

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL RECEIPT AND REVIEW FEE  
AGREEMENT FOR REVIEW OF DEVELOPMENTS OF REGIONAL IMPACT

APPLICANT

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

AUTHORIZED AGENT

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Location of Project

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

County \_\_\_\_\_ GENERAL LOCATION \_\_\_\_\_

\_\_\_\_\_

Name of Project \_\_\_\_\_

Former Project Name(s) for this site (if applicable) \_\_\_\_\_

REGIONAL PLANNING COUNCIL USE ONLY

PROJECT IDENTIFICATION

NAME: \_\_\_\_\_

\_\_\_\_\_

NUMBER: \_\_\_\_\_

COORDINATOR: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

Whereas the Department of Community Affairs adopted Rule 9J-2.0252, Florida Administrative Code (FAC), governing the policies and procedures for the assessment and collection of fees by regional planning agencies for the review of Application for Development Approval (ADA) of a Development of Regional Impact (DRI), a Substantial Deviation ADA, a Development Designation of Florida Quality Development (FQD), an application for Abandonment of a DRI, a Notice of Proposed Change (NOPC) and plans and reviews identified in development orders requiring regional review; and

Whereas the Southwest Florida Regional Planning Council and the below named applicant desire to act in conformity with Rule 9J-2.0252, FAC, which requires a contract for the payment of fees between the regional planning agency and the applicant;

NOW THEREFORE, in consideration of the mutual covenants contained herein,

\_\_\_\_\_, herein after referred to as APPLICANT, and the SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, herein after referred to as SWFRPC, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, agree as follows:

1. The APPLICANT is submitting an Application for Development Approval (ADA) of a DRI, a Substantial Deviation ADA, a Development Designation for Florida Quality Development (FQD), an application for Abandonment of a DRI, a Notice of Proposed Change (NOPC) to a previously approved DRI, or a supplemental review required by the development order (Circle appropriate type of submittal)

2. For an application for an ADA, a Substantial Deviation ADA or a FQD, the APPLICANT is required (in accordance with FAC 9J-2.0252(2)(a) and FAC 9J-2.0252(2)(b)) to submit a deposit in the amount of **\$15,000.00** prior any related issue methodology meeting (including the review of Preliminary Development Agreements), prior to the submission of the pre-application information form (FORM-RPM-BSP-PREAPP INFO-1) or prior to conducting a preapplication conference in accordance with Section 380.06(7), Florida Statutes, whichever

occurs first for an ADA, Substantial Deviation ADA, or an FQD. **\$5,000.00** of the fee deposit is non-refundable.

An additional deposit of **\$20,000.00** is to be submitted with the ADA, Substantial Deviation ADA or FQD (9J2-0252(2)(b)). The APPLICANT shall be liable to the SWFRPC for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an ADA, a Substantial Deviation ADA or FQD (9J-2.0252(3)(a)). The APPLICANT shall be notified by the SWFRPC when the funds in the project's account or cost center are less than or equal to \$5,000.00. The notice shall indicate whether the SWFRPC estimates the costs of coordinating or reviewing the application will exceed the existing deposit and, if so, will request an additional deposit sufficient to cover the estimated remaining costs. APPLICANT agrees to waive the \$75,000 total deposit limit of FAC 9J-2.0252(3)(c), however, by agreeing to the waiver of the total deposit the APPLICANT does not waive FAC 9-J-2.0252(4).

3. For an application for a Notice of Proposed Change (NOPC) to a previously approved DRI, an application for Abandonment of a DRI, or a supplemental review required by the development order, in accordance with FAC 9J-2.0252(6) the APPLICANT is required to submit a deposit in the amount of **\$2,500.00** prior to any related methodology meeting or at the time of application submittal, whichever occurs first. The **\$2,500.00** initial deposit shall be non-refundable. Charges related to these reviews will be handled in the same manner as for an ADA, a Substantial Deviation ADA or FQD. The APPLICANT shall be notified by the SWFRPC when the funds in the project's account or cost center fall below **\$1,500.00**. The APPLICANT shall make an additional deposit with the SWFRPC in the amount of **\$1,500.00** within 15 days of receipt of notification. The APPLICANT shall be liable to the SWFRPC for 100% of the actual costs, both direct and indirect, for coordination and review of the APPLICANT's submittal (FAC 9J-2.0252(3)(a)). Failure to make an additional deposit with the SWFRPC in the amount requested within 15 days may result in a work stoppage on subject application until such time as requested funds are deposited with the SWFRPC (FAC 9J-2.0252(2) and FAC 9J-2.0252(2)(a)). If the application is withdrawn, the APPLICANT is liable to the SWFRPC for 100% of the actual costs, both direct and indirect of the coordination and review of the application up to the time of request for withdrawal.

4. Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are less than \$75,000.00, the SWFRPC shall bill the APPLICANT within ninety (90) days thereafter. The APPLICANT shall pay the amount due to the SWFRPC within 30 days following receipt of the bill. Any dispute regarding expenses included in a final bill which is less than \$75,000.00 shall be submitted directly to the SWFRPC and shall be handled by the SWFRPC in the same manner as other types of expense disputes.

5. Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, and are greater than \$75,000.00, the SWFRPC shall bill the APPLICANT within 90 days. The APPLICANT shall pay the amount due, less any disputed expenses, to the SWFRPC within 30 days following receipt of the bill. If any specific expenses exceed \$75,000.00 and these expenses are disputed by the APPLICANT, the APPLICANT must notify the Department of Community Affairs (DCA) and the SWFRPC in writing listing specific expenses in dispute and the reasons why these expenses should not be considered reasonable and necessary for the regional review of the project. This notice shall be rendered within 15 days of the final bill; failure to do so shall be considered as a waiver of the APPLICANT's right to dispute any expenses (FAC 9J-2.0252(4)(a)). Within 15 days of any notice of dispute, the SWFRPC shall inform the DCA how and why the disputed expenses are reasonable and necessary. The DCA shall determine the expenses that are reasonable and necessary within 30 days.

6. Fees not remitted by APPLICANT to SWFRPC within 30 days of receipt of the final bill from the SWFRPC, or within 15 days of receipt of the Department of Community Affairs' determination regarding any disputed expenses, shall require APPLICANT to pay to SWFRPC interest on the unpaid balance at the rate of one percent (1%) per month. In the event the SWFRPC is required to file suit to collect unpaid fees, then the prevailing party shall be entitled to be paid by the non-prevailing party all reasonable costs incurred by the prevailing party, including expert witness fees and reasonable attorney fees. Failure of the SWFRPC to make applicable refunds to the APPLICANT within 60 days, as provided herein, shall require

SWFRPC to pay to APPLICANT interest on the unpaid balance at the rate of one percent (1%) per month.

7. The SWFRPC shall within 90 days, refund deposited funds (excluding the non-refundable \$5,000.00 deposit for an ADA, a Substantial Deviation ADA or a FQD) which exceed its direct and indirect costs or that remain at the time the APPLICANT withdraws an application.

8. All fees paid by APPLICANT to SWFRPC shall be by certified check or bank draft, in U.S. funds, made payable to SWFRPC. Upon receipt of the initial fee deposit as required herein, the SWFRPC shall establish an account or cost center for the project to be reviewed.

9. The SWFRPC shall maintain records of all direct and indirect costs associated with the coordination of the preapplication conference, related issue methodology meetings, Preliminary Development Agreement, and other activities through the review of the ADA, Substantial Deviation ADA, application for abandonment, NOPC to a previously approved DRI and of the final or amended development order, its presentation to the Council and comments issued to the local government preparation for and attendance of hearings that are reasonable and necessary in respect to the regional review of the impacts of the development.

SOUTHWEST FLORIDA  
REGIONAL PLANNING COUNCIL

APPLICANT

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ -

Dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_