budget authority for the fiscal year for water management districts to spend funds.
- Requires water management districts, for the fiscal year beginning July 1, 2012, to develop a budget and submit Legislative Budget Requests to the Governor and Legislature by October 15th of each year, following the same process used by state agencies.
- Provides that the Governor will include recommendations for water management district budgets as part of his budget recommendations to the Legislature.
- Provides that the Legislature will annually review the authorized millage rate for each district and set the maximum revenue authorized to be raised from ad valorem taxes by each district.
- Provides, in any year in which the Legislature does not act by July 1, that the districts are not authorized to raise additional revenue through the levy of ad valorem taxes on property.
- As with other appropriations within the General Appropriations Act, the water management district budgets are subject to the Governor's review, and approval or veto.
- Provides for the water management district Governing Boards to conduct public hearings and adopt a millage rate and final budget that is consistent with the legislatively approved budget.
- Allows for approval (by the Governor and Legislative Budget Commission) of fund transfers and the inclusion of additional funds within approved water management district budgets.
- In order to provide ad valorem revenue for the water management districts to cover the period of time between the end of this nine month fiscal year on June 30, 2012 and October 1, 2012 (when the next year's property tax revenue will be available), authority is provided for water management districts to raise the normal level of ad valorem revenue sufficient for 12 months, with a requirement that 25% be reserved for the fiscal year beginning on July 1, 2012.

The Senate budget also directs the Office of Program Policy Analysis and Governmental Accountability to conduct two reviews of each of the districts. The first is the districts' staffing expenditures for the current and prior three years. This shall include personnel costs, position descriptions, salary and benefits data and information on contracted employees. The second study is on the districts' aviation and

motor vehicle fleets. Both of these reviews shall be completed by October 1, 2011 with reports presented to the President of the Senate and the Speaker of the House.

Both budgets now go to the full House and Senate. Following passage, conference committees will be selected to reconcile the differences between the two budgets.

FLORIDA TREND NEWS ARTICLE

Florida Senate Approves \$70 billion budget plan

Source: Florida Trend, Thursday, April 7, 2011

TALLAHASSEE -- The Senate approved its budget plan for spending nearly \$70 billion today, positioning the plan for negotiations with the House beginning next week.

The vote was 33-6, with a half-dozen Democrats objecting that cuts to education, health care and state employee benefits were unduly harsh. But budget chairman JD Alexander, R-Lake Wales, said the Senate did the best it could, under prevailing economic circumstances.

"We're asking a lot from our state employees," said Alexander. "But in my district, virtually every business that I know of has done layoffs and reductions."

Both the House and Senate versions of the budget eliminate state jobs and are expected to cause layoffs by July 1, when the new fiscal year starts. The pending bills will also require employees to pay into the Florida Retirement System for the first time since the 1970s, and have no pay raises for the work force -- which has not had a general pay hike in five years.

"I am so proud of the people who work in this building," said Sen. Nancy Detert, R-Venice. "They are so glad they have a job, when 1 million other people in Florida don't. They know there's no way to cut spending by more than \$3 billion and not touch a living human being."

But Senate minority leader Nan Rich, D-Weston, said "we've decided, in my opinion, to cause unnecessary pain for many of the most vulnerable people in the state." She said there would be cuts in mental health and substance abuse spending and state support of hospital programs for the needy.

Sen. Don Gaetz, R-Niceville, said that if spending isn't cut "the only alternative is a tax increase" -- which Gov. Rick Scott and the Republican legislative leadership have ruled out. Gaetz asked members if any of their constituents had contacted them with demands for higher taxes.

"We feel the pain of state workers, as we feel the pain of those whose programs might be cut, we also feel the pain of those who are gathered around their kitchen tables, wondering how they're going to make it through the month," said Gaetz.

Rich and Sens. Eleanor Sobel, D-Hollywood, Oscar Braynon, D-Miami Gardens, Arthenia Joyner, D-Tampa, Maria Sachs, D-Delray, and Bill Montford, D-Tallahassee, voted against the budget.

The House is also finishing its version of state spending for next fiscal year. The conflicting bills will go to a joint committee next week for the start of negotiations on a compromise bill that will probably be sent to Scott in early May.

"We're a long, long way from done on this budget," said Sen. Jeremy Ring, D-Margate.