

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL



2014 BRIEFING BOOK



OUR MISSION

The Southwest Florida Regional Planning Council's mission is to work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share... for the benefit of our future generations.



All photos courtesy of:
Whitney Gray



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Statement of Agency Organization and Operation

The SWFRPC wishes to thank the East Central Florida Regional Planning Council for sharing its format and the Florida Regional Councils Association for content.

AGENCY OVERVIEW

History of Regional Planning in Florida

The regional council movement began in the United States in the 1950's and 1960's, primarily as a mechanism of the federal government to organize and coordinate the federal grants process at the state and sub-state level. The federal government realized that regional planning organizations offered even the smallest units of government a catalyst to develop tremendous economies-of-scale by joining with neighboring communities to address problems and provide services to their residents.

In Florida, regional councils formed as "regional planning councils" (RPCs). By 1979, 64 of Florida's 67 counties had entered into voluntary interlocal agreements (most commonly under 163.01, Florida Statutes) to form RPCs. This created, for the first time in Florida, a consistent geographic framework within which planning and technical assistance activities could be developed and implemented. In addition to carrying out these regional services, as determined by their local government membership, the first RPCs also focused on fulfilling a variety of responsibilities for state and federal agencies.

RPCS IN FLORIDA



Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council (SWFR-PC or "Council") was created by an Interlocal Agreement dated November 8, 1973, amended October 28, 1980, between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties, and by Chapter 186.505, Florida Statutes. In accordance with Florida Statutes, the agency is directed by a Council composed of county commissioners, municipal elected officials, gubernatorial appointees from all counties within the region and ex-officio (non-voting) gubernatorial appointees representing the Florida Department of Transportation, the Florida Department of Environmental Protection, statewide economic development interests, and water management districts.

The SWFRPC is designated Regional District 9 and serves as a regional information clearinghouse. The Council works within the six-county region to develop and maintain area-wide goals, strategies, and actions, and assists in implementing a variety of local, state and federal programs. The Council serves as an advocate for the region with State and Federal agencies, including the Legislature and Congress.

Where we work

Southwest Florida serves Regional District 9 and consists of six counties with a total area (land and water) of 6,663 square miles and a land area of 5,986 square miles. Four of the counties border the Gulf of Mexico, with a total shoreline of 4,515 miles, and comprise a large portion of the Region's urban area. Two counties are bounded by Lake Okeechobee, the second largest freshwater lake in the United States. The six counties in the Southwest Florida Region are: Charlotte, Collier, Glades, Hendry, Lee and Sarasota.

COUNCIL MEMBERS



Councilwoman
Teresa Heitmann
CHAIR
City of Naples



Bob Mulhere
Gubernatorial Appointee
VICE CHAIR
Collier County



Mr. Don McCormick
SECRETARY
Charlotte County
Gubernatorial Appointee



Councilman
Forrest Banks
TREASURER
City of Fort Myers



Commissioner
Daniel Akin
City of LaBelle



Councilman
Jim Burch
City of Cape Coral



Mayor
Anita Cereceda
Town of Fort Myers Beach



Felipe Colon
Gubernatorial Appointee
Sarasota County



Vice Mayor
Doug Congress
City of Sanibel



Commissioner
Chris Constance
Charlotte County



Commissioner
Don Davis
Hendry County



Vice-Mayor
Rhonda DiFranco
City of North Port



Commissioner
Tricia Duffy
Charlotte County



Commissioner
Russell Echols
Glades County



Ms. Suzanne Graham
Charlotte County
Gubernatorial Appointee



Commissioner
Brian Hamman
Lee County

COUNCIL MEMBERS



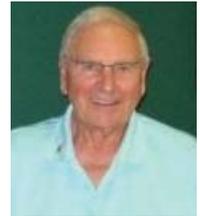
Commissioner
Georgia Hiller
Collier County



Commissioner
Charles Hines
Sarasota County



Laura Holquist
Gubernatorial Appointee
Lee County



Mr. Mel Karau
Henry County



Councilwoman
Pat Lucas
City of Moore Haven



Commissioner
Frank Mann
Lee County



Commissioner
Carolyn Mason
Sarasota County



Councilman
Kit McKeon
City of Venice



Commissioner
Tim Nance
Collier County



Thomas Perry
Gubernatorial Appointee
Glades County



Councilwoman
Nancy Prafke
City of Punta Gorda



Alan Reynolds
Gubernatorial Appointee
Collier County



Mayor Phillip Roland
City of Clewiston



Commissioner
Karson Turner
Henry County



Vice-Mayorillie Shaw
City of Sarasota



Commissioner
Donna Storter-Long
Glades County

EX-OFFICIO MEMBERS:

Phil Flood, SFWMD
Jon Iglehart, FDEP
Melissa Dickens, SWFWMD
Carmen Monroy, FDOT



THE WORK OF THE COUNCIL

WHAT WE DO

The Southwest Florida Regional Planning Council has adopted as its mission:

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

As a statutorily-created association of governments, the SWFRPC provides a solid base for pursuing a regional approach to planning the area's future.

The SWFRPC does not have regulatory authority or the power to tax. Its value lies in its role as an objective forum for examining growth issues comprehensively from a regional — rather than a local — perspective, and in its ability to bring together a variety of public agencies and interests to address shared concerns.

As a council of governments, the SWFRPC works to build consensus, makes strategic plans, and provides information on a broad range of topics pertinent to the region's quality of life.

The SWFRPC enables local jurisdictions to make the most efficient use of their powers to cooperate for mutual advantages to provide services and facilities, and to optimize employment of geographic, human, economic and natural resources in support of economic, natural resources, social, land use, transportation and public safety development.

The SWFRPC accomplishes its mission by:

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

THE COUNCIL MEETS MONTHLY TO:

- ❖ Develop agreement on a common vision for the region and assess the progress we are making toward reaching that vision;
- ❖ Deliberate on proposed projects deemed Developments of Regional Impact and on proposed changes to local comprehensive plans;
- ❖ Review federal projects, programs and documents of statewide significance that may affect the region;
- ❖ Collaborate on projects and programs that benefit multiple jurisdictions; and
- ❖ Discuss issues that emerge as matters of regional interest, for example, infrastructure needs and proposed growth management initiatives.

THE WORK OF THE COUNCIL

The SWFRPC provides a wide-range of services to the 6-county region.

- Community Planning
- Information Clearinghouse and Regional Census Data Repository
- Economic Development
- Natural Resource Planning
- Climate Change Adaptation
- Emergency Management Planning
- Transportation Disadvantaged
- Technical Assistance
- Dispute Resolution
- Charlotte Harbor National Estuary Program

Depicted below are brief descriptions of the services the SWFRPC provides to the region on a day-to-day basis.

COMMUNITY PLANNING

Florida has established a three-tiered planning system intended to address the current and future needs of the State. By statute, all three levels of plans are required to be consistent with each other. It is the role of the SWFRPC to assist the State and local governments in achieving that consistency.

- State Comprehensive Plan (State-wide)
- Strategic Regional Policy Plan (regional)
- Comprehensive Plan (local)

Strategic Regional Policy Plan

The Strategic Regional Policy Plan (SRPP) contains the regional goals and policies that address both mandatory and optional elements; there are 5 mandatory elements:

- Affordable Housing
- Emergency Preparedness
- Natural Resources
- Economic Development
- Regional Transportation

The SWFRPC also includes one optional element in its SRPP: Livable Communities.

In 2011, the SWFRPC underwent an Evaluation, and Assessment Review (EAR) of its SRPP. In preparing the SRPP, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the SRPP.

DRI Reviews

Pursuant to 380.06, Florida Statutes, the SWFRPC reviews Developments of Regional Impact. These projects are reviewed to assess regional impacts, work with applicants to make their proposed development consistent with the region's vision and to make recommendations to the local government of jurisdiction regarding how to address regional impacts. This is accomplished through a coordinated review of the development proposal involving affected local governments, state agencies and federal agencies. The result is a regional report discussing regional issues and recommendations on the local government of jurisdiction for how to deal with project impacts. The reviews provide information for local governments and other organizations to use in decision-making.

The SWFRPC also reviews Notices of Proposed Change (NOPCs) which are submitted when the development plan for an approved project is amended.

Comprehensive Plan Review

The Council is a statutory review agency for all amendments to local comprehensive plans (in addition to



providing coordination and technical assistance to agencies preparing such plans).

Under the formal review process, the Council reviews local plan amendments for consistency with the Strategic Regional Policy Plan and forwards its comments to the state land planning agency, the Department of Economic Opportunity (DEO). Findings of inconsistency with the Regional Plan may initiate administrative proceedings against a local government that can keep those plan amendments from taking effect.

A local plan will be found consistent with the SRPP if the local plan is “compatible with” and “furthers” the SRPP. Local plan amendments are reviewed to assess their consistency with the regional strategic policy plan and their impact on regional resources and facilities.

INTERGOVERNMENTAL COORDINATION & REVIEW (IC&R)

The SWFRPC also performs a regional review of most applications for federal assistance, as well as gas and electric transmission line siting and electrical power plant siting, are conducted as part of the state-contracted regional clearinghouse function. Funding proposals are reviewed for consistency with the regional strategic policy plan and local comprehensive plans, and for duplication of existing services directed toward the same need.

Reviews are coordinated with DEO, other state agencies and the appropriate local governments. The SWFRPC provides comments when appropriate for the following:

- Permits of the US Army Corps of Engineers, Florida Department of Environmental Protection, Water Management Districts and the United States Coast Guard,
- Requests for federal funding assistance by agencies within the region, and
- Environmental impact statements by all agencies.

The IC& R process enables the Council to monitor the progress of other agencies. A major shortcoming is that many state activities (permit requests, land acquisition programs, and construction activities) do not go through any regional review process, making the IC&R program less effective than it could be.

THE WORK OF THE COUNCIL

ECONOMIC DEVELOPMENT

Economic Development District (EDD)

In 1992, the SWFRPC was designated an Economic Development District (EDD) by the Economic Development Administration of the U.S. Department of Commerce. The EDD is comprised of the six counties that make up the SWFRPC (Charlotte, Collier, Glades, Hendry, Lee and Sarasota, and all municipalities therein).

Comprehensive Economic Development Strategy (CEDS)

The SWFRPC staffs the Southwest Florida Regional Comprehensive Economic Development Strategy (CEDS) Committee, which includes representatives from the region and was established to address the area's economic problems and challenges from a regional perspective. The CEDS provides a mechanism for coordinating the efforts of economic development organizations, local governments, and private industries for the purpose of creating jobs, fostering a stable and diversified economy, and improving living conditions. The CEDS identifies individual programs and projects that will further the economic development goals of the Southwest Florida Region. Programs and projects identified within the CEDS are eligible for financial assistance through the Economic Development Administration. The CEDS enables the SWFRPC to coordinate with local governments and agencies regarding economic development policies and projects, and to assist with grant applications for funding from the Economic Development Administration.

The CEDS undergoes periodic review and amendments to ensure that it reflects the economic goals of the region.

Southwest Florida Brownfields Program

The Southwest Florida Regional Planning Council (SWFRPC) is currently working towards the creation of a regional program that will help local governments conduct environmental site assessments and/or clean-up activities on petroleum-contaminated Brownfield

sites. The SWFRPC hosts the Southwest Florida Brownfields working group.

NATURAL RESOURCES PLANNING

The SWFRPC has a long history of facilitating the conservation and restoration of the natural resources of the region. The SWFRPC hosted the initial workshops to form regional support for the acquisition of the Babcock Ranch by the Florida Forever program, it serves as the host for the Estero Bay Agency on Bay Management and has been awarded three US EPA grants to perform regional wetlands research and delineation.

CLIMATE CHANGE ADAPTATION

In recent years this expertise has expanded to encompass planning for climate change impacts to both the natural and built environment. The SWFRPC has a long history of capacity-building at the regional level for the growth management challenges posed by climate change. These include: Hurricane Preparedness Planning, Geographic Information System Library, Regional Wildlife Habitat Planning on a Landscape Scale, Calusa Regional Restoration Coordination Committee, East Gulf of Mexico Coastal Conservation Corridor Plan, Regional Watersheds Committee, Regional Greenprint, and the Southwest Florida Feasibility Study that is now the Southwest Florida Watershed Assessment

EMERGENCY MANAGEMENT PLANNING

The SWFRPC hosts the region's Local Emergency Planning Committee (LEPC), comprising representatives of the counties' emergency management agencies, private manufacturers and transporters, regional hospitals, and others. This committee's activities focus on hazardous materials management, including training of city and county emergency services personnel, public awareness promotions, and response coordination among the various public and private emergency management services.

The LEPC has conducted continuing education programs for emergency management professionals, in-



cluding local police, doctors, nurses, hospital emergency room staff, EMS staff, state DOT employees, firefighters, and others who have the potential to be involved in situations involving hazardous materials.

When the Gulf Oil Spill occurred in 2010, the SWFRPC prepared to provide training assistance if required, and served as a regional point of contact for federal agencies. The SWFRPC provides staff support to the Southwest Florida Hazardous Materials Teams Group.

The SWFRPC is the repository for Tier II reporting information from the Emergency Planning Community Right to Know Act (EPCRA) on the location and type of hazardous materials in the region.

Homeland Security Planning continues to be a major component of the SWFRPC. In 2011, the SWFRPC provided support to the Florida Regional Domestic Security Task Force (RDSTF) exercises. This included working to provide local planning support to the District 9 RDSTF and its Planning Committee as they develop and implement their annual exercises.

The SWFRPC performs **evacuation planning** in partnership with State and local agencies. The Florida Division of Emergency Management, DEO Division of Community Planning and Department of Transportation in coordination with the SWFRPC developed the Statewide Regional Evacuation Study for the Southwest Florida Region. This report updates the region's evacuation population estimates, evacuation clearance times and public shelter demand. The study covers Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties and their municipalities.

The SWFRPC's experience in analyzing hurricane storm surge flooding, which is a temporary sea level rise impact over a very short time frame of only hours, is now being applied to study the **impacts of a more permanent sea level rise**. The SWFRPC report will be used to facilitate local government long-term response to

sea level rise. The SWFRPC now has a methodology model for analyzing sea level rise land use impacts.

TRANSPORTATION DISADVANTAGED

The SWFRPC is the designated official planning agency for Glades and Hendry Counties. Designated official planning agencies (DOPAs) perform long-range planning and assist the Florida Transportation Disadvantaged Commission and Local Coordinating Boards in implementing the transportation disadvantaged program in designated service areas.

The Local Coordinating Board (LCB) is an advisory board [meaning it is composed of appointed members, rather than elected members] which provides information, advise, and direction to the Community Transportation Coordinator regarding coordinated transportation. The Community Transportation Coordinator is responsible for arranging transportation for people who are elderly, or low-income, or, who have a disability.

Activities of the SWFRPC include providing staff support to the Glades and Hendry Joint LCB, providing technical assistance to the CTCs serving the two counties, ensuring that the LCB conduct annual evaluations of the CTC performance, and preparing a three-year transportation disadvantaged service plan for each county.

TECHNICAL ASSISTANCE

The SWFRPC provides a wide range of technical assistance to member governments, agencies and organizations. This involves responding to information requests, conducting workshops on topics of current interest, and participating in planning initiatives that address regional issues. The SWFRPC also works with DEO to assist local governments to understand changes to the State's growth management program and incorporate those changes into local programs and plans.

THE WORK OF THE COUNCIL

Community and Regional Visioning

SWFRPC engages citizens to determine strengths, weaknesses, opportunities, and threats in their communities in order to establish and implement a shared vision for future development. Assessment tools include visual preference surveys that allow citizens to conceptualize how their community will look at build out.

Mapping and Geographic Information Systems

The SWFRPC has staff with both field and desk-top GIS technical expertise. Past projects include:

- Providing GIS training to partners
- Creation of future land use, conservation, and park layers
- GIS analysis of land use (underutilization, redevelopment)
- Development of base map series for local governments

SWFRPC staff serve on **regional advisory committees:**

- Myakka River Management Coordinating Council
- SeaGrant Advisory Council
- Science Coordinating Group
- Comprehensive Everglades Restoration Plan
- Southwest Florida Comprehensive Watershed Plan
- SWFWMD Environmental Advisory Committee
- Babcock Ranch, Inc., Board of Directors
- Estero Bay Agency on Bay Management
- FFWCC Southwest Florida Blueprint Committee
- Regional Restoration Coordinating Group
- Regional Ambient Monitoring Program
- Southwest Florida Seagrass Working Group
- SWFRPC Greenprint and Coastal Conservation Corridor Plan
- Chief IO meetings
- Horizon Council

- FRHEDI

- Lee County Disaster Advisory Committee

DISPUTE RESOLUTION

Under Section 186.509, Florida Statutes, the SWFRPC is directed to establish a dispute resolution process to reconcile differences on planning and growth management between local governments, regional agencies, and private interests. The SWFRPC adopted Chapter 29I-7, Florida Administrative Code as its dispute resolution process in 1994.



CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM



The Charlotte Harbor National Estuary Program (CHNEP) is a partnership of citizens, elected officials, resource managers and commercial and recreational resource users who are working to protect the greater Charlotte Harbor estuarine system by improving the water quality and ecological integrity of the 4,400 square mile watershed. The partnership is hosted by the Council and works as an advocate for the estuarine system by building consensus that is based upon sound science.

Activities of the CHNEP are coordinated through the Management Conference, a body which is comprised of four committees (Citizens Advisory, Technical Advisory, Management and Policy) and the staff.

PROJECT HIGHLIGHTS:

COASTAL WETLANDS STUDY

The first draft of the EPA Region 4 Wetlands Program Development Grant entitled, *"A Watershed Analysis of Permitted Coastal Wetland Impacts and Mitigation Methods within the Charlotte Harbor National Estuary Program Study Area"* was completed on October 15, 2010 and presented to the CHNEP Conference. A total of 118 field visits evaluating permitted projects, involving tidally-influenced wetlands, have been completed and are being documented. These projects have been located in Lee County, within the jurisdiction of the South Florida Water Management District (SFWMD) and Charlotte and Sarasota Counties, in the jurisdiction of the Southwest Florida Water Management District (SWFWMD). Due to interest in the section of the documents related to the evaluation of long-term (20+ years) mitigation sites and watershed -scale wetland functional assessment, an extension of the study was requested from EPA Region 4 and was granted. The extended project was completed on June 30, 2011.

The results of the project have been presented at the CHNEP Policy Committee, the CHNEP Watershed Summit 2011, and the Coastal and Estuarine Research Federation Bi-Annual Meeting at Daytona Beach. The results of the

study have been submitted as an article for a special issue of the peer-reviewed journal Florida Scientist.

SALT MARSH STUDY

Work began in January 2010 on the EPA Region 4 Wetlands Program Development Grant entitled, *"Climate Change Vulnerability Assessment and Adaptation Opportunities for Salt Marsh Types in Southwest Florida."* Salt marsh GIS maps have been collected from the SFWMD, SWFWMD, Florida Fish and Wildlife Conservation Commission (FWC), National Wetlands Inventory (NWI), and the Charlotte Harbor National Estuary Program (CHNEP). Other map products from other time periods with a baseline from 1953 are also being collected. A sampling protocol has been developed and placed into the Trimble for data collection. Due to the cosmopolitan nature of coastal Southwest Florida, it is important not to rule out species that may not be vouchered in the study area specifically. Additionally, many commercially available exotic species escape into the wild, becoming common locally or becoming invasive.

ESTERO BAY AGENCY ON BAY MANAGEMENT

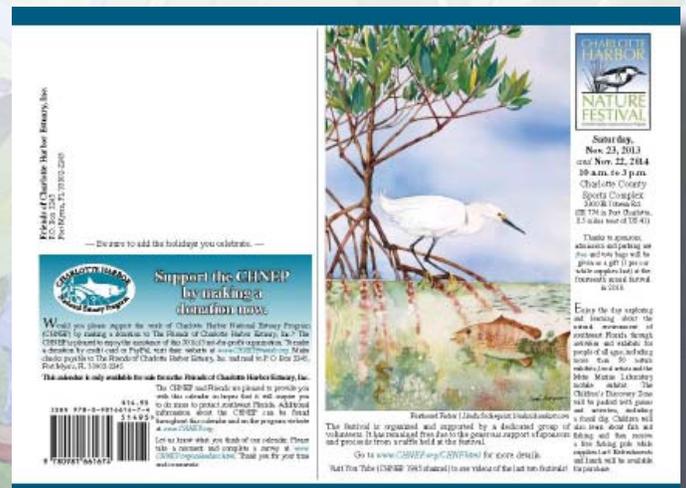
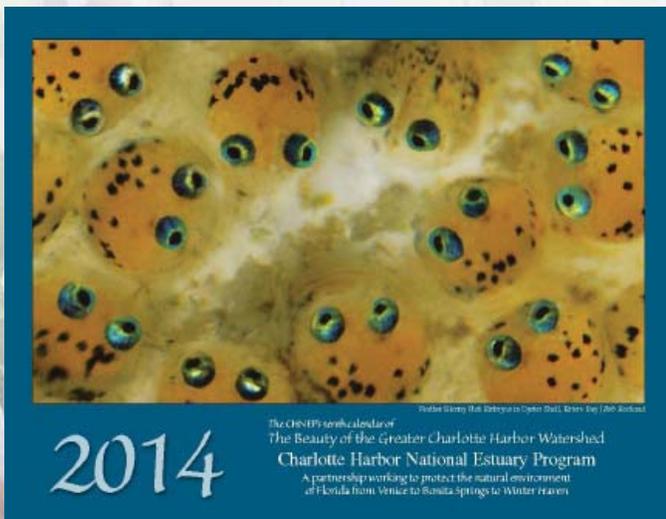
The ABM is a non-regulatory advisory committee to the Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed. Its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



THE WORK OF THE COUNCIL

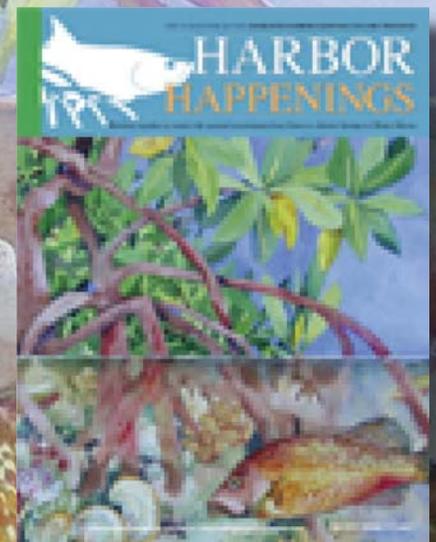
CHNEP 2014 CALENDAR

Thanks to the generosity of those who submitted images, the CHNEP's 2014 calendar once again displays spectacular images showcasing the beauty of the natural environment of Southwest Florida. The calendar also provides the curious reader with morsels of information about the program's committees, partnerships, management plan, grants, events, conservation landscaping initiatives, videos and printed materials. Mailed in November to those who receive the free Harbor Happenings newsletter, small supplies of the calendar were also available for pickup at locations throughout the seven counties that participate in the program.



HARBOR HAPPENINGS

The Charlotte Harbor National Estuary Program produces Harbor Happenings, a 16-page newsletter on the "happenings" of concern to the CHNEP. The newsletter, in conjunction with www.chnep.org, are the main ways CHNEP reaches interested citizens, private agencies and governments. They provide information on upcoming events, recent scientific findings, new restoration projects, policies, and ways for citizens to become more involved. Each issue of the newsletter includes an 11x17" poster. The newsletter is mailed to approximately 10,000 subscribers with another 3,000 copies distributed at events, by nature centers, libraries and other partners. The newsletter is available on the website as a PDF file as is a Spanish translation.





HOW WE DO IT

COUNCIL COMMITTEES

The Council has established Committees to assist in the successful accomplishment of its mission. All Council and Committee meetings are open to the public. Additional information is provided in the Appendix.

Executive Committee

The Executive Committee is comprised of the Officers of the Council and the immediate past Chair. The Committee meets periodically to review the operations of the Council and provide advice to the full Council about operational and organizational matters.

Budget and Finance Committee

This Committee was formed to work with Council staff to revise its monthly reporting to the Council, to implement recommendations from the auditors and to review the overall budgeting process.

Nominating Committee

The Nominating Committee is comprised of at least three (3) Council members, each from a different County shall be appointed by the Chair at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year. Additional nominations may be made by any Council member at the January monthly meeting. Newly elected officers shall be declared to be installed following their election at the January monthly meeting and shall assume the duties of office upon adjournment of said meeting.

Energy & Climate Committee

The committee is responsible for providing oversight on the Solar Ready II Grant project. The purpose of the grant is to promote solar best management practices that will allow more streamlined and standardized solar permitting regulations to be implemented. The committee will assist with engaging stakeholders in regional events as it pertains to Solar Ready II.

Economic Development Committee

The committee is charged with providing input to the SWFRPC Executive Committee on ways to enhance and assist regional economic development efforts and will do this by bringing together key leaders. The committee will monitor the clearinghouse activities of the SWFRPC in regard to the collection and dissemination of economic data and it will monitor the Economic Development District (EDD) activities and work products.

Estero Bay Agency on Bay Management (EBABM)

The EBABM is a non-regulatory advisory committee to the SWFRPC that produces State of the Bay reports. Its directive is to review and make comments and recommendations to the SWFRPC and agencies regarding the management of the hydrology, water quality, habitats, and land uses of Estero Bay and its watershed.

Quality of Life & Safety Committee

The committee is charged with providing input to the SWFRPC on programs and policies to enhance the quality of life in the region. The committee will bring together leaders and stakeholders to discuss crime issues and develop recommendations for innovative programs to assist local leaders in addressing their needs.

Regional Transportation Committee

The committee is charged with providing input to the SWFRPC Executive Committee on the development of a regional transportation plan. The committee will determine needs and identify resources. A funding strategy will be created and once funding is in place the committee will provide oversight on the development of the plan. The committee will be responsible for determining regional transportation issues for presentation to the full Council.

Legislative Affairs Committee

This Committee formulates an annual legislative agenda for the Council to endorse and support prior to the annual State Legislative Session.

THE WORK OF THE COUNCIL

EXECUTIVE DIRECTOR

The Council has hired Executive Director, Margaret Wuerstle, to oversee the day-to-day operation of the agency. The Executive Director has the responsibility for the general management of the affairs of the Council, subject to the governing laws of the State and such regulations as may be adopted by the Council. The duties of the Executive Director include:

- Preparing a budget for the Council and transmitting the Council's budget request to the member governmental units.
- Managing the Council's office, assisting the Secretary of the Council in the recording and maintenance of Council minutes and other documents of record, for any moneys received on behalf of the Council, keeping of financial statements in such form and in accordance with such procedures as shall be required by the Treasurer.
- Hiring and discharging staff or subordinates in accordance with the policies of the Council and applicable Federal and Florida Statutes and regulations, and shall fix compensation within such limits as may be provided by the approved Council budget.
- Entering agreements on behalf of the Council to perform the duties entrusted to her, ensuring compliance with all contracts and grants and attesting all necessary instruments.

The Executive Director also provides administrative support for the Council in the areas of finance and accounting, contract coordination, maintenance of the Council's technical library, inventory center, records, and facilities and vehicle, supporting Council staff with visual and audio services, administering the benefits program for Council staff, assuring that human resource policy and procedures are in compliance with federal/state laws, coordinating Council activities, recruiting new staff, training of staff, computer services and telecommunications infrastructure, handling the Council's insurance and risk management and safety needs, including loss prevention and loss control.

Staff

The Council is staffed by fourteen professionals with expertise in planning, law, emergency management, public administration, environmental science, business administration and information technology.

COUNCIL STAFF



Margaret Wuerstle	Executive Director	Ext. 222	mwuerstle@swfrpc.org
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MEET THE DIRECTOR



MARGARET WUERSTLE, AICP EXECUTIVE DIRECTOR

Margaret Wuerstle was appointed the Executive Director on February 1, 2012. Ms. Wuerstle has more than 30 years experience in a variety of urban and regional planning positions. Prior to joining the Southwest Florida Regional Planning Council, she was the Chief Planner and Zoning Hearing Examiner for the City of Cincinnati, Ohio. Her experience includes seven years with an Atlantic City law firm, three years with an environmental consulting firm, three years as Director of Zoning for the City of Rochester, New York, five years in county government and three terms as the Mayor of Dunkirk, New York. Ms. Wuerstle is a member of the American Institute of Certified Planners and a Licensed Professional Planner in New Jersey. She has been an adjunct instructor at the University of Cincinnati and the University of Louisville teaching courses in Land Use Controls, Zoning, Social Justice and Comprehensive Planning.



The Southwest Florida Regional Planning Council is transitioning from providing growth management oversight and assistance to fostering the growth of local economies using the Florida Chamber Foundation's six-pillar framework. Our communities are linked in so many ways, it makes sense that we work together to ensure our local governments thrive. Regional collaboration and cooperation will provide more efficient and effective services to residents while allowing us opportunities to address our most pressing regional challenges: transportation options, community development, watershed protection, and environmental quality. Good planning ensures that we are investing limited resources in the most efficient ways to build stronger local economies that are more competitive and resilient. It is absolutely essential to economic recovery and long-term prosperity that the Council continue to provide relevant, timely and innovative assistance to the region. I enthusiastically look forward to working with the 22 local governments represented by the Southwest Florida Regional Planning Council to develop regional solutions for diverse economies and vibrant communities.



Margaret A. Wuerstle

MEET THE STAFF



JAMES WILLIAM BEEVER III PLANNER IV

James (Jim) Beever III- joined the Southwest Florida Regional Planning Council in June 2006. As Planner IV, Jim's responsibilities include implementing the environmental planning review for Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties. His current work includes the research projects of : Climate Change Vulnerability Assessment and Adaptation Opportunities for Salt Marsh types in Southwest Florida and development of a functional assessment method to evaluate the water quality benefits of wetland restoration and designed freshwater and brackish water ecosystems used for water quality treatment; coordination Regional Wildlife Habitat Planning; review of Developments of Regional Impact; review and planning of Comprehensive Everglades Restoration Plan; and the Southwest Florida Watershed Study. Other restoration projects include review of large and significant state and federal permits, wildlife resource inventory, fish and wildlife technical assistance, as well as 22 committees and partnerships. Jim has been employed protecting the natural resources of Southwest Florida for 27 years, and is considered an expert in the natural resources and climate change in Southwest Florida. Jim received a B.S. in Biological Science in 1977 and M.S. in Biological Science in 1979 at Florida State University. Post-Graduate University of California at Davis 1979-1984.



LISA BEEVER, PHD, AICP CHNEP DIRECTOR

Dr. Lisa Beever joined the Southwest Florida Regional Planning Council in March of 2002. Dr. Beever is currently the Director of the Charlotte Harbor National Estuary Program, hosted by the Southwest Florida Regional Planning Council. She moved to Lee County in 1988 to accept a position as Lee County's Environmental Science Director, in charge of environmental planning, permitting, and enforcement until 1992. From 1993 through 2002, Dr. Beever was employed as the Director for the Charlotte County-Punta Gorda Metropolitan Planning Organization, where she played an important role in creating Charlotte County's first public transit-system and pioneered the use of simulation games for public participation programs. She enjoys statistical analysis, geographic information systems, creating conceptual diagrams, benthic invertebrates, hiking in Florida's native plant communities and running dachshunds on agility courses. Dr. Beever earned her PhD in Urban and Regional Planning from Texas A&M University in 1987, an M.L.A., Landscape Architecture from North Carolina State University in 1983, and a B.S., Landscape Architecture at Texas A&M University in 1982.

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DAVID CRAWFORD, AICP PLANNER IV/DRI COORDINATOR

David Crawford joined the Southwest Florida Regional Planning Council in November 2001. As Planner IV, David's responsibilities are providing regional planning review services for Sarasota, Charlotte, Lee, Collier, Glades, Hendry Counties and the sixteen municipalities located in the region. For the past 11 years, he has provided professional planning services that fulfill the Council's State mandated comprehensive plan review program. He also has provided planning services input for the Council's Developments of Regional Impact program. He also does power plant reviews, and other special planning projects requested by the Council.

David has more than 35 years of urban and regional planning experience and has specialized in land use, private development entitlements programs and environmental planning matters in the State of Florida. He has extensive knowledge and experience with Federal, State and local governmental comprehensive and environmental planning, zoning, and land use entitlement programs along with provisions of and reviews associated with large scale Developments of Regional Impact. As native Floridian, David received his B.A., in Geography from the University of Florida and a M.S.P., in Urban and Regional Planning from Florida State University.



LIZ DONLEY, ESQ. CHNEP DEPUTY DIRECTOR

Elizabeth (Liz) Donley joined the Southwest Florida Regional Planning Council in August 2003. Ms. Donley is the Deputy Director and Grants and Contract Manager for the Charlotte Harbor National Estuary Program (CHNEP). Ms. Donley has over 30 years of professional experience providing services to federal agencies and state governments through grant and contract vehicles. Her areas of expertise include review, interpretation and implementation of environmental statutes, regulations and policy documents for applicability to state and Federal agencies, as well as environmental policy and guidance development, compliance and enforcement. Since 2002, she has worked on identifying funding sources, developing successful capture plans and managing environmental and estuary research and restoration projects.

Liz received a B.S., in Zoology from Michigan State University, an M.S., in Environmental Science from Johns Hopkins University and a J.D. with a concentration in Environmental Law from the University of Maryland Carey School of Law. Recently she earned a certificate in Financial Planning from Florida State University. Liz is licensed to practice law in Maryland, Florida and U.S District Court for the Middle District of Florida.



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NANCY DOYLE ADMINISTRATIVE SERVICES COORDINATOR

Nancy Doyle joined the Southwest Florida Regional Planning Council in January 1998. As the Administrative Services Coordinator for the Southwest Florida Regional Planning Council, she manages the daily operations of the Southwest Florida Regional Planning Council and provides direct assistance to the Executive Director on diverse matters related to the effective operation. Her responsibilities include: performing the accounting functions of Payroll, Accounts Payable, Accounts Receivables and assists Finance with the annual budget and audit process. In addition, Nancy manages Employee Benefits; Risk Management; and serves as the Human Resources Coordinator. She has over 30 years experience in accounting and management, both in the private and public sector. She has resided in Florida for over twenty years, working in the public sector for 18 years. Nancy was employed by Lee County as an Account Clerk, responsible for reporting revenues received at the Midpoint, Cape and Sanibel Bridge facilities, and as the Administrative Clerk with the City of Cape Coral at Sun-Splash Family Waterpark, where she was responsible for training and management of cashiers, as well as revenue reporting. Nancy attended Notre Dame College in Manchester, NH, studying Behavioral Sciences, and Northern Essex Community College, Haverhill MA.



JOHN GIBBONS PLANNER IV

John Gibbons joined the Southwest Florida Regional Planning Council in March 1989. As Planner IV, John serves as the Program Manager of the Hazardous Materials/Waste and Homeland Security Programs at the Council. His responsibilities include coordinating and implementing activities of the Southwest Florida Local Emergency Planning Committee which is responsible for implementing the Federal Emergency Planning and Community Right to Know Act. Furthermore, his duties include review of land applications for consistency with federal and state hazardous waste rules, hazardous material regulations, emergency response planning, and Homeland Security policies. Prior to employment with the Southwest Florida Regional Planning Council, John served as an Air Quality Planner with the State of Alabama Air Pollution Control Commission, and a Regional Field Representative in metro-Atlanta with the State of Georgia Soil & Water Conservation Committee. He has been recognized in "Who's Who in the South and Southwest." In 1998-99, John served on a national committee under FEMA which authored the National Federal Guidelines for Public Sector Hazardous Materials Training. Mr. Gibbons holds a B.S., in Urban Studies and a M.S., in Urban and Regional Planning.

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NICHOLE GWINNETT ADMINISTRATIVE SPECIALIST II

Nichole Gwinnett joined the Southwest Regional Planning Council in April 1991. Ms. Gwinnett is the Administrative Specialist II for the Southwest Florida Regional Planning Council. Her primary responsibilities are responding to the Southwest Florida Regional Planning Council Board Members and the Executive Director's requests. She coordinates, attends, and ensures the accurate preparation of meeting notices, agendas, minutes and executive summaries for the Council Board and its committees. In addition, she acts as the agency's Records Management Liaison Officer (RMLO) and the Intergovernmental Coordination and Review Coordinator. She is also the TD Planner for the Glades and Hendry TD Program. After successfully passing her Grant Writing and Business Proposal class, Ms. Gwinnett researches and assists with preparation of any/all grant opportunities for the agency.

Prior to moving to Florida, Nichole was employed by Atlantic Environmental Services, Inc. in Colchester, Connecticut. She celebrated her 20 year anniversary with Southwest Florida Regional Planning Council in April of 2011. Ms. Gwinnett attended Post College in Waterbury, Connecticut.



REBEKAH HARP PLANNER I / IT SUPPORT

Rebekah Harp joined the Southwest Florida Regional Planning Council in April 2006. Ms. Harp is a Planner I/IT Support Webmaster for the Southwest Florida Regional Planning Council. Ms. Harp is responsible for research, writing, monitoring and reporting all grant opportunities on behalf of the SWFRPC. Ms. Harp also assists with Economic Development related projects, including CEDS, Broadband, demographics and various grant projects. Her IT knowledge and proficiency includes: website development, development of electronic timesheets and payroll import tools, database development, data analysis, graphic and marketing design, network administration support and staff/user IT support. She is responsible for the agency's social media marketing and publication design, as well as develops user manuals, brochures, press releases and special reports to the general public, elected officials and staff. Prior to joining the SWFRPC, Ms. Harp was the Quality Assurance Manager at Stellar Internet Monitoring for five years. She also worked for the City of Cape Coral in the MIS department for six years. Ms. Harp obtained her Certified Residential Contractors license and earned her Bachelor of Science (BS) Degree in Computer Information Systems from Florida Gulf Coast University.



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MARAN HILGENDORF COMMUNICATIONS MANAGER

Maran Hilgendorf joined the Southwest Florida Regional Planning Council in January 2000. As the Communications Manager for the CHNEP, Maran manages the public outreach/education initiatives to help fulfill the program's plan to protect the environment. She provides staff support for the Citizens Advisory Committee, manages two granting programs, publishes the program newsletter, calendar and website, produces videos, plans events, and develops, implements and evaluates strategies to reach target audiences. Maran's professional life has been dedicated to environmental communications. As Director of Marketing and Communications for the Conservancy of Southwest Florida from 1998 to 2000, Ms. Hilgendorf marketed the organization through means such as events, newsletters and media. She cultivated good relations with international to local media that included several weekly and monthly columns to Naples Daily News and Marco Island Eagle. As Assistant Director to Ohio Sea Grant College Program from 1984 to 1997, she coordinated grants for the program as well as obtaining grants and other financial support to develop, conduct and evaluate a comprehensive communications strategy. While at Ohio State University, she assumed communications responsibilities for Stone Laboratory, Ohio's Lake Erie biological field station; Great Lakes Aquatic Ecosystem Research Consortium, and the Forum of OSU Interdisciplinary Research Centers. She received a BS degree in Journalism and completed the Masters in Business Administration program from Ohio University.



SEAN MCCABE LEGAL COUNSEL

Sean McCabe joined the Southwest Florida Regional Planning Council in 2013. As Council's attorney, Mr. McCabe offers counsel on a variety of legal issues and performs such duties as are required. Typical functions include researching and writing legal opinions on issues, drafting or reviewing agreements and contracts, and tracking legislative changes that could affect Council.

Mr. McCabe received a joint degree from Vermont Law School, including a masters in environmental law; he is licensed to practice in Florida and Arizona, and has over 25 years of legal experience. Sean has worked for private, nonprofit, and public sector entities. He has experience in environmental, construction, land use, workers' compensation, and general practice law; his specialties include civil litigation, issue analysis, policy development, dispute resolution, and legal and technical research and writing.

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JUDY OTT PROGRAM SCIENTIST

Judy Ott joined the Southwest Florida Regional Planning Council in April 2008. Ms. Ott has is the Program Scientist for the Charlotte Harbor National Estuary Program (CHNEP). Ms. Ott manages the CHNEP Technical Advisory Committee and scientific grants, and participates in research, monitoring and restoration activities throughout the study area. Essential CHNEP scientific projects Ms. Ott participates in include sea-grass monitoring and mapping, water quality monitoring and analyses and shellfish restoration planning and implementation. Her professional experience includes managing five Charlotte Harbor Aquatic Preserves for the Florida Department of Environmental Protection, watershed management for the Wisconsin Department of Natural Resources, Great Lakes water quality field and laboratory work for the US Environmental Protection Agency and teaching middle school science in Costa Rica, summer camp marine science in the Florida Keys and community college general science in Fort Myers. She has co-authored over 20 publications and technical documents relating to watershed management and water quality and seagrass monitoring. Ms. Ott has an MS in Water Resources Management from the University of Wisconsin and a BS in Biology, Earth Science and Secondary Education from Central Michigan University.



JENNIFER PELLECHIO PLANNER III / NETWORK ADMINISTRATOR

Jennifer Pellechio joined the Southwest Florida Regional Planning Council in May of 1999. Ms. Pellechio is a Planner III/Network Administrator for the Southwest Florida Regional Planning Council. In addition, she is the Program Manager for Southwest Florida Regional Economic Development District (EDD). She has extensive experience in working with grants, managing and implementing economic development projects. As the Network Administrator, Ms. Pellechio maintains and administers the Council's network and/or wide area network operating software and hardware. She also designs, develops, maintains, researches, purchases, prepares budgets and trains staff on the existing network systems. In both positions, she manages projects from concept to completion. Prior to joining the SWFRPC, Ms. Pellechio worked for the City of Cape Coral, City Clerk's Office for six years. Jennifer earned her Bachelor of Science (BS) Degree in Computer Information Systems from Florida Gulf Coast University and earned her Masters of Business Administration (MBA) in Leadership and Management from Keiser University.



TIM WALKER

GIS ANALYST II

Tim Walker joined the Southwest Florida Regional Planning Council in March 1993. As GIS Analyst II, Tim's responsibilities include: managing GIS integration, data development, application requirements, definition and design, as well as project development, production and coordination. He has over 16 years experience as a GIS operator and manager, and over 27 years experience as a CAD operator. Some of his responsibilities have included managing and completing GIS projects, Trimble Field data Collection, and creating and administering the ArcServer interactive web mapping site. He has extensive knowledge using ESRI ArcGIS products, AutoCAD, graphics programs and Microsoft products. Tim assists the Network Administrator with computer hardware and software diagnosis. Tim attended Edison Community College, studying Business Courses, Marketing, Salesmanship, Data Processing, 1979 and Computer Aided Drafting in 1987.

SWFRPC RULES

1. SWFRPC RULES (BYLAWS) 2. STATUTORY PROVISIONS 3. SUNSHINE LAW

The Southwest Florida Regional Planning Council (SWFRPC or “Council”) was created by an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties in 1973. The SWFRPC has adopted rules (bylaws) that govern its operations.

The SWFRPC also complies with the statutory requirements of 186.505-515 and 380 F.S.

As a Florida unit of government, the SWFRPC operates in compliance with the Florida Government in the Sunshine laws and Constitutional clauses.

Provided below are the SWFRPC rules codified at 29I, FAC, and Chapter 186 FS, a summary of the Sunshine Law requirements.

1. SWFRPC RULES (BYLAWS)

29I-1.001 Name and Scope.

The name of this agency is the Southwest Florida Regional Planning Council (SWFRPC, or “Council”), a voluntary association of counties and cities formed as of November 8, 1973, under the laws of Florida and comprising the 9th Comprehensive Regional Planning District as provided for by the Florida Statutes.

29I-1.002 Purpose.

- (1) Purpose. The purposes of the Southwest Florida Regional Planning Council shall be:
- (a) To provide a means to permit local governmental units to make the most efficient use of their powers to cooperate for mutual advantages in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources and other factors influencing the needs and development of local communities within Planning District No. 9;
 - (b) To serve as a regional coordinator for the local governmental units comprising the planning district;
 - (c) To exchange information on and review programs of region concerns;
 - (d) To promote communication between the local governments for the conservation and compatible development of the Southwest Region;
 - (e) To cooperate with Federal, State and local government and non-government agencies to accomplish regional objectives; and
 - (f) To do all things authorized for a Regional Planning Agency under

Chapters 163, 186 and 380, F.S., and other applicable Florida, Federal and Local Laws, rules and regulations.

(2) Mission. It is the mission of the Council:

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.

29I-1.003 Staff Functions; General Description

The Council shall appoint an Executive Director who shall have the responsibility for the general management of the affairs of the Council, subject to the governing laws of the State and such regulations as may be adopted by the Council.

(1) The Executive Director shall annually prepare a budget for the Council and transmit the Council’s budget request to the member governmental units.

(2) The Executive Director shall be responsible for the general management of the Council’s office, for assisting the Secretary of the Council in the recording and maintenance of Council minutes and other documents of record, for any moneys received on behalf of the Council, for the keeping of financial statements in such form and in accordance with such procedures as shall be required by the Treasurer.

(3) The Executive Director may appoint and discharge any employee or subordinates in accordance with the policies of the Council and applicable Federal and Florida Statutes and regulations, and shall fix compensation within such limits as may be provided by the approved Council budget.

(4) The Executive Director may make agreements on behalf of the Council in performing the duties entrusted to him/her and shall attest all necessary instruments.

29I-1.004 Council Membership and Appointments, Term of Service, Vacancies, Removal from Office.

(1) Membership and Appointments.

(a) The Council shall include the Counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota, each of which shall be represented on the Council by two voting representatives appointed by their respective Board of County Commissioners.

(b) All municipalities within each county shall select one representative of one of the municipalities within the county who will be a voting representative.

(c) Further, each city has the option to be a member local government and to appoint one representative from the city’s governing board; cities taking this option shall not participate in the process in (b) above.

(d) The representative(s) to the Council from each member local government shall be the elected chief representative of said local government or a member of its governing body chosen by such body to be its representative.

(e) Changes in membership provisions shall require a two thirds vote of the members.

(2) Terms of Service.

(a) Council members shall serve, and may be reappointed, at the



pleasure of the appointing authority for terms not to exceed 3 years.
(b) Member governments may appoint alternate representative(s) to the Council. Alternate representative(s) shall be the chief elected official of said local government or a member of its governing body chosen by such body to be its alternate representative.

(3) Vacancies.

Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

(4) Removal from Service.

Should a Council member have three consecutive unexplained absences from regular Council meetings, the Council shall so advise the appropriate appointing authority and request another appointment. Voting representatives will continue to occupy their offices until the Council is notified in writing of their replacement.

291-1.005 Officers, Term, Duties, Committees.

(1) The regular January monthly meeting shall include electing from the regular membership officers with duties as follows:

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

(b) Vice-Chair – The Vice-Chair shall act for the Chair in his/her absence, or in the event of the Chair's inability to act, perform all the functions of the Chair.

(c) Secretary – The Secretary shall conduct the correspondence of the Council, keep and distribute the minutes of the meetings, be custodian of the records and seal, keep the roll of all members, and discharge such other duties as may be assigned by the Chair or the members. The Executive Director shall serve as deputy to the Secretary.

(d) Treasurer – The Treasurer shall supervise the financial affairs of the Council, including recommending designation of checking and savings account depositories, and perform such other duties as usually pertain to that office. Except as provided for elsewhere, each negotiable check or warrant shall bear the signature of the Treasurer.

(2) Each officer so elected shall serve one (1) year or until re-elected or a successor is elected.

(3) A Nominating Committee comprised of at least three (3) Council members, each from a different County shall be appointed by the Chair at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year. Additional nominations may be made by any Council member at the January monthly meeting. Newly elected officers shall be declared to be installed following their election at the January monthly meeting and shall assume the duties of office upon adjournment of said meeting.

(4) Standing and Special Committees.

The Council is empowered to designate and appoint standing committees, study groups, boards, and consultants consisting of members or non-members as the Council determines are essential or desirable to carry out its policies and objectives. The Council is empowered to direct the Executive Director to assign staff to support such standing committees, study groups, boards and consultants

to carry out the Council's policies and objectives. The Chair may appoint such special Advisory Committees consisting of members or non-members as he/she deems necessary or expedient to assist the Council and staff from time to time. Standing Committee members shall serve for terms of one (1) year. Special advisory committee members shall serve for the same period as the appointing Chair. All Committee actions shall be advisory only to the Council. The Council may, however, delegate certain specific administrative and review prerogatives to a committee in order to expedite the Council's work.

291-1.006 Conduct of Meetings.

(1) The Council shall hold regular monthly meetings at a time and place to be determined by the membership prior to adjournment of the previous meeting or by the Chair in the absence of such determination. A monthly meeting may be waived by a majority of the Council. Business to have been conducted at the waived meeting shall be considered at the next successive monthly meeting.

(2) Special meetings of the Council may be called by the Chair at his/her discretion or when requested by six (6) voting members.

(3) Voting.

(a) Council members must be present to vote. A quorum shall consist of a majority of the total voting membership of the Council, representing at least four (4) of the Counties. When a quorum is present, a majority of those present may take action on matters properly presented at the meeting. Members present shall vote on each question presented to the Council unless they disqualify themselves. Business shall be transacted only at regular or special called meetings and shall be duly recorded in the minutes thereof.

(b) As permitted by Florida Statutes, Council members are present at a meeting when participating through interactive video and telephone systems.

(4) Minutes.

(a) The Council shall record minutes of its proceedings and official actions in the office of the Council.

(b) The minutes of prior meetings approved by a majority of the members present, shall become the official minutes.

(c) Each resolution shall be signed by the presiding officer at the meeting and by the Executive Director and entered in the minutes.

(5) Rules of Debate.

(a) Chair Participation: The presiding Chair shall not be deprived of any rights and privileges of a Council member by reason of being the presiding Chair, but may move or second a motion only after the gavel has been passed to the Vice-Chair or another member of the Council.

(b) Form of Address: Members shall address only the presiding officer for recognition; shall confine themselves to the question under debate; and shall avoid personalities and indecorous language.

(c) The Question: Upon the closing of debate the Chair shall call the question by voice or roll call vote. Members may give a brief statement or file a written explanation of their vote.

(6) Amending the Agenda.

If a subject is not on the Agenda it may be added by motion and a majority vote that the subject should not be delayed until the next meeting.

(7) DRI Recommendations.

(a) When the Council is considering the recommendations it shall make to a local government, the Council, in addition to its normal

SWFRPC RULES

staff presentation, shall allow limited presentations by the following: the developer; the adjacent or contiguous city and county involved; technical consultants to the Council; and members of the public, who shall be required to submit a "Request to Speak" form. The applicant may request additional time for presentation. The Chair may limit or restrict the time available for any presentation. Any Council member may ask the developer, or any person present, specific questions concerning specific issues of the proposed development.

(b) The Council may close debate by a majority vote of the members present.

(8) Voting shall be by voice, but members shall have their votes recorded in the minutes if they so desire. A roll call vote shall be held upon proper motion. All other questions of procedure shall be governed by Robert's Rules of Order, Revised.

(9) Staff memoranda and committee resolutions, minutes and reports are prepared for the purpose of providing the Council with the basic information it requires to make decisions. Such staff memoranda and committee resolutions, minutes and reports are advisory only and not final actions or conclusions of the Council itself. The Council shall release all such data to the chief executive officer of each member governmental unit upon his request.

(10) All official meetings of the Council shall be open to the public as required by Florida Sunshine Laws, Chapter 286, F.S., and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, F.S. The Council shall give seven (7) days notice of meetings and workshops, in addition to any other notices as required by Florida Statutes.:

29I-1.007 Budget and Finances.

(1) The Council shall cause to be prepared and shall adopt on or before August 15 of each year a budget for the development and implementation of the planning and development programs by such means and through such agencies as the Council shall determine and shall certify a copy thereof to the Clerk of the governing body of each local government that is a member established through (a) and (c) of subsection 29I-1.004(1), F.A.C., above. Upon approval thereof by the governing body, each member local government shall include in its annual budget and cause the levy of a millage sufficient to produce the amount necessary to fund its proportionate share of the Council's total budget for the District, which, beyond minimums for individual membership established by the Council, bears the same ratio to the total budget as the population of each member unit bears to the total population of the District, all as determined annually by official population forecasts by the State of Florida for the year preceding each budget determination.

(2) The fiscal year of the Council shall commence on the first day of October of each year and end on the last day of September of the following year.

(3) The Council shall have the right to receive and accept in furtherance of its functions, funds, grants and services from Federal, State and local governments or their agencies and from private and community sources, and to expend there from such sums of money as shall be deemed necessary from time to time for the attainment of its objectives.

(4) **Services Charges.** The Council may establish fees for its services reasonably related to the general cost of providing such service including, but not limited to, the processing of Applications for Developments of Regional Impact.

(5) The Council shall maintain bank accounts, including, but not limited to, checking and savings accounts, and to do those things

generally authorized by law for such public authorities.

(6) **Designation of Authorized Fiscal Signatures.** Each check or warrant issued by the Council shall be co-signed by one of two designated Council officers and by one of two designated Council employees in the following manner:

(a) **Authorized Council Officers.** Treasurer, or in his absence, a voting member designated by the Council.

(b) **Authorized Council Employees.** Executive Director, or in his absence, the Director of Planning, shall verify that budgeting provisions have been made therefore, and that quid pro quo has been received and shall have the check or warrant prepared.

All such Officers or Employees of the Council to whom authority to receive and disburse funds has been delegated shall be sufficiently bonded under a general fidelity bond to be paid by the Council.

(7) The Council shall prepare or cause to be prepared annually a report of its activities for the preceding fiscal year, to include an independently audited financial statement. The annual report shall be officially presented to the Council at its Annual Meeting.

(8) Council members shall receive no compensation for their services, but shall be reimbursed for travel expenses incurred while engaged in specific, authorized activities on behalf of the Council.

The budget may not be amended to increase the annual per capita.

29I-1.008 Responsibilities and Authority.

The Council shall exercise all powers granted to regional planning councils, or regional planning agencies by Section 186.505 F.S., and by its Interlocal Agreement dated, November 8, 1973, amended October 28, 1980, incorporated by reference and available from the Council.

29I-1.009 Amendments.

These rules shall be amended by a majority vote of the Council. All proposed amendments shall be voted on at a regular meeting, the call of which meeting shall have included notice of the proposed amendment, and which shall have been duly advertised in accordance with the provisions of Chapter 120, Florida Statutes.

29I-1.010 Information Requests.

(1) The principal office of the Southwest Florida Regional Planning Council is located at 1926 Victoria Avenue, Fort Myers, Florida 33901-3414. The office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m. All official forms, publications or documents of the Council are available for public inspection at the Council's principal office during regular business hours.

(2) All information requests are fulfilled in compliance with the Florida Public Records Law, Chapter 119, F.S.

(3) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:

(a) Public agencies, defined as those organizations representing the public; government agencies situated in the State of Florida receive Council publications at no charge.

(b) Private organizations situated in Florida and all parties outside of Florida can receive Council publications at cost.

(c) Publications out of print or singular documents are available for inspection at its principal office. Persons wishing photocopies may receive same at cost.

29I-4.001 DRI Review Process.

(1) The DRI Review Process incorporates the following Council practices and procedures in conjunction with the required guidelines,



reviews, reports, recommendations, and time limitations imposed by Chapter 380, F.S. The Southwest Florida Regional Planning Council (SWFRPC) has been charged by the State with the responsibility of reviewing Developments of Regional Impact (DRI's) as defined and authorized by Chapter 380, F.S. The SWFRPC is responsible for State Region 9, encompassing the Counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota.

(2) By law, the SWFRPC has 50 days in which to review an Application for Development Approval (ADA) after receiving notice that the legislative body of the local government will hold a DRI Public Hearing. However, the local government cannot schedule a DRI Public Hearing until it has received a letter from the SWFRPC indicating that the application is sufficient for review or that the SWFRPC has received notification from the developer that the additional requested information will not be supplied.

(3) Upon receiving a DRI-ADA, the SWFRPC has 30 calendar days in which to determine the sufficiency of the information provided. In order to provide an applicant with reasonable assurance that ADA will be acceptable, all information requested must be in the ADA. If the information in an ADA is determined by the SWFRPC to be insufficient, the applicant and the local government will be notified, in writing, of any information desired. If additional information is requested, the applicant has two options:

(a) To provide a letter within five working days of the receipt of the statement, requesting additional information, stating that the additional information will be provided to the SWFRPC and the local government. The applicant may choose to supply some of the requested information and decline, in writing, to provide the balance.

(b) To notify the SWFRPC that the requested additional information will not be provided. In this case, the SWFRPC may find it necessary to recommend that the ADA be denied for lack of information.

(4) Within 30 calendar days after receipt of such additional information, the SWFRPC shall review it following procedures specified in (3)

(a) and (b) above and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information.

(5) If an applicant does not provide the information requested by the SWFRPC within 120 days of its request, the application shall be considered withdrawn. The SWFRPC Executive Director, at his/her discretion, may grant an additional 45 day extension, upon formal written request for an extension by the applicant. Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC Board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension.

Any such extension shall be based upon the complexity, availability of data and additional analysis caused by a time extension and any unnecessary hardships upon the developer.

(6) If the application is sufficient or if the developer has notified the SWFRPC that the additional requested information will not be provided, the SWFRPC, within 10 days of finding the application sufficient or receipt of notice from the applicant, will notify the local government and the applicant in writing. The local government is then required to set a DRI public hearing date at its next scheduled meeting. The notice of public hearing must be published at least 60 days in advance of the hearing. The DRI public hearing date should be at least 10 days after the SWFRPC's meeting at which the DRI Assessment Report is officially adopted.

(7) The receipt of the local government notice of a DRI public hearing by the SWFRPC initiates the statutorily provided 50-day review

period within which the Council must prepare and transmit a DRI Assessment Report to the local government. To eliminate the possibility of having to set up special Council meeting dates, the local government and the SWFRPC must coordinate the transmittal of the notice of the DRI public hearing so it is received by the SWFRPC no less than 45 days before the Council meeting at which the DRI Assessment Report would be officially adopted by the Council.

(8) After the DRI public hearing is held, the local government has 30 days to issue a development order. However, a time extension may be requested by the applicant. During the DRI public hearing, the local governments must consider the report and recommendations of the SWFRPC. The development order should approve, approve with conditions or deny the DRI. The development order should address all the regional issues raised by the SWFRPC indicating how these issues have or have not been resolved.

(9) Certified copies of the development orders shall be sent by the local government to the state land planning agency, the SWFRPC, and the applicant. Upon receipt of a copy of the development order to the state land planning agency, the SWFRPC, the owner, and the developer, a 45 day period begins during which appeals may be initiated. Three parties may appeal a development order: the landowner, the developer, or the state land planning agency. No development permit should be issued by the local government during this 45 day period. Should an appeal take place, no development permit should be issued by the local government until the appeal is adjudicated. An appeal is made to the Land and Water Adjudicatory Commission. Decisions of the Commission are subject to judicial review under Chapter 120, F.S.

(10) The Council will review substantial deviation determinations made by local government on approved DRI development orders. The Council will assist the state land planning agency in monitoring the progress of the development and its compliance with the terms of the approved development. The Council will notify local governments if the required annual report is not received from the developer.

29I-4.003 Procedures for Filing an ADA.

(1) An Application for Development Approval (ADA) may be received at any time by the SWFRPC. Before filing an ADA, the applicant shall contact the SWFRPC to arrange for a preapplication conference. During this conference, SWFRPC shall provide the applicant information about the DRI process and the use of preapplication conferences to identify the appropriate listed regional issues and coordinate appropriate State, district, and local agency requirements.

(2) If during a preapplication meeting, the applicant states that any question(s) from the ADA appear unnecessary for a DRI and requests such question(s) be eliminated, the SWFRPC shall review the arguments of the applicant and then draft a written agreement for the elimination of any question(s) it deems unnecessary. If the SWFRPC determines during sufficiency review of a DRI that elimination of any ADA question(s) was based upon erroneous information, the question shall be immediately reinstated.

(3) The applicant must send a "Letter of Intent" to the Council at least one week prior to the submission of the DRI-ADA. All DRI communication and requests should be directed to:

Executive Director

Southwest Florida Regional Planning Council

(Please contact the agency for appropriate mailing address)

(4) At various intervals in the DRI Review Process, the Council's staff and the developer/owner, or a representative, may meet to discuss

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information deficiencies of the ADA and regional issues identified in the ADA. These meetings will be used to establish communication with the applicant and to seek appropriate measures to changes in the ADA necessary to resolve the regional issues prior to final review of the ADA by the Council.

(5) State, regional, and local governmental agencies will be invited to participate in the DRI Review process. Comments or reports on a particular DRI provided by such agencies will be included in the report of the staff to the Council.

(6) Standards used in review of DRI projects shall be as specified within SWFRPC rules and Regional Comprehensive Policy Plans. The SWFRPC shall also consider other appropriate Federal, State and Local Government Standards and Policies during the review of DRI projects.

29I-4.004 DRI-ADA Form.

(1) An application for development approval shall be submitted using the state land planning agency official ADA forms specified within Rule 9J-2.010, F.A.C. Form RPM-BSP-ADA-1, Developments of Regional Impact Application for Development Approval under Section 380.06, F.S., effective 11/90, hereby incorporated by reference, shall be used and may be obtained from the SWFRPC. Each question shall be fully answered. The Standard ADA form is subject to clarification to reflect specific regional concerns and to clarify the intent and response necessary to specific questions or parts of questions. Such supplemental questions shall be provided to the applicant at the preapplication meeting.

(2) Applications are required to be submitted on 8 1/2 x 11 inch paper. Digital files and geo-referenced data may also be required. Each question must be repeated in the application text with the answer following.

29I-4.006 Request for DRI Review.

The applicant must complete and deliver with the application for development approval (ADA) a "SWFRPC receipt and review fee agreement for review of developments of regional impact," (eff. 7/2006 available from Southwest Florida Regional Planning Council).

29I-4.007 DRI Review Fee.

The DRI review fee for each DRI application, Florida Quality Development application, substantial deviation application, substantial deviation determination, supplemental plans and reviews identified in a development order requiring regional review or approval and review of each annual report are governed by the provisions of Rule 9J-2.0252, F.A.C. (DRI Review Fee Rule).

29I-4.0081 Master Development Approval Alternative Review Procedure.

(1) If a proposed development is planned for development over an extended period of time, the developer may follow an alternative development of regional impact review procedure by filing an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This alternative procedure shall follow development of regional impact procedures established by statute and rule, but shall not be used for the optional coordinated review process. The developer shall consult with the local government and the SWFRPC regarding information to be provided; the timing of review of phases, increments, or issues related to regional impacts of the proposed

development; and any other considerations that must be addressed in the application for master development approval and the agreement required by Section 380.06, F.S. The agreement shall be entered into by the developer, the SWFRPC, and the local government having jurisdiction before the application for master development approval is filed.

(2) In determining sufficiency of information contained in an application for master development approval, the SWFRPC shall give consideration to: the adequacy and availability of sufficient, reliable information; the necessity of subsequent review of phases, increments, or issues related to regional impacts; additional information which may be required in subsequent incremental applications; and issues which could result in the denial of an incremental application.

(3) Prior to adoption of the master plan development order by the local government, the SWFRPC board shall review the draft development order and, if appropriate, related agreements, at a regularly scheduled board meeting, to ensure that the requirements of Section 380.06, F.S., are met.

(4) The review of subsequent incremental applications shall be as prescribed in Section 380.06, F.S. Substantial changes in conditions underlying the approval of the master development order was based are to be construed to mean changed conditions or inaccurate information that creates a reasonable likelihood of additional adverse regional impact or any other regional impact not previously reviewed by the regional planning agency.

29I-4.009 Conceptual Agency Review.

In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review pursuant to Section 380.06, F.S., either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference. The developer should notify the SWFRPC and appropriate review agencies of his intent to request conceptual agency review at the pre-application conference.

29I-4.010 Downtown Development Authorities.

(1) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to Section 380.06, F.S. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in Section 380.031(5), F.S. For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.

(2) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category.

29I-4.011 Areawide Development of Regional Impact.

(1) An authorized developer may submit an areawide development of regional impact to be reviewed pursuant to the procedures and standards set forth in Section 380.06, F.S. The areawide development-of-regional-impact review shall include an area wide development plan in addition to any other information required by rule pursuant to Section 380.06, F.S., and the information required in the state land



planning agency official ADA form.

(2) Prior to filing an Areawide DRI, the authorized developer shall submit a petition to the local government, the SWFRPC, and the state land planning agency requesting authorization to submit an Areawide ADA. Such petition shall include proof that timely, actual notice has been provided by the petitioner to each person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by Section 380.06, F.S.

(3) Criteria used by the SWFRPC for evaluating a petition shall include, but not be limited to:

(a) Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.

(b) Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, the SWFRPC, or local government.

(4) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the SWFRPC, and to the state land planning agency, within 30 days after the order becomes effective.

(5) The petitioner, an owner of property within the defined planning area, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the Commission. The procedures established in Section 380.07, F.S., shall be followed for such an appeal.

(6) In reviewing an application for a proposed areawide development of regional impact, the SWFRPC shall evaluate the following criteria, in addition to any other criteria set forth in this rule:

(a) Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

(b) Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

(c) Whether the area and the anticipated development are consistent with the applicable, local, regional, and state comprehensive plans and any state land development plan.

29I-4.012 Florida's Quality Developments Program.

(1) An authorized developer may file an application under the Florida's Quality Developments program pursuant to Section 380.061, F.S. The developer shall submit the application to the state land planning agency, the SWFRPC, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in Section 120.60, F.S., except that the 90-day time limit shall cease to run when all three entities reviewing the project have notified the applicant of their decision on whether the development should be designated under this program.

(2) Criteria used by the SWFRPC for review of an application submitted under this program shall be as specified within Section 380.06, F.S.

29I-4.013 Review of Amendments to Development Orders.

(1) The developer shall submit, simultaneously, to the local government, the SWFRPC, and the state land planning agency, the request for approval of a proposed change to a previously approved development of regional impact. The form for this submission shall be as prescribed by rule of the Department of Economic Opportunity.

(2) The SWFRPC shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government.

(3) The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review, shall be subject to the appeal provisions of Section 380.07, F.S.

(4) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

(a) The development-of-regional-impact review conducted by the SWFRPC shall address only those issues raised by the proposed change except as provided in paragraph (b).

(b) The SWFRPC shall consider, and recommend whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development.

(c) If the SWFRPC determines that the proposed change as it related to the entire development should be approved, any new conditions in the amendment to the development order recommended by the SWFRPC shall address only those issues raised by the proposed change.

29I-5.001 General.

(1) The Southwest Florida Regional Planning Council was designated as the area wide clearinghouse pursuant to United States Office of Management and Budget Circular A-95 for substate District Nine on May 17, 1974.

(2) The Council's Clearinghouse Review function addresses projects requiring review under OMB Circular A-95 as well as U.S. Army Corps of Engineers/Department of Environmental Regulation Permits, Environmental Impact Statements, Florida Highway Projects, and Coast Guard Permits.

29I-5.002 Classification of Projects.

(1) Because of the high volume of Clearinghouse reviews, and the desire of the Council to provide more detailed analysis of those projects of regional significance, without duly burdening those applications of a local nature, a classification system is employed. All applications are classified as either a) Projects of Regional Significance, b) Projects of Less Than Regional Significance.

(2) Projects of Regional Significance include:

(a) All federally assisted projects or programs of organizations or agencies having multi-jurisdictional responsibility within all or part of the region.

(b) All applications for comprehensive planning and management grants.

(c) All applications for projects which cross county boundaries, impact two or more counties, or projects of significant multi-jurisdictional impact.

(d) All applications for projects which approach the DRI threshold.

(e) All Environmental Impact Statements.

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(f) All Proposals with a significant water quality impact on the Council's 208 study area.

(g) Any project which, due to its unique aspects, has regional significance.

(3) Projects of Less Than Regional Significance.

All applications NOT determined to be of Regional Significance are considered Projects of Less Than Regional Significance.

29I-5.003 Review Criteria.

(1) Projects of Regional Significance.

In reviewing projects of Regional Significance, the following criteria is generally used in whole or in part:

(a) Project's consistency with adopted regional and local goals, objectives and policies.

(b) The need for the project and whether it duplicates an existing program.

(c) Appropriateness of the proposed funding levels and its project costs.

(d) Accuracy of data utilized; appropriateness of methodology, and the completeness of the proposal.

(e) The project's potential for air, noise and water pollution.

(f) The potential impact on historic/archeologic sites, wildlife habitats and sensitive ecosystems.

(g) The potential for increased surface water runoff and/or erosion.

(h) The accessibility to adequate infrastructure.

(i) The location of project in relation to those it will serve.

(j) If the project is located in the coastal zone, the project's compatibility with the State's Coastal Zone Management Program.

(k) The impact of traffic generated by the project.

(l) The effects on energy resource supply and demand.

(m) The project's potential secondary impacts including impacts on neighboring communities.

(n) The potential displacement of people, housing or business.

(o) The project's relationship to flood plain.

(2) Projects of Less than Regional Significance.

In reviewing Projects of Less Than Regional Significance, consistency with adopted regional and local goals, objectives and policies is assessed.

29I-5.004 Review Procedures.

All projects and programs which are reviewed by the Council are processed as follows:

(1) Receipt of Project.

When a proposal (Notification of Intent, Pre-Application, Permit Application, EIS, etc.) is received, it is date stamped, logged in and assigned a file number by the A-95 Coordinator. The Council has thirty (30) days to complete its Clearinghouse review of a project.

(2) Emergency Situations.

There are emergency situations when the Council will accept projects for Clearinghouse review with less than thirty (30) days remaining to review the project. The Council will work closely with the applicant to ensure that potential funding is not jeopardized. Review will commence when the documents are in a draft stage. Before the applicant is notified in writing of the Clearinghouse comments, however, the Council requires that the application in its final form be officially transmitted to it.

(3) Local Government Comment.

The A-95 Coordinator solicits comment from the local governments and other agencies whose interests might be affected. These letters indicate a deadline for comments. Comments received from local

government or other agencies will either be included in the Council's comments or attached to them. If no comment is received by this date, it is presumed that the project or program is not inconsistent with local plans.

(4) Staff Action.

Each project or program is screened by the Council staff to determine if it is a new application or a continuation/modification of an existing program. The staff member then determines if the project is of regional significance and applies the appropriate review criteria.

(5) Staff Recommendations.

Utilizing the classification system and respective review criteria, described previously, each project is identified to be within one of four categories as follows:

(a) Less than Regional Significance – Consistent with goals, objectives and policies,

(b) Less than Regional Significance – Not consistent with goals, objectives and policies,

(c) Regional Significance – Consistent with goals, objectives and policies,

(d) Regional Significance – Not consistent with goals, objectives and policies.

When initial staff review determines that a proposal of regional significance does not appear consistent with regional goals, objectives and policies, every effort is made with the applicant to resolve the issues. This includes requesting additional information, meeting with the applicant, or discussing the issues with local government or other commenting agencies. If the issues are resolved through this effort, the project is recategorized.

The identification of the projects as to category, along with all analysis and comments, constitutes the staff's recommended action. Prior to each Council meeting, a report is prepared identifying the staff's recommended action for all Clearinghouse projects received during the previous month.

(6) Council Action.

Unless prevented by extenuating circumstances, the Council shall approve or disapprove the staff's recommended action for the Clearinghouse projects received during the previous month. Due to their importance, staff recommendations regarding Projects of Regional Significance that are not consistent with regional and local goals, objectives, and policies shall be considered by the Council on an individual basis.

29I-5.005 Review Procedure – Graphic Presentation.

SEE FLORIDA ADMINISTRATIVE CODE FOR "REVIEW PROCEDURE - GRAPHIC PRESENTATION"

29I-6.002 Strategic Regional Policy Plan.

There is hereby adopted, for the Southwest Florida Region, the Strategic Regional Policy Plan for the Southwest Florida Regional Planning Council, August 2001, which is incorporated herein by reference and copies of which are kept at the Council office at: 1926 Victoria Avenue, Fort Myers, Florida 33901. Copies are also available at our website: www.swfrpc.org/srpp.html.

VOLUME TWO: GOALS, STRATEGIES, AND ACTIONS.

29I-7.001 Purpose.

(1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management, and other issues among local governments, regional agencies and private interests. The process consists of seven



components: (a) process initiation (initiation and response letters), (b) settlement meetings, (c) pre-initiation meeting, (d) situation assessment, (e) mediation, (f) advisory decision-making, and (g) reference to other dispute resolution processes (judicial, administrative, or arbitration proceedings). Components (a) and (b) are required while components (c), (d), (e), (f), and (g) are optional.

(2) The intent of the RDRP is to provide a flexible process to reconcile differences on planning and growth management issues that will clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.

(3) The RDRP may be used to resolve disputes involving extrajurisdictional impacts as provided for in the intergovernmental coordination elements of local comprehensive plans, as required by Section 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans, as required by Section 163.3178, F.S.; the siting of community residential homes, as required by Section 419.001(5), F.S.; and any other matters covered by statutes which reference the RDRP.

(4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.

(5) The RDRP does not replace local processes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations.

(6) Use of the RDRP shall not alter the right of a jurisdiction, organization, group, or individual to judicial or administrative determination of any issues if that entity is entitled to such a determination under statutory or common law.

(7) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status in any judicial or administrative proceedings.

(8) All named parties who agree to participate in this process commit to a good faith effort to resolve problems or disputes.

29I-7.002 Definitions.

(1) "Situation assessment" is a procedure of information collection that may involve review of documents, interviews, and an assessment meeting leading to a written or oral report identifying the issues in dispute, the stakeholders, the information needed before a decision can be made, and a recommendation for appropriate dispute resolution procedures. This procedure is sometimes referred to as "fact finding."

(2) "Pre-initiation meeting" is a meeting which provides the opportunity for a party to discuss with the RPC staff the suitability of the RDRP for resolution of a dispute before formal initiation of the RDRP.

(3) "Facilitation" is a procedure in which the facilitator helps the parties to design and follow a meeting agenda and assists the parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.

(4) "Mediation" is a procedure in which a neutral party assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator (who may take more control of the process than a facilitator) usually works in more complex cases in which a dispute is more clearly defined.

(5) "Advisory decision-making" is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically

evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.

(6) "Jurisdiction" is any local government or regional agency, including any special district, authority, or school board.

(7) "Named party" is any jurisdiction, organization, group, or individual who is named in an initiation letter, including the initiating jurisdiction, or any jurisdiction, organization, group, or individual who is permitted by the named parties to participate in settlement of a dispute pursuant to subsections 29I-7.003(1), (2), and (3), F.A.C. Being a "named party" in the RDRP does not convey or limit standing in any judicial or administrative proceeding.

(8) "Representative" is an individual who is given guidance and authority to act, to the extent possible, by a named party in a RDRP case. Subsection 29I-7.003(4), F.A.C., sets forth the process for designation of a representative.

(9) "Initiation letter" is a letter from a jurisdiction that formally identifies a dispute, asks named parties to engage in this process to resolve the dispute, and, at a minimum, requests the named parties to attend the initial settlement meeting. Rule 29I-7.010, F.A.C., specifies what must be included in an initiation letter.

(10) "Response letter" is a letter that formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting. Subsection 29I-7.010(3), F.A.C., specifies what must be included in a response letter.

(11) "Settlement agreements" may be voluntarily approved by the individual or governing body authorized to bind the named party. Agreements may take the form of memorandums of understanding, contracts, interlocal agreements, or some other form mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

29I-7.003 Participation.

(1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals may be suggested by a named party in response letters or during RDRP meetings. Any such entity or individual may also submit a petition to participate. In any case, such an entity or individual may become a named party if agreed to by a two-thirds majority of the participating named parties, except as provided for in subsection 29I-7.003(3), F.A.C. Fee allocation agreements will be amended as appropriate.

(2) All initiation and response letters that are made in accordance with intergovernmental coordination elements of local government comprehensive plans shall list only affected local government jurisdictions as named parties. The named parties, at the initial settlement meeting or at subsequent RDRP meetings, may add public or private named parties by mutual agreement of all the current named parties.

(3) Other jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request and information required in subsection 29I-7.010(2), F.A.C. Such jurisdictions, organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named parties, prior to or during RDRP meetings, except as pursuant to subsection 29I-7.003(2), F.A.C. Named parties who do not respond within 21 days of the date of the initiation letter

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may not participate in the RDRP unless they submit a petition for participation.

(4) Each of the jurisdictions, organizations, groups, or individuals participating as a named party in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, to the maximum extent feasible, and shall have responsibility to represent that party's interest in this process and to maintain communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in this process in advance of initiating or receiving a request.

(5) Individuals or organizations who can provide information and technical assistance useful in the resolution of the dispute may be invited by a named party or the presiding neutral to attend meetings under this process. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such individuals or entities may be invited. Invited parties may provide input as agreed by the named parties or the presiding neutral.

(6) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.

(7) Any named party may withdraw from participation in dispute resolution under this process upon written notice to all other named parties and the RPC staff.

29I-7.004 Costs.

(1) There shall be no charge for processing a RDRP initiation request and facilitation of the initial settlement meeting. The SWFRPC shall be compensated for situation assessments, facilitation of additional settlement meetings, mediation, technical assistance, and other staff services at its standard rate or as negotiated by the parties. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.

(2) The costs of administration, settlement meetings, mediation, or advisory decision-making shall be split equally between the parties or as otherwise agreed. The agreed upon cost allocation shall be documented in a written fee agreement.

(3) Jurisdictions formally adopting this process shall establish budgeting procedures for paying the cost of participation in this process.

29I-7.005 Time Frames.

(1) The initial settlement meeting shall be scheduled and held within 30 days of the date of receipt of the initiation letter at a time and place convenient to the named parties.

(2) Additional settlement meetings, mediation, or advisory decision-making shall be completed within 45 days of the date of the conclusion of the initial settlement meeting.

(3) All time frames specified or agreed to in this process may be altered by mutual agreement of the named parties.

(4) The parties may, by agreement, utilize procedures in the RDRP in any order.

(5) Where necessary to allow this process to be carried out effectively, named parties should consider deferring or seeking stays of judicial or administrative proceedings.

29I-7.006 Administrative Protocols.

The Regional Planning Council is authorized to write and adopt such administrative procedures as are necessary to implement this rule. These may address staff and Council roles, procedures for situation assessment and the selection of neutrals, development of consumer

guides, or other matters. Where required pursuant to Chapter 120.52, F.S., policies and guidelines should be adopted as rules.

29I-7.007 Public Notice, Records, and Confidentiality.

(1) Named parties should consider the provision of appropriate opportunities for public input at each step in this process. This could include the submission of comments on issues, alternative solutions, and the impacts of proposed agreements.

(2) Applicable public notices and public records requirements shall be observed as required by Chapters 119 and 120, F.S.

(3) Participants in these procedures agree by their participation that no comments, meeting records, or written or oral offers of settlement shall be offered by them as evidence in a subsequent judicial or administrative action.

(4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of Chapter 44, F.S., and other applicable law.

29I-7.008 Pre-Initiation Meeting.

A jurisdiction, organization, group, or individual contemplating initiation of this process may request an informal pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process. The Regional Planning Council at the next regularly scheduled or emergency meeting shall authorize the staff to act as appropriate pursuant to Rules 29I-7.009, .010, .011, .012, .013, and .014, F.A.C.

29I-7.009 Situation Assessment.

(1) A jurisdiction, organization, group, or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.

(2) The situation assessment may involve examination of documents, interviews, and assessment meetings and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures, and a proposed schedule.

29I-7.010 Initiation of the Process by Jurisdictions.

(1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than a regional planning council, to the named parties as provided for in subsections 29I-7.003(1) and (2), F.A.C., and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization for the representative to initiate a request to use the RDRP process.

(2) Such an initiation letter shall identify the issues to be discussed, named parties to be involved in the dispute resolution process, the initiating party's representative and others who will attend, and a brief history of the dispute indicating why it is appropriate for this process.

(3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) days of receipt of the initiation letter. This response letter shall include any additional issues and potential named parties that the respondent wishes considered, as well as a brief history of the dispute and a description of the situation from the respondent's point of view.

(4) Upon receipt of a request, the RPC staff shall assess the interest of the RPC in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilita-



tor for the initial settlement meeting.

(5) The RPC may not initiate the RDRP but may recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties who may, at their discretion, initiate the RDRP.

(6) The RPC staff shall schedule a meeting at the most convenient time within thirty (30) days of the date of the receipt of the initiation request, unless the named parties agree otherwise.

(7) In the event that a dispute involves jurisdictions under two or more Regional Planning Councils, the process adopted by the Regional Planning Council of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

29I-7.011 Requests to Initiate Submitted by Others.

(1) Private interests may ask any jurisdiction to initiate the process.

(2) Any public or private organization, group, or individual may request that the RPC recommend use of this process to address a potential dispute in accordance with Subsection 29I-7.010(5), F.A.C. Such a request shall be submitted in writing and shall include the information required for an initiation letter in Subsection 29I-7.010(2), F.A.C.

(3) After reviewing the material submitted by, and consulting with, the requesting organization, group, or individual, the RPC staff will conduct a situation assessment and prepare a written report. The Council at the next regularly scheduled or emergency meeting, shall act to amend, reject, or affirm the recommendations of its staff.

(4) If the RPC determines that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requesting organization, group, or individual. The determination may include a recommendation that one or more of the jurisdictions among the potential parties initiate the procedure. The RPC may also suggest that other resolution processes be considered.

29I-7.012 Settlement Meetings.

(1) Settlement meetings shall, at a minimum, be attended by the properly designated representatives of the named parties.

(2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties within 30 days after the date of the receipt of the initiation request, unless the named parties agree otherwise.

(3) At the settlement meeting, the parties shall consider the addition of named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution, and seek agreement.

(4) The parties shall submit a settlement meeting report in accordance with Subsection 29I-7.015(4), F.A.C., of this process.

(5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation, or advisory decision-making, any party who has agreed to participate in this procedure may withdraw or may proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, an administrative hearing, or arbitration, as appropriate.

29I-7.013 Mediation.

(1) If two or more named parties submit a request for formal mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a

mediator. An informal mediation may be administered by the staff of the Regional Planning Council or a member of the Regional Planning Council.

(2) All formal mediations shall be mediated by a mediator who understands Florida growth management issues, has mediation experience, and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part II, Section 020-150, F.S.

(3) The parties shall submit a mediation report in accordance with subsection 29I-7.015(4), F.A.C., of this process.

29I-7.014 Advisory Decision-Making.

(1) If two or more of the named parties submit a request for advisory decision-making to the Regional Planning Council,

(a) The RPC shall assist the parties to select and retain an appropriate neutral;

(b) The parties may request that the RPC make the selection; or

(c) The parties may request the RPC to provide an advisory opinion at a regularly scheduled or emergency meeting. Parties serving on the Regional Planning Council may excuse themselves from voting on advisories which directly address their jurisdiction.

(2) A neutral handling a dispute must understand Florida growth management issues, have appropriate experience, and be acceptable to the parties.

(3) The parties shall submit an advisory decision-making report in accordance with subsection 29I-7.015(4), F.A.C., of this process at the conclusion.

29I-7.015 Settlement Agreements and Reports.

(1) The form of all settlements reached through this process shall be determined by the named parties, and may include interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions, or other forms as appropriate.

(2) Agreements signed by designated representatives may be in the form of recommendations to formal bodies and subject to their formal approval.

(3) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.

(4) After settlement meetings, mediation, or advisory decision-making under this process, the named parties shall submit a joint report to the RPC which shall, at a minimum, include:

(a) An identification of the issues discussed and copies of any agreement reached;

(b) A list of potentially affected or involved jurisdictions, organizations, groups, or individuals (including those which may not be named parties);

(c) A time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings, or litigation;

(d) Any additional RPC assistance requested;

(e) A written fee allocation agreement to cover the costs of agreed-upon RDRP procedures;

(f) A description of responsibilities and schedules for implementation and enforcement of agreements reached; and,

(g) Any statements that any named party wishes to include.

29I-7.016 Other Dispute Resolution Processes.

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- (1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with, or after judicial or administrative proceedings.
- (2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.
- (3) Use of the RDRP shall not alter the right of a jurisdiction, organization, group, or individual to a judicial or administrative determination of any issue if that entity or person is entitled to such a determination under statutory or common law.
- (4) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.
- (5) In addition to the Regional Dispute Resolution Process authorized by Section 186.509, F.S., parties may consider the applicability of other resolution processes within Florida Statutes, including the following: Intergovernmental Coordination Element, Sections 163.3177(5)(h)1. and 2., F.S.; Port Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Administrative Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; and Mediation Alternatives to Judicial Action, Chapter 44, F.S.

2. STATUTORY PROVISION

Florida Statutes 186.501 through 186.515 presents the Florida Regional Planning Act. These statutory provisions authorize the establishment of Region Planning Councils and depicts their powers and duties. RPCs provide comprehensive planning and intergovernmental coordination for managed, responsible growth. Florida Statutes 186.502(4)(1) recognize RPCs as Florida's only multipurpose regional entities in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region.

Florida Regional Planning Council Act

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

186.502 Legislative findings; public purpose.—

- (1) The Legislature finds and declares that:
 - (a) The problems of growth and development often transcend the boundaries of individual units of local general-purpose government, and often no single unit can formulate plans or implement policies for their solution without affecting other units in their geographic area.
 - (b) There is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis.
 - (c) Federal and State programs should have coordinated purposes and consistent policy direction in order to avoid the proliferation of overlapping, duplicating, and competing regional agencies. To further this end, these efforts should result in entities agencies which effectively carry out a wide variety of federal and state program

designations.

- (d) The financial and technical assistance of the state should be provided to regional planning agencies to maximize the effective use of regional programs undertaken with the authorization of local, state, or federal governments serving the citizens of this State.
- (e) There is a need for the establishment at the regional level of clear policy plans that will guide broad-based representative regional planning agencies as they undertake regional review functions.
 - (2) It is the declared purpose of this act to establish a common system of regional planning councils for areawide coordination and related cooperative activities of federal, state, and local governments; ensure a broad-based regional organization that can provide a truly regional perspective; and enhance the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.
 - (3) The regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.
 - (4) The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. A council shall not act as a permitting or regulatory entity.
 - (5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

186.503 Definitions relating to Florida Regional Planning Council Act.—As used in this act, the term:

- (1) “Comprehensive planning districts” means the geographic areas within the state specified by rule by the Executive Office of the Governor pursuant to s. 186.006.
- (2) “Cross-acceptance” means a process by which a regional planning council compares plans to identify inconsistencies. Consistency between plans may be achieved through a process of negotiation involving the local governments or regional planning council which prepared the respective plans.
- (3) “Elected official” means a member of the governing body of a municipality or county or an elected county official chosen by the governing body.
- (4) “Existing regional planning council” means a regional planning council created by local general-purpose governments prior to October 1, 1980, pursuant to chapters 1160 and 163.
- (5) “Federal” or “Federal Government” means the United States Government or any department, commission, agency, or other instrumentality thereof.
- (6) “Local general-purpose government” means any municipality or county created pursuant to the authority granted under ss. 1 and 2, Art. VIII of the State Constitution.
- (7) “Local health council” means a regional agency established pursuant to s. 408.033.
- (8) “State” or “state government” means the government of the State of Florida or any department, commission, agency, or other instrumentality thereof.
- (9) “Strategic regional policy plan” means a long-range guide for physical, economic, and social development of a comprehensive planning district which identifies regional goals and policies.



186.504 Regional planning councils; creation; membership.—

(1) A regional planning council shall be created in each of the several comprehensive planning districts of the State. Only one agency shall exercise the responsibilities granted herein within the geographic boundaries of any one comprehensive planning district.

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association.

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, to include one elected school board member, subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(a) A representative of the Department of Transportation.

(b) A representative of the Department of Environmental Protection.

(c) A representative nominated by the Department of Economic Opportunity.

(d) A representative of the appropriate water management district or districts.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

(5) Nothing contained in this act shall be construed to mandate municipal government membership or participation in a regional planning council. However, each county shall be a member of the regional planning council created within the comprehensive planning district encompassing the county.

(6) The existing regional planning council in each of the several comprehensive planning districts shall be designated as the regional planning council specified under Subsections (1)-(5), provided the council agrees to meet the membership criteria specified therein and is a regional planning council organized under either s. 163.01 or s. 163.02 or ss. 186.501-186.515.

186.505 Regional planning councils; powers and duties.—Any regional planning council created here under shall have the follow-

ing powers:

(1) To adopt rules of procedure for the regulation of its affairs and the conduct of its business and to appoint from among its members a chair to serve annually; however, such chair may be subject to reelection.

(2) To adopt an official name and seal.

(3) To maintain an office at such place or places within the comprehensive planning district as it may designate.

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

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

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

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

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

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

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

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

(12) To fix and collect membership dues, rents, or fees when appropriate.

(13) To acquire, own, hold in custody, operate, maintain, lease, or sell real or personal property.

(14) To dispose of any property acquired through the execution of an interlocal agreement under s. 163.01.

(15) To accept gifts, grants, assistance, funds, or bequests.

(16) To conduct studies of the resources of the region.

(17) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.

(18) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

(19) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region and which the Council finds feasible to perform.

(20) To provide technical assistance to local governments on growth management matters.

(21) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the Strategic Regional Policy Plan, with the entities to be coordinated determined by the topics addressed in the Strategic Regional Policy Plan.

(22) To establish and conduct a cross-acceptance negotiation

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process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.

(23) To coordinate land development and transportation policies in a manner that fosters region wide transportation systems.

(24) To review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.

(25) To use personnel, consultants, or technical or professional assistants of the Council to help local governments within the geographic area covered by the Council conduct economic development activities.

186.506 Executive Office of the Governor; powers and duties.—The Executive Office of the Governor, or its designee, shall:

(1) Arbitrate and settle disputes between regional planning councils.

(2) Provide assistance to local general-purpose governments concerning organization of, or reorganization into, a regional planning council.

(3) Review, modify, reject, or approve those rules of the regional planning councils which pertain to the functions designated to the regional planning councils by the state. These rules shall be submitted to the Governor or his or her designee and, if not acted upon within 30 days of receipt, they will be assumed to be in force.

(4) Conduct an in-depth analysis of the current boundaries of comprehensive planning districts to ensure that the regional planning councils working within them together form a workable system for effective regional planning, and that each council can adequately perform the tasks assigned to it by law. The Executive Office of the Governor shall include in its study the preferences of local general-purpose governments; the effects of population migration, transportation networks, population increases and decreases, economic development centers, trade areas, natural resource systems, federal program requirements, designated air quality nonattainment areas, economic relationships among cities and counties, and media markets; and other data, projections, or studies that it determines to be of significance in establishing district boundaries. The Executive Office of the Governor may make such changes in the district boundaries as are found to be feasible and desirable, shall complete a review of existing boundaries by January 1, 1994, and may revise and update the boundaries from time to time thereafter.

186.507 Strategic regional policy plans.—

(1) A Strategic Regional Policy Plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and address significant regional resources and facilities. Regional plans shall be consistent with the state comprehensive plan.

(2) The Executive Office of the Governor may adopt by rule minimum criteria to be addressed in each Strategic Regional Policy Plan and a uniform format for each plan. Such criteria must emphasize the requirement that each regional planning council, when preparing and adopting a Strategic Regional Policy Plan, must focus on regional rather than local resources and facilities.

(3) In preparing the Strategic Regional Policy Plan, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the Strategic Regional Policy Plan.

(4) The regional goals and policies shall be used to develop a coordinated program of regional actions directed at resolving the identified problems and needs.

(5) The Council shall give consideration to existing state, regional, and local plans in accomplishing the purposes of this section.

(6) The draft regional plan shall be circulated to all local governments in the region, and the local governments shall be afforded a reasonable opportunity to comment on the regional plan.

(7) The council shall provide for adequate input by citizens into the regional planning process.

(8) Upon adoption, a strategic regional policy plan shall provide, in addition to other criteria established by law, the basis for regional review of developments of regional impact, regional review of federally assisted projects, and other regional comment functions.

(9) Regional planning councils shall consider, and make accessible to the public, appropriate data and studies, including development-of-regional-impact applications and agency reports, in order to assist participants in the development-of-regional-impact review process. A major objective of the regional planning process shall be to coordinate with the state land planning agency in order to achieve uniformity and consistency in land use information and data collection efforts in this state and provide a usable and accessible database to local governments and the private sector.

(10) Each regional planning council shall enter into a memorandum of agreement with each local health council in its comprehensive planning district to ensure the coordination of health planning, if the regional planning council elects to address health issues in its Strategic Regional Policy Plan. The memorandum of agreement shall specify the manner in which each regional planning council and local health council will coordinate their activities.

(11) All natural resources of regional significance identified in the strategic regional policy plan shall be identified by a specific geographic location and not solely by generic type.

(12) In addressing regional transportation, the Council may recommend minimum density guidelines for development along designated public transportation corridors and identify investment strategies for providing transportation infrastructure where growth is desired, rather than focusing primarily on relieving congestion in areas where growth is discouraged.

(13) Standards included in strategic regional policy plans may be used for planning purposes only and not for permitting or regulatory purposes. However, a regional planning council may not adopt a planning standard that differs materially from a planning standard adopted by rule by a state or regional agency, when such rule expressly states the planning standard is intended to preempt action by the regional planning council. The absence of a planning standard for a particular issue on the part of a state or other regional agency shall not be deemed to create a material difference from a planning standard adopted by a regional planning council. Planning standards

may be used as a basis for comments on federal consistency and clearinghouse reviews. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act.

(14) A regional planning council may not, in its strategic regional policy plan or by any other means, establish binding level-of-service standards for public facilities and services provided or regulated by local governments. This limitation shall not be construed to limit the authority of regional planning councils to propose objections, recommendations, or comments on local plans or plan amendments.

(15) A Strategic Regional Policy Plan or any amendment thereto shall be adopted by rule by a two-thirds vote of the membership of the governing body of a regional planning council present at a duly noticed meeting constituting a quorum; however, no Strategic Regional Policy Plan or amendment thereto shall be adopted by less than the majority of the members of the governing body.

(16) In formulating regional policies, the regional planning council shall consider existing requirements in other planning and regulatory programs.

(17) Each regional planning council, in its Strategic Regional Policy Plan, may recommend specific locations or activities in which a project, due to character or location, should be a development of regional impact within that comprehensive planning district.

186.508 Strategic Regional Policy Plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule established by the Executive Office of the Governor to coordinate implementation of the Strategic Regional Policy Plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed Strategic Regional Policy Plan to ensure consistency with the adopted state comprehensive plan and shall, within 60 days, provide any recommended revisions. The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the Strategic Regional Policy Plan shall not be subject to rule challenge under s. 120.56(2) or to draw out proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

(2) If a local government within the jurisdiction of a regional planning council challenges a portion of the Council's regional policy plan pursuant to s. 120.56, the applicable portion of that local government's comprehensive plan shall not be required to be consistent with the challenged portion of the regional policy plan until 12 months after the challenge has been resolved by an administrative law judge.

(3) All amendments to the adopted regional policy plan shall be subject to all challenges pursuant to chapter 120.

186.509 Dispute resolution process.—Each regional planning council shall establish by rule a dispute resolution process to reconcile

differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of time frames, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The Council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

186.511 Evaluation of Strategic Regional Policy Plan; changes in plan.—The regional planning process shall be a continuous and ongoing process. Each regional planning council shall prepare an evaluation and appraisal report on its Strategic Regional Policy Plan at least once every 5 years; assess the successes or failures of the plan; address changes to the state comprehensive plan; and prepare and adopt by rule amendments, revisions, or updates to the plan as needed. Each regional planning council shall involve the appropriate local health councils in its region if the regional planning council elects to address regional health issues. The evaluation and appraisal report shall be prepared and submitted for review on a schedule established by the Executive Office of the Governor. The schedule shall facilitate and be coordinated with, to the maximum extent feasible, the evaluation and revision of local comprehensive plans pursuant to s. 163.3191 for the local governments within each comprehensive planning district.

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164 and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164 and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164 or s. 380.031(15).

186.803 Use of geographic information by governmental entities.—When state agencies, water management districts, regional planning councils, local governments, and other governmental entities use maps, including geographic information maps and other geographic information materials, as the source of data for planning or any other purposes, they must take into account that the accuracy

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and reliability of such maps and data may be limited by various factors, including the scale of the maps, the timeliness and accuracy of the underlying information, the availability of more accurate site-specific information, and the presence or absence of ground truthing or peer review of the underlying information contained in such maps and other graphic information. This section does not apply to maps adopted pursuant to part II of chapter 163.

Developments of Regional Impact

Pursuant to Chapter 380, Florida Statutes (FS), Regional Planning Councils are charged with coordination of the review of any large-scale development project which, because of its character, magnitude, or location, could have a substantial effect upon the health, safety, or welfare of the citizens of more than one county. Such a project, known as a Development of Regional Impact (DRI) is typically complex and requires input from many reviewing agencies.

3. SUNSHINE LAW

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings of public boards or commissions at both the state and local levels. The law is equally applicable to elected and appointed boards, and applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of s. 286.011, F.S.:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken and promptly recorded.

A constitutional right of access to meetings of collegial public bodies is recognized in Art. I, s. 24, Fla. Const. See *Frankenmuth Mutual Insurance Company v. Magaha*, 769 So. 2d 1012, 1021 (Fla. 2000), noting that the Sunshine Law "is of both constitutional and statutory dimension." Virtually all collegial public bodies are covered by the open meetings mandate of this constitutional provision with the exception of the judiciary and the State Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution. The complete text of Art. I, s. 24, Fla. Const.,

The SWFRPC must also comply with the provisions of Fla. Stat. § 120.525, which require an agency to give notice of all public meetings, hearings and workshops by publishing it in the Florida Administrative Weekly and on the agency's website at least seven days before the event.

GLOSSARY

A

ABM

Agency for Bay Management - Estero Bay Agency on Bay Management.

ADA

An Application for Development Approval, prepared by a DRI applicant, provides detailed information on topics such as transportation, housing, the environment, and public facilities as they relate to the specific project that is proposed. ADAs and sufficiency responses are used by the SWFRPC to prepare the staff recommendations for each DRI.

Americans with Disabilities Act

AMDA

Application for Master Development Approval

AFFORDABLE HOUSING

Affordable housing is housing that costs less than 30 percent of the household's income. Generally affordable housing is defined based upon the area's median income. Households earning less than 50 percent of the area median income are very low-income households, and households earning 50 to 80 percent of the median are low-income households. Federal housing programs restrict the use of funds to these income groups. There is another income category, moderate income, which includes households earnings 80 to 120 percent of median income. State housing programs allow some assistance to be given to these households.

APA

The American Planning Association is a non profit research and public interest organization committed to urban, suburban, regional, and rural planning and bringing together planners, citizens, and elected officials.

B

BEBR

Bureau of Economic Business and Research at the University of Florida

BLID

Binding Letter of DRI Status

BLIM

Binding Letter of DRI Status

BLIVR

Binding Letter of Vested Rights Status

C

CDBG

Community Development Block Grant

CDC

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

CEDS

A Comprehensive Economic Development Strategy is a plan that emerges from a continuous planning process addressing the economic opportunities and constraints of a region. The guidelines for developing a CEDS include effective general planning practices that can be used by any community to design and implement a plan to guide its economic growth and should promote economic development and opportunity, foster effective transportation access, enhance and protect the environment, and balance resources through sound management of development. A CEDS is normally a prerequisite to be eligible to receive funds under most EDA programs.

CHNEP

Charlotte Harbor National Estuary Program

CTC

Community Transportation Coordinator

CTD

Commission for the Transportation Disadvantaged

CUTR

Center for Urban Transportation Research

D

DEP

Florida Department of Environmental Protection

DO



The Development Order is the binding order that authorizes and formally approves DRI. It is executed between the applicant and the local government. The DO spells out most, if not all, of the binding conditions to be imposed upon the DRI and usually includes any separate agreements made to resolve specific regional issues. Conditions of approval should include mitigation requirements, monitoring procedures, DO compliance, commencement and termination dates, requirements for the annual report, and a legal description of the property

DOPA

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

DRI

Developments of Regional Impact are large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located.

E

EDA

The Economic Development Administration was established under the Public Works and Economic Development Act of 1965 (42 U.S.C. § 3121), as amended, to generate jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas of the United States. EDA assistance is available to rural and urban areas of the Nation experiencing high unemployment, low income, or other severe economic distress.

EDC

Economic Development Coalition

EDD

The Economic Development District designation under the Economic Development Administration allows local governments in the district to receive an additional 10 percent bonus under EDA funded programs and eliminates the need for counties to update their Comprehensive Economic Development Strategy annually to qualify for EDA funding. EDDs are required to prepare and update CEDS, assist in implementing strategies identified in the CEDS, and provide technical assistance to economic development organizations in the region.

EPA

U.S. Environmental Protection Agency

F

FAC

Florida Association of Counties

Florida Administrative Code

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

FDEP

The Florida Department of Environmental Protection is the lead agency in state government for environmental management and stewardship and works toward protecting Florida's air, water, and land. The Department is divided into three primary areas: Regulatory Programs, Land and Recreation, and Planning and Management.

FDOT

The Florida Department of Transportation is the state department responsible for state funded roads, improvements, and issues. FDOT is decentralized in accordance with legislative mandates and consists of seven (7) districts plus Florida's Turnpike Enterprise, each of the districts is managed by a District Secretary. Although each district varies in organizational structure, in general, each has major divisions for Administration, Planning, Production, and Operations as well as a Public Information Office and General Counsel Office that report to the District Secretary.

GLOSSARY CONTINUED

FHREDI

Florida Heartland Rural Economic Development Initiative

FIAM

The Fiscal Impact Analysis Model is a tool local governments can use to assess the fiscal impacts of development projects. It also can be used to assess the financial feasibility of their capital improvements elements.

FLC

Florida League of Cities

FRCA

Florida Regional Planning Councils Association

G

GIS

A geographic information system is a computer system used for creating and managing spatial data and attributes by allowing users to integrate, store, edit, analyze, and display geographically referenced information. This technology can be used for a variety of programs from scientific investigations and resource management to development and route planning.

H

HSEEP

Homeland Security Exercise and Evaluation Program is a threat and performance based exercise program that functions as both doctrine and policy for designing, developing, conducting, and evaluating homeland security exercises. It includes a cycle, mix, and range of exercise activities of varying degrees of complexity and interaction. HSEEP includes a series of four reference manuals to help States and local jurisdictions establish exercise programs and design, develop, conduct, and evaluate exercises.

I

IC&R

Intergovernmental Coordination and Review

IFAS

Institute of Food and Agricultural Sciences at the Univer-

sity of Florida

J

JLCB

Joint Local Coordinating Boards of Glades & Hendry Counties

JPA

Joint Participation Agreement

JSA

Joint Service Area of Glades & Hendry Counties

L

LCB

Local Coordinating Board for the Transportation Disadvantaged

LEPC

The Local Emergency Planning Committee is comprised of representatives of county emergency management agencies, private manufacturers and transporters, regional hospitals, and others. The committee focuses on hazardous materials management, including training of city and county emergency services personnel, public awareness promotions and response coordination among the various public and private emergency management services.

M

MOA

Memorandum of Agreement

MPO

Metropolitan Planning Organizations were given by Congress the role of managing the transportation process and providing an unbiased forum for effective transportation decisions in urban areas. MPOs generally produce long range transportation products and transportation improvement programs which focus on multi modal projects.

MSA

A Metropolitan Statistical Area is a large population nucleus together with adjacent communities having a high



degree of social and economic integration with that core (comprised of one or more entire counties).

N

NARC

The National Association of Regional Councils is a non profit organization which represents multi functional organizations serving local governments. NARC is governed by a 28 member board. Membership includes regional councils, metropolitan planning organizations, councils of governments, and regional planning and development agencies.

NOPC

A Notice of Proposed Change is required to be submitted by the applicant of a DRI to the local government, the RPC, and FDEO when a change is proposed to a previously approved . DRI. Section 380.06(19), FS provides guidance for determining the significance of the change. If it is determined to be a non-substantial change, the amendment can be considered by the local government, with consideration given to comments from DEO, the RPC, and their review agencies.

NAAAA

National Association Against Acronym Abuse.

O

ODP

Office of Domestic Preparedness coordinates all federal efforts, including those of the Department of Defense, Federal Emergency Management Agency, Department of Health and Human Services, Department of Energy, and the Environmental Protection Agency, to assist state and local first responders with planning, training, equipment, and exercise necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) incident.

R

RC&DC

Resource Conservation and Development Council

REMI

Regional Economics Model. Inc. is a leading economic forecasting and policy analysis model. The SWFRPC ver-

sion is specially built for the region to reflect our local economies. It is used as a major source for demographic, economic, fiscal, and financial data and to model impact analysis assessing the effects of major changes and shifts in local and national economies of our communities.

RPC

Regional Planning Council

S

SRPP

Strategic Regional Policy Plan

SUBSTANTIAL DEVIATION

A substantial deviation is defined as a proposed change to an approved DRI that creates a reasonable likelihood of additional regional impact or any regional impact not previously reviewed by the RPC. It also is a change that - standing alone or cumulatively - can exceed criteria set forth in Section 380.06(19), FS. The DRI review for a substantial deviation is limited to those areas affected by the proposed change. The review process for a substantial deviation is the same as for a new ADA, although the length of time and extent of the review is often much reduced due to the limited number of issues associated with changes.

SWFRPC

The Southwest Florida Regional Planning Council works with local communities to aid them in resolving regional issues and in expanding and enhancing the abilities to work across administrative and political boundaries. The SWFRPC works with local communities through a variety of programs and projects that encompass Planning Tools, Planning Techniques, Information Development, Regional Leadership Training and Education, Organizational Partnerships, and Regional Coalitions and Compacts.

SWOT

Strength, Weakness, Opportunity and Threats Analysis is a powerful technique for understanding your Strengths and Weaknesses, and for looking at the Opportunities and Threats you face. Used in a business context, it helps you carve a sustainable niche in your market. Used in a personal context, it helps you develop your career in a way that takes best advantage of your talents, abilities and opportunities.



GLOSSARY CONTINUED

T

TDC

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

TDPN

Transportation Disadvantaged Planners Network

TDSP

Transportation Disadvantaged Service Plan

TOD

Transit-Oriented Development is the exciting, new, fast growing trend in creating vibrant, livable communities. Also known as Transit Oriented Design, it is the creation of compact, walkable communities centered around high quality train systems. This makes a higher quality life possible without complete dependence on a car for mobility and survival.

U

USDA

US Department of Agriculture

W

WMD

Water Management Districts are responsible for managing the quality and quantity of water resources, both surface and ground, by balancing and improving water quality, flood control, natural systems, and water supply. There are five districts in the State of Florida, two of which are located in the SWFRPC area. Those are Southwest Florida Water Management District (SWFWMD) and the South Florida Water Management District (SFWMD).



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