



Legal & Regulatory Reform

to Increase Government Efficiency in Rural Areas of Critical Economic Concern in Southwest Florida



June 2013





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Developing regional services to create
a stronger rural environment

I. Introduction

In 2012, the legislature appropriated recurring funds from the Grants and Donations Trust Fund for the purpose of providing technical assistance to local governments for implementation of the State's growth management planning efforts. The Department of Economic Opportunity awarded a grant to the Southwest Florida Regional Planning Council to provide technical assistance to rural areas of the region. The grant was planned as a six month project, starting on January 1, 2013, and ending on June 30, 2013.

The rural areas within the Southwest Florida Regional Planning Council that have been classified by the governor as Rural Areas of Critical Economic Concern ("RACECs" or "areas of economic concern") pursuant to § 288.0656(7), Florida Statutes, are Glades County, Hendry County, and the unincorporated community of Immokalee in Collier County. The predominant industry in these rural areas is agriculture – primarily cattle, sugar cane, produce, and citrus.

The lack of business diversity in these areas necessitates a need for economic development that will result in improvements to the tax base and provide jobs and economic opportunities for residents of the region.

The key economic indicators or factors used in determining the designation include per capita income, average annual wages, percentage of people in poverty, and average annual unemployment rate. (See Appendix F, Census Data for Critical Areas of Economic Concern.) By virtue of this designation, these areas of economic concern receive special consideration for economic development initiatives administered by the State of Florida. The executive order designating these areas as RACECs² states that:

- The areas shall be a priority assignment for the Rural Economic Development Initiative;
- On a case-by-case basis, the criteria, requirements or provisions of economic development incentives may be waived. Such incentives shall include but not be limited to the Qualified Target Industry Tax Refund Program under § 288.106, the Quick Response Training Program under § 288.047, the WAGES Quick Response Training Program under § 288.047(10), transportation projects under § 288.063, the brownfield redevelopment bonus refund under § 288.107, and the rural job tax credit program under §§ 212.098 and 220.1895, Florida Statutes.

² EO 01-26, 2001; redesignated most recently by EO 11-81, 2011.



The RACEC areas shall be a priority assignment for the Rural Economic Development Initiative.

State of Florida Executive Order

A. Grant Summary

Pursuant to the grant funded by the by the Florida Department of Economic Opportunity, the Southwest Florida Regional Planning Council (SWFRPC) is responsible for performing the following tasks:

1. Identify regulatory barriers that impede economic development in Rural Areas of Critical Economic Concern;
2. Develop regulatory solutions that eliminate or circumvent the barriers; and
3. Assist local governments in the adoption of the recommended regulatory solutions.

The grant directs SWFRPC to appoint an ad hoc committee, consisting of public and private representatives from the participating communities, to analyze the issues, research potential solutions, discuss alternatives, and identify concrete actions that identified parties could take to address the barriers of economic development in the affected counties.

The committee was formed and convened, and after a number of meetings, did indeed make recommendations for regulatory reforms that it believed would streamline the regulatory process and create a more attractive regulatory environment for development in areas of economic concern. The recommendations for changes to comprehensive plan policies, land development regulations, and local governmental staff review procedures have been presented to each county’s board of county commissioners for consideration.

The scope and timeline of the grant did not permit an exhaustive study of the current regulations of each affected local government; rather, the recommendations are based on interviews with local government and private sector persons familiar with the regulatory landscape of the region. See Appendix A, Interviews with Local Government and Private Sector Persons. If a local government wishes to conduct a comprehensive review of their local land development regulations, they can use the tool kit referenced below.

A final deliverable will be a tool kit based on the process developed through the grant that can be used to organize and educate local governments throughout the State on how to review and streamline their regulatory process, with the objective of providing a predictable and efficient legal and regulatory environment that will help to attract new businesses and expand existing ones.

B. Preserving the Business of Agriculture

There are legal and regulatory barriers to both agricultural and nonagricultural businesses in rural areas. Agriculture is not only an important part of the economy of these rural areas; it is a defining characteristic of their communities, inseparably intertwined with their history, values and culture. While the promotion and attraction of new businesses to rural areas is certainly an objective that should be promoted and facilitated, the preservation of existing—and possibly new—agricultural enterprises is an important component of planning for economic development in rural areas.

Looking for new uses for agricultural land



The biggest economic barriers for agriculture are very similar to the barriers for other types of economic development: transportation infrastructure, a skilled labor force (that isn't subject to deportation in the case of some agricultural workers), and water. The transportation infrastructure needed for agriculture is adequate roads and bridges to get supplies to fields and crop to market. The labor needs of modern agriculture are diverse: modern farming technology requires skilled workers to run expensive high-tech machinery; it is also important for agriculture to have an adequate supply of seasonal workers.

Small farms in rural and urban areas are a growing business sector across the country. Starting a new

business is usually not an easy process for small businesses, and starting a small farm is no exception.

Florida law does provide legal protection for agriculture; these protections apply to large and small agricultural operations (a partial list is attached in Appendix B, Florida Laws Protecting Agricultural Lands.) Although large-scale commercial agriculture feeds the vast majority of our population, small farms serve an important and growing role: they provide alternatives not offered by large-scale agriculture, that are being demanded by a growing market sector (locally grown, organic, non-GMO, heirloom varieties, etc.) Eliminating legal and regulatory barriers to the economic viability of all agricultural interests of all sizes serves a vital public policy goal.



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Agriculture cannot
be regulated into
existence,
but it can be
incrementally
regulated out of
existence.²

² Katherine R. English, interview on 4/23/13. Ms. English is a partner at Pavese Law Firm, where she specializes in environmental and agricultural law; a member of the Florida Farm Bureau Water and Natural Resources Advisory Committee; lecturer at the University of Florida Levin College of Law; she also remains involved in her family's farming operations.

“Whether defined in terms of volume of sales or by acreage, small farms make up the vast majority of farms in Florida. In keeping with national trends, the number of small farms continues to grow: in 2007 (year of the last agricultural census) farms of less than 50 acres comprised 70% of the 47,463 farms in Florida. When considering value of sales, nearly 84% of farms had sales values of less than \$50,000. Nearly 90% of these farms were identified as “family” versus corporate farms. And finally, small farms represent the fastest growing sector, increasing (between 2002 and 2007) at a rate nearly twice that of larger farms. Clearly, the small farm is a very important component of Florida agriculture.

The recent growth in small farms is due to many factors, including consumer interest in buying locally grown and produced food products, organic farms, “farm fresh” products, community supported agriculture, and similar issues. At the same time, Florida consumers consistently rank food safety as a primary concern. While the majority of our food supply comes to us through large and complex chains of distribution, all farms and businesses, regardless of size, have an obligation to produce a safe food product.”

Small Farms: Recommendations to Minimize Costs While Ensuring Food Safety. Report by the

Commissioner of Agriculture to the President of the Senate and Speaker of the House (January 2011, pg. 3) (Report submitted per directive in HB 5001, 2010 session)

The State also has expressed the intent of preserving businesses related to agriculture. Section 163.3177(7) references the public policy goals of preserving rural agricultural industrial centers:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, other crops, juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.
2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial

centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

There are a number of state programs that promote economic development in the State's rural areas of critical economic concern³, and the laws governing the State reflect a long-standing commitment to preserving both the primary agricultural interests and the ancillary businesses related to agriculture (see Appendix C, Economic Development Programs Targeting Rural Agricultural Lands in Florida.) Given the existence of these incentives for economic development in rural parts of the State, and the fact that economic development is still slow in coming to these areas, it was only natural to ask: are there legal or regulatory barriers to economic development in these rural areas?

This report is an attempt to answer that question. The report documents the research and findings of the committee appointed to study the question, and concludes with recommendations to address the perceived underlying causes of the problem, including specific, actionable steps that can be taken by local governments in the region's rural areas of critical economic concern.

C. Scope of Study to Increase Economic Opportunities in RACECs

The following issues and potential solutions are the result of the committee's review of the current laws, regulations, policies, and government practices associated with the development review process in the rural areas of the region. In the course of investigating regulatory barriers that impede economic development in RACECs, the ad hoc committee determined that there are larger obstacles to economic development in these areas than local land development regulations. Accordingly, the recommendations in this report are more holistic and comprehensive, intended to identify all barriers to economic development

³ See, e.g., § 288.0656, Rural Economic Development Initiative, Appendix C.

in the regional areas of economic concern, regulatory or otherwise.

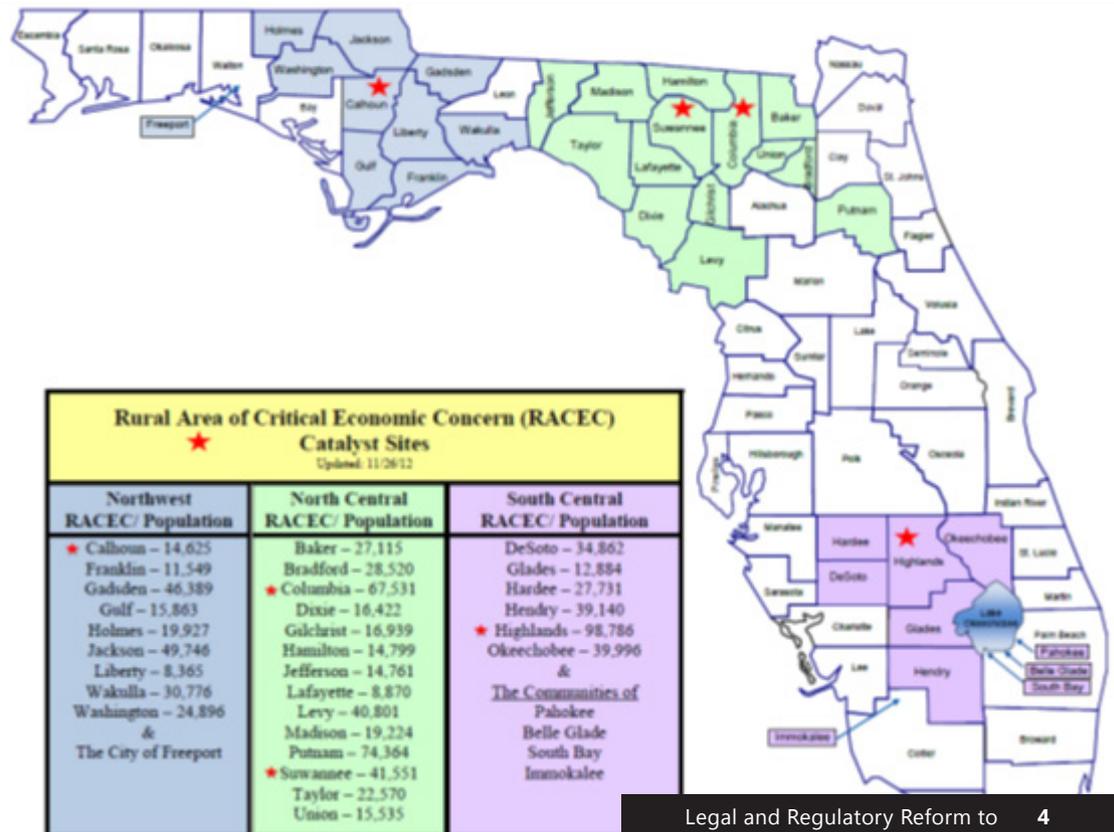
Therefore, in addition to identifying actions that local governments can take to promote economic development in the identified rural areas, the report discusses actions that can be taken by federal, state, and regional bodies.

In addition to the research and recommendations of the study committee, the SWFRPC also conducted a series of one-on-one interviews with the public and private sector to find out what is working and not working in the area of regulatory reform. Applicable findings from these interviews have been incorporated into the study, and a list of the contacts is attached in the appendices.

The report is divided into three primary areas:

- Federal and State opportunities to promote economic activity in the region's RACECs;
- Regional opportunities to facilitate economic growth in rural areas of economic concern; and
- Local government actions to promote economic development in rural areas of economic concern.

Are there legal or regulatory barriers to economic development in rural areas?





II. Federal & State Opportunities

The study committee felt strongly that federal and state government play an extremely important role in the economic development of rural parts of the State. It is only through the support of these larger governmental entities that the rural areas of the State can hope to achieve their economic development goals and objectives. Federal and state governments control funding for roads, water projects, and other infrastructure needs; they also determine the priority of funding for projects, as well as eligibility for waivers and incentives associated with state and federal programs. The areas identified for study in this report include Hendry County, Glades County, and the unincorporated town of Immokalee. Hendry County and Glades County are inland counties that have a lower tax base than the coastal counties in southwest Florida, which translates into less money to invest in the public infrastructure needed to attract new development—transportation, drinking water and waste water, schools and universities, broadband, skilled labor, etc.

Although the major obstacle to development identified by the study committee was lack of infrastructure, the committee also found that some federal and state regulations and review processes create significant barriers to economic development in rural areas of economic concern. Some permitting processes take a significant amount of time to complete, and some are duplicative of reviews done at regional or local levels.

A. Provision of Infrastructure

Issue. The primary issue restricting economic development in the region's rural areas of critical economic concern is the lack of adequate infrastructure.

Discussion. The rural counties need basic infrastructure so that new projects will have the basic needs of potable water, sanitary sewers, and adequate roads. New businesses are reluctant to locate in rural areas if the area lacks sufficient capacity to serve the needs of the business and their employees; they do not want to pay for infrastructure, on top of the costs of land acquisition, improvements, construction, and other business start-up expenses. Local governments and economic development organizations in rural areas have numerous examples of being on the potential site list for a business, only to lose the development to another community with better infrastructure, work force, schools, or other services, or the ability to offer financial incentives in the form of tax breaks or other means.

Transportation infrastructure needs of the rural areas of concern in the region include roadway improvements to provide improved access to rural areas, such as SR 80, SR 82, SR 29, US 27, Airglades Airport, and the Heartland Expressway. The affected local governments have succeeded in getting roadway improvements included in the State's transportation budget.

Adequate water and wastewater infrastructure is also important for attracting new business and expanding existing businesses. Hendry County has had difficulty attracting new business partners to the Airglades Airport, in part due to inadequate wastewater treatment capacity. The current budget will not pay for the needed installation of a wastewater force main to the City of Clewiston, estimated to cost four million dollars.

Funding for rural infrastructure has become the proverbial Catch 22 scenario: without better infrastructure, these areas cannot attract new development; without new economic development, the State will not fund the infrastructure, saying that funding is premature, or that it would promote development in rural areas, in opposition to the goal of encouraging infill development within existing urban service areas.

Recommendation. Federal and state government should coordinate resources to provide more funding for local governments in rural areas to provide the infrastructure required to support new development in suitable areas, similar to the federal program that helped local governments build municipal wastewater treatment plants.

After passage of the Federal Water Pollution Control Act Amendments of 1972, Congress raised the federal matching share of grants for construction of publicly owned treatment works to 75%, and greatly increased the amount of funding available for the program, resulting in a tenfold increase in federal funding for wastewater treatment grants during the 1970s, reaching a high of \$9.1 billion in 1980. Future Investment in Drinking Water and Wastewater Infrastructure, pg. 6 (Nov. 2002).

B. Integrating Hazard Mitigation Planning Into Infrastructure Planning and Funding Decisions

Issue. The committee believes that federal and state funding priorities should favor investment in rural areas over coastal areas – not only do they have greater economic need, they are also a more prudent investment of public funds, since they are less subject to hazards such as hurricanes.

Hazard mitigation plans developed by regional development organizations often incorporate long-term economic growth strategies that support sustainable development. Land use and design regulations can promote hazard mitigation goals while advancing sustainable development and high-quality design, as in southern Mississippi towns after hurricane Katrina.

In Florida, local governments adjacent to the coast are required to incorporate a coastal zone protection element in their comprehensive plan. This plan element is required to include the principles, guidelines, standards, and strategies that will guide the local government's decisions and program implementation with respect to various objectives, including limiting public expenditures that subsidize development in coastal high-hazard areas. § 163.3177(6)(g)(6), F.S.

After a natural disaster, all levels of government are involved in repairing damage to vital infrastructure such as roads, electricity, phone and broadband service, drinking water and sewage treatment. In the rebuilding process, it is possible to rebuild in a more sustainable manner, reducing future risk and enhancing quality of life by guiding smart development, protecting natural resources, diversifying transportation options, and fostering economic growth.

Recommendation. Investment in rural infrastructure be prioritized to promote economic development in these areas in furtherance of state and regional goals, including limiting public expenditures that subsidize development in coastal high-hazard areas.

C. Federal and State Permitting

Issue. Local government representatives on the study committee were adamant in their opinion that federal and state permits take substantially longer to obtain than any local development permit; they made it clear that they did not believe that local regulations were acting as an impediment to economic development in rural areas. There are jurisdictional overlap and duplicative review issues for which there is no obvious cure; this is an issue that merits further analysis and study.

Discussion. If the process for obtaining federal and state permits is taking an excessive amount of time, this clearly acts as a disincentive to development in all areas of the State where applicants need to obtain these federal and state permits, including RACECs. Some permitting decisions involve multiple federal and state agencies; for instance, a wetlands permitting decision can involve the U.S. Environmental Protection Agency (USEPA), U.S. Army Corps of Engineers (the Corps), U.S. Department of Agriculture, and U.S. Fish and Wildlife (USF&W). Section 404(q) of the Clean Water Act requires the Corps and EPA to develop an agreement assuring that delays in the issuance of permits under Section 404 are minimized; the 1992 Section 404(q) Memorandum of Agreement, outlining the process and time frames for resolving disputes, memorializes that agreement. However, even with the agreement in place, the process can take many months; it can take longer than a year for a development project to get final

approval from the Corps. Part of the problem is that the Corps is not under strict time restrictions for their reviews, and they usually wait to hear from other agencies before taking final agency action (e.g., USEPA, USF&W.) One suggestion was to consider certifying qualified contractors to conduct reviews for the Corps.

Further complicating matters, the State of Florida and the Corps define wetlands differently, requiring each agency to have their own experts visit the site to make jurisdictional decisions. The Corps has fewer people available to make these decisions, so their process usually takes longer. The State could seek 404 assumption, i.e. a delegation of primacy by the Corps to administer § 404 of the Clean Water Act, providing the State with permitting authority over dredge-and-fill permits, including the delineation of wetland areas (USACE would retain jurisdiction for all navigable waters in the State under Section 10 of the Rivers and Harbors Act.) However, this has raised other issues, including the merits of the methodologies used for delineation. In addition, there are issues with 404 assumption. The program is difficult to administer, and there would be significant costs associated with running the program.

Recommendation. It is beyond the scope of this report to make recommendations concerning time-frames for federal agencies to review permit applications, or overlapping and duplicative reviews by federal and state agencies. The study committee reached the conclusion that there are larger issues affecting economic development in rural areas of the State than streamlining local development regulations. The recommendation is that there be a concerted effort to build a partnership between the local, state, and federal agencies involved in issuing approvals for development projects, wherein all levels of government are committed to making cooperative, timely decisions.

D. Legal Notice Publication Requirement

Issue. State laws currently require that legal notices be published in print newspapers; this requirement applies to zoning and comprehensive plan land use changes for local governments in Florida. Requiring public notice by publication adds time and expense to the development process; given the funding issues facing local rural governments, some members of the study committee believe that the costs may outweigh the benefits. A proposed alternative is to permit local governments to provide notice solely by online publication.

Discussion. This is a national issue that is being debated in state legislatures across the country. There are a number of public policy issues associated with the decision; see Appendix D, Trends and Policy of Public Notice Publication Requirements.

Currently, there is a statutory mandate for local governments to publish notices of proposed zoning and comprehensive plan land use changes in local newspapers of general circulation. In rural areas of the state, there may only be one newspaper of general circulation, and it may only be published on a weekly basis. In these rural areas, it takes several weeks to meet the statutory legal notice publication requirements; this significantly impedes the ability of a local government to expedite a project.



The primary argument in favor of allowing governmental entities to use electronic legal notices in lieu of printing notices in newspapers is saving time and money. Advocates of electronic notices also point out that with falling circulation, print newspapers no longer reach the majority of the public, and that since online notices would eliminate the need to pay per word, online notices could be more expansive and informative at no extra cost (showing, for instance, a map of a proposed zoning change.)

The primary arguments against electronic notices are that they would limit access for persons living in rural areas and low-income neighborhoods who do not have regular access to the Internet or computers; that there is a potential for lack of accountability with electronic notices; that people are more likely to read notices if they are reading a local newspaper rather than having to search for a web page on the Internet to find legal notices; and that small newspapers would lose needed revenue. Despite these concerns, there is growing pressure to shift public notices online in order to cut costs, as state and local governments look for any opportunity to save money.

For county zoning changes, publication requirements for zoning and comprehensive plan land use changes are at § 125.66(4)(b)(2), F.S.; for municipalities, the publication requirements are at § 166.041(3)(c)(2) (b), F.S. See Appendix E, Florida Laws Affecting Public Notice Publication Requirements, for text of referenced laws.

Recommendation. Rural local governments should be authorized to use electronic legal notices, and avoid the cost and delays associated with publishing legal notices in newspapers. Local governments are already providing public notice of proposed actions to interested parties on their websites as a courtesy and as good business practice, and all newspapers in the state already provide free Internet access to legal notices at a central portal, www.floridapublicnotices.com, pursuant to § 50.0211, F.S.

E. Coordination and Standardization of Fire District Reviews

Issue. Plan reviews in some fire districts take longer than in others, this lack of consistency can make it difficult to predict the amount of time it will take to obtain approval of development plans. It was pointed out that this is not an issue at the present time in Glades and Hendry Counties, which only have a few districts, and follow a different model than Collier County, which contains many districts.

Discussion. This issue extends beyond fire district reviews. As a general principle, review of development plans takes longer in areas where the local government does not have the resources to hire a sufficient number of plan reviewers with the requisite expertise to quickly and thoroughly review plans.

In the case of reviews of plans submitted for review by fire districts, this general principal holds true. The problem of inconsistent standards was resolved by the adoption of the Florida Fire Prevention Code, Chapter 69A-60, F.A.C. The adoption of the Florida Fire Prevention Code ("Code"), however, did not provide funding for local fire districts throughout the state to hire and train staff to review plans.

The districts are responsible for reviewing construction plans and documents to ensure that the planned buildings will comply with the Code;

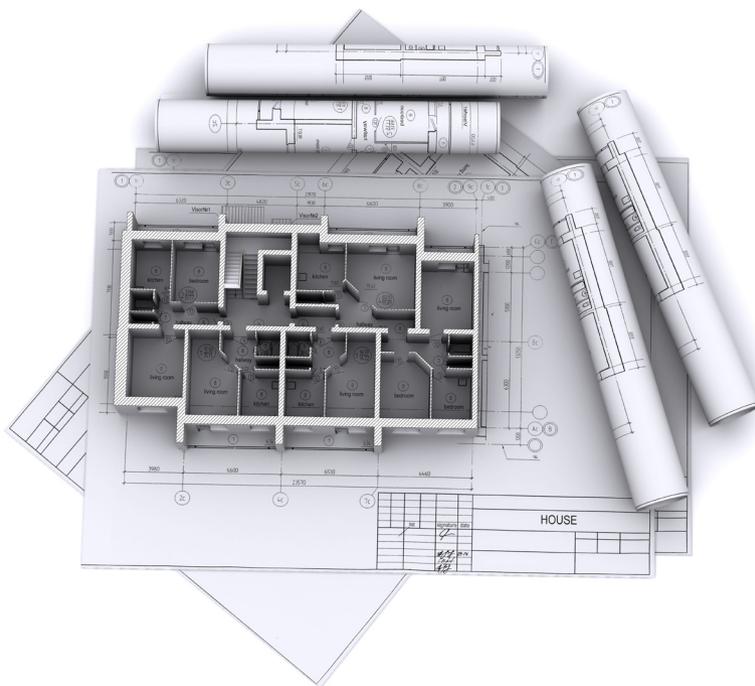
the objective is to identify code violations during the design phase, before the construction is started. This reduces construction time, inspection time, and construction costs. For larger projects, the review might encompass a complete evaluation of all life safety support systems, including fire rated assemblies, automatic sprinkler systems, fire alarm systems, smoke detection and evacuation systems, and the adequacy of means of egress as well fire department access, water supplies, and hazardous material use or storage.

Another source of delay in the plan review process is the submission of design documents that do not meet the requirements of the code. It is not unusual for applicants to submit inadequate design documents numerous times.

An initial proposal by the study committee was to have the State Fire Marshal address the issue by requiring all local fire districts to use standardized review times and forms. The State Fire Marshal is only responsible for reviewing plans for State buildings. Counsel for the State Fire Marshal pointed out that Chapter 633, Florida Statutes, specifically grants authority to local jurisdictions to enforce the Florida Fire Prevention Code (FFPC), thereby placing them in charge of enforcing the FFPC, not the State. Although all districts must follow the FFPC, they can include additional requirements if they get approval from the State Fire Marshal.

Recommendation. No action is warranted at the present time, as fire district reviews are not causing delays in the study area. There were delays in Collier County, and the County developed an innovative approach to streamline reviews, as referenced below.

Case study: Collier County. In 1997, all of the fire district reviews in the unincorporated parts of Collier County were consolidated into a single office, regulated by the fire districts. In 2000, development interests met with representatives of the fire districts to discuss an acceptable level of service; in return for payment of additional fees, the plan review department agreed to complete 95% of first reviews within 10 days and 97% of re-reviews within 3 days. During FY 2011/2012, despite budget cuts resulting in a current staff



of four reviewers to conduct an average of 813 plan reviews a month, the office completed 90.67% of its first reviews within 10 days of submission, with an average turnaround of 5.79 days – usually a faster turnaround time than county’s building permit department. Ed Riley, director of the office since 2000, credits their success with the development of a well-trained, knowledgeable staff. All staff receives ongoing training in general building plan review, and individual staff receives specialized training in the design requirements of various fire detection and suppression technologies. Telephone interview with Ed Riley, CFPS, Collier County Fire Code Official, 4/19/13.

F. Amending the Community Planning Act

Issue. The Community Planning Act (Chapter 163, F.S.) requires that comprehensive plans for rural counties include the same plan elements as urban counties. The substantive requirements of some mandatory plan elements are actually being addressed in a more comprehensive manner by state permitting agencies: water management districts evaluate and issue permits for water supply and stormwater drainage; metropolitan planning organizations and FDOT provides transportation planning; Florida Fish and Game reviews impacts of development on wildlife, the Department of Environmental Protection does permitting for a variety of environmental issues. This increases expenses to the already economically depressed rural areas of the region and results in duplicative, multi-layered review.

Discussion. This concept is already recognized in principle in Chapter 163:

“When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.” § 163.3177(1)(e), F.S.

The Community Planning Act has already eliminated the need for local governments to require concurrency for public facilities and services other than sanitary sewer, solid waste, drainage, and potable water. § 163.3180(1), F.S. Perhaps the requirements for mandatory elements in local comprehensive plans should also be evaluated.

The following elements are currently required: capital improvements; future land use; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; and intergovernmental coordination. § 163.3177(3)(a)-(h), F.S.

Rural local governments that do not have the resources to engage in complex modeling should not be required to have a groundwater resource element; instead, these

local governments should have the option of relying on water management district water supply plans; in these cases, the local government comprehensive plan would reference the applicable water management district plan. This would be an option for local governments, and would only be effective after approval of the local decision-making body. Large development projects would remain subject to review by regional planning councils under § 380.06, F.S.

Recommendation. The State should reevaluate the Act to consider whether some of the current mandatory elements should be optional for local governments, especially in rural areas. Section 163.3177 could be revised to allow local governments, at least in rural areas, to opt out of the requirement to include all comprehensive plan elements. Specifically, local governments should be able to determine whether they want to include certain elements in their comprehensive plan, if another agency with greater subject matter expertise is already doing the planning and permitting for that subject matter. Pursuant to this opt-out provision, rural local governments would be permitted to defer to an evaluation and approval process already exercised by another agency.

G. Central or One Stop Permitting

Issue. The volume and complexity of regulations affecting land development is overwhelming. Although the intent is admirable, the execution is at times arduous. The process of obtaining the required approvals from permitting agencies is unpredictable, confusing, costly, and time consuming. It is often difficult to find the right person to talk to, and the process of contacting all of the required parties, submitting complete applications in the correct format, and tracking the applications to ensure that they do not get lost along the way is often delegated to a consultant, which adds to the cost of the project.

Recommendation. One agency should be established that is in charge of all the related permitting on any particular project. This agency would provide one place where an applicant would submit their proposed project and pay their fees. An alternative solution is to create a permitting concierge or ombudsman at the state or regional level with the power and authority to facilitate timely review of all state, regional, and local agencies, and to require timely communication between agencies.

See also: Regional Permitting Facilitator in Regional Opportunities Section

H. Permit Coordination and Standardization Between Agencies

Issue. The existing Federal, State and local permitting regulations should be more coordinated and standardized, especially when similar issues are being



When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.” § 163.3177(1)(e), F.S.

addressed by different levels of government.

Recommendation. Environmental resource permitting should be standardized throughout the State. The permitting processes for agencies involved in environmental permitting should be reviewed so that the impact of proposed development on a particular project could be evaluated at the same time by all appropriate agencies. Agencies should explore the possibility of using one master application form; parts of the form could be optional, depending upon the issues associated with a particular development proposal.

In some areas of the State, it might be possible to map out known resource systems that need to be preserved to assure the economic health of the area. These systems could be coordinated with other issues such as water management areas, wildlife preservation areas, recreational activities needs, transportation facilities locations, and urban land uses. This information could be used to assist an applicant in determining the agencies and issues that would be likely to be involved in the permitting process for a particular location.

See also: Interactive GIS Mapping Website in Regional Opportunities Section

The State of Oregon has established a state-wide online system for building permitting services, called "ePermitting." [<http://www.oregon-epermitting.info/>]



I. State Portals

Issue. There is clearly a trend towards utilization of online or "e-permitting." Many states, including Florida, are adopting central web portals, centralized web sites where a person can conduct various types of business in the State. (See Appendix H, States Utilizing One-stop Portals.) Typically, this allows an applicant to obtain a business license by filling in one application and paying one fee, rather than submitting multiple applications with several agencies and paying multiple fees. There are other uses as well; the State of Oregon has implemented a portal for submitting building permit

applications.

Recommendation. The State should continue to move forward with efforts to develop the central web portal, increasing its functionality and the number of agencies that are tied into the system.

The State of Florida is committed to establishing a One-Stop Business Registration Portal that, through an internet website, will provide individuals and businesses with a single point of entry for completing and submitting applications for various licenses, registrations, or permits that must be issued by a state department or agency in order for the applicants to transact business in the state. § 288.109, F.S.

J. Standardized Permit Applications

Issue. Application forms utilized by federal, state, and local government permitting agencies require duplicative or unnecessary information, often by different departments in the same agency. This causes frustration, and wastes time and money. The existing federal, state and local permitting regulations should be more coordinated and standardized, especially when similar issues are being addressed by different levels of government. Online permit applications hold the potential to facilitate the process for both applicants and review agencies, especially if they are set up to allow applicants to make one application and pay one fee, and get approvals from multiple agencies at the same time.

Recommendation. A regional roundtable of the federal and state agencies involved in development permitting processes should be convened, and common submittal requirements should be identified so that applications can become more standardized. Agencies should also explore the possibility of using one master application form; parts of the form could be optional, depending upon the issues associated with a particular development proposal. At the present time, water management districts in Florida are working on streamlined permitting and standardization of applications, including a common web portal where applicants can submit and track permits; this type of regulatory streamlining should be considered by all permitting agencies.

There are many potential roles for a regional entity to promote economic development. There are also limitations, since to some extent, local governments will always be competing at some level to attract economic development that will benefit the community in the form of taxes, jobs, and other amenities. In order to be a strong business partner for local governments and the private sector, a regional entity must build coalitions, coordinate fundraising efforts, and assist with research efforts that benefit everyone.⁴

Many of the barriers to economic development raised by the committee appointed to study this topic involve a lack of coordination or communication between different levels of government (there can also be issues with lack of coordination and communication at the local level, at times within the same permitting agency; these are addressed in the local section, below.) The regional planning council should play a proactive role in building a partnership between the local, state, and federal agencies involved in reviewing and permitting projects, wherein all levels of government are committed to making timely, innovative decisions.⁵

⁴ Interview with Shelley Lauten, triSect, LLC, former president of myregion.org.



III. Regional Opportunities

There are three potential regional roles outlined in this section of the report. The first two are facilitation roles: the first role would provide facilitation services during the planning stages of a project; the second role would facilitate the implementation of the project, assisting with getting necessary permits and approvals. The third role involves providing a GIS mapping service that could be utilized by public and private sector entities.

A. Regional Economic Development Facilitator

Issue. Proposals for economic development in rural areas of economic concern would benefit from the attention of a regional economic development specialist, who could oversee and facilitate economic development proposals in these areas. Rural local governments often lack the resources to train and assign a staff person to work closely with someone considering locating a new business in their jurisdiction, which could mean the difference between attracting a business and losing it to another jurisdiction.

A regional economic development facilitator could assist rural local governments by filling this role. Such a person could answer questions regarding the site selection criteria that attract a business to an area: state and local tax schemes, transportation infrastructure, utility infrastructure, land/building prices and supply, ease of permitting and regulatory procedures, existing work force skills, local economic development strategies, legal climate, availability of incentives, and state economic development strategies (the top ten criteria for selecting a site identified by a survey of corporate real estate executives in 2012.⁵)

Upon a recommendation from a rural local government, a regional economic development specialist would work with an interested party, coordinating with economic development specialists at the local, regional, state, and federal levels who could quickly answer questions and provide assurances of government incentives. This position would give special

⁵ Interview with James C. French, Director of Operations and Regulatory Management, Collier County Growth Management Division, May 9, 2013.

⁶ Site Selector magazine, pg. 86, November 2012.

attention to applicants that are providing economic development and jobs in rural areas of concern, as required by existing state law and policy.⁷

Discussion. The Southwest Florida Regional Planning Council recently adopted the 2012-2017 Comprehensive Economic Development Strategy. This report contains a prioritized list of economic development projects identified for the region; some of the region's Vital Projects (the highest ranking) are in the region's rural areas of critical economic concern. See Appendix G, Comprehensive Economic Development Strategy Vital Projects.

Recommendation. Regional economic development specialists should be available to assist local governments in rural areas of critical economic concern. These specialists would assist persons interested in locating new businesses in rural areas, working with local governments and economic development offices to answer questions and coordinate with state and federal offices to craft applications and expedite projects that would increase economic development in the rural areas of the region. This personal service to potential business interests would provide incentives for investors and provide assurances that reasonable development requests would receive increased attention and personal service from government permitting entities. In addition, this effort would assist limited local government staff in reviews and approvals of developments with significant economic benefits, and provide decision-makers with increased confidence in development proposals in their local jurisdictions. This position could be funded by the state, or by a combination of local, state, and private funding sources.

B. Regional Permitting Facilitator

Issue. Development proposals that involve reviews by federal, state, and local agencies often involve significant time delays that are frustrating and

⁷ See Appendix C, Economic Development Programs Targeting Rural Agricultural Lands in Florida, especially the Rural Economic Development Initiative (§ 288.0656, F.S.) and Florida Enterprise Zone Program (Chapter 290, F.S.)

expensive. Some of these delays are attributable to a lack of coordination and cooperation in the review of the project. If a knowledgeable person was available to usher applicants through the review and approval processes of the applicable local, state, and federal government permitting agencies, it could greatly facilitate the process for the applicant.

Discussion. A regional permitting facilitator would coordinate development applications involving local, state, and federal permitting agencies. The need for an advocate to guide an applicant through the permitting process is debatable. As a member of the study committee referenced in a presentation, if you need to have a person guide you through the process, you should probably evaluate the process.⁸ However, given the complexities of our current permitting systems, the need for an advocate is not likely to disappear in the near future.

Most development entities employ consultants to guide their projects through the process; these experts know the people and processes unique to each local government. Some local governments provide streamlined processes and services intended to attract business interests to their jurisdiction; for instance, the City of Naples planning department assigns a planner to each development project, who tracks the application from cradle to grave, and provides a single point of contact that an applicant can contact with any questions regarding an application from the time it is submitted until the permit is issued or denied.⁹

Although local governments in rural areas of critical economic concern have streamlined development processes, they do not have adequate resources to fund a facilitator position to assist applicants with obtaining state and federal permits.

Recommendation. Potential development projects in rural areas of critical economic concern should receive every opportunity to succeed that local, regional and state governments can provide. For projects that hold the potential to be of regional significance, a regional permitting facilitator should be available to assist applicants through the permitting process. For example, to initiate the process, the regional permitting facilitator could coordinate a meeting between the applicant and all involved permitting agencies, much in the same manner as the current process for preapplication conferences for Developments of Regional Impact described at § 380.06(7), F.S. The coordinated project review would identify important issues up front in the permitting process, and information requests could be identified at one time and place, so that the applicant could address these issues prior to submission for project approval. This position could be funded by the state, or by a combination of local, state, and private funding sources.

C. Regional Interactive GIS Mapping Website

Issue. Maps are an essential part of the land development process, and they can be used for many other potential uses as well. A regional web-based GIS map could be used by applicants, permitting agencies, and members of the public. A common base map, developed and maintained at a common location, with layers of additional data, would allow everyone to work from the same set of maps.

Most businesses that are seeking to relocate spend a considerable amount of time on due diligence; it is more cost-effective for them to conduct their due diligence if the information is available in electronic form, accessible by internet. Some rural counties lack the resources to maintain and update

⁸ *Permitting Techniques "When Your City is Hungry for Economic Development: Setting the Table"*, Robert D. Pritt, Naples City Attorney and CRA Attorney, the Cape Coral CRA Attorney, presented at the Florida League of Cities 2012 Annual Conference, August 24, 2012.

⁹ *Interview with Robin Singer, Director, City of Naples Planning Department, May 6, 2013.*

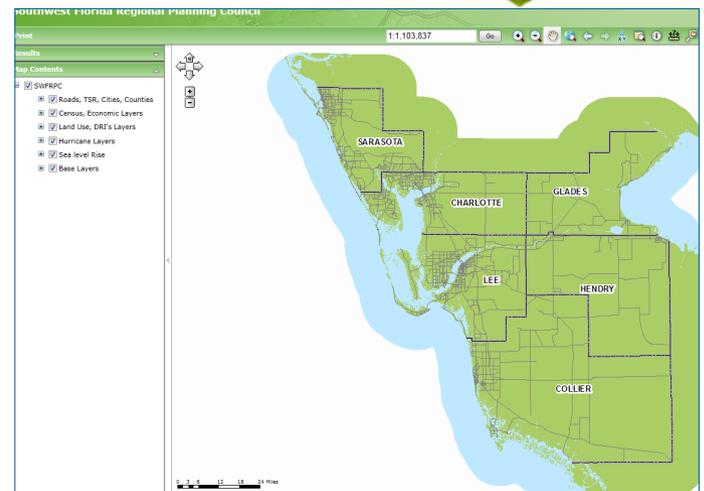
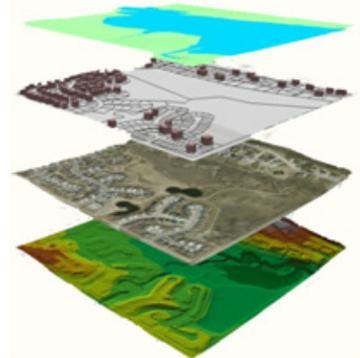
current property and regulatory information online.

These maps could be used by applicants in order to assist them in understanding what systems are important in their project designs, and help shape their development requests. The maps would reduce costs and time for both the review agencies and applicants.

The interactive component of the mapping concept would allow the user to create their own map, including the layers of data they want to see displayed on the map, e.g.: aerial map, hurricane storm surge map, FEMA flood plain map, census data, roads, points of interest, topographical information, etc. Users could locate specific property on the map by entering a physical address, GPS coordinates, section-township-range, geocode, or basic point-and-click.

There are many possible options for data linked to an interactive mapping website. For example, once a parcel was identified on the map, the user could call out information coded to that site, such as the jurisdictional offices of pertinent permitting agencies, with contact information for the local office.

Recommendation. A database should be coordinated at the regional level that contains data from all parts of the region, including local governments in rural areas. Ideally, this would be compatible with the same GIS mapping system used by county property appraisers, coordinated through the Florida Department of Revenue. (See <http://dor.myflorida.com/dor/property/gis/>.) This common data base would then be used by people from public, private, and nonprofit sectors interested in proposing some form of economic development in the area.



IV. Local Government Opportunities:

Hendry County, Glades County, and the Unincorporated Community of Immokalee in Collier County

The Rural Areas of Critical Economic Concern in the Southwest Florida Regional Planning Council are governed by the local land development regulations of Hendry County, Glades County, and Collier County. This report contains recommendations for promoting economic development in all of these areas, and some recommendations that are specific to the individual counties.

A. Streamlined and One Stop Permitting

Issue. The traditional local land development review and approval process is not usually administered in a predictable, consistent manner, at least from the perspective of the persons seeking approvals from review agencies. There can be a myriad of approvals required, some of which are dependent upon gaining prior approval of another department or agency; jurisdictional ambiguity crops up at times, and people are sent back and forth from one place to another without getting clear guidance as to who is responsible for what.

Due to the complexity of the planning and development approval process, the delays associated with the process are often caused by related technical departments rather than the planning department. These technical departments have their own unique rules and powers, and the approval of the planning department is often conditional upon gaining approval of the technical departments. Delays seem to be inherent to the system, resulting in both frustration and increased development costs.

Although each agency believes that it has an efficient, logical, and

predictable process, the individuals who apply for approvals from the agencies usually have a different perspective. As one consultant familiar with the permitting process in the region stated, “you only know that you’re done when you’re done.”¹⁰

The delays associated with decentralized development approvals has lead many local governments to streamline their development process, and possibly adopt “one stop” permitting offices. The basic concept behind one stop permitting is to facilitate development approvals by bringing together development-related approvals in one location, eliminating the cost, inconvenience, and delays inherent in the traditional system, where the applicant files applications and pay fees in numerous locations. One stop or streamlined permitting facilitates and expedites the planning and development process, creating a more efficient and effective process, reducing claims of administrative and bureaucratic delays and rigidity, jurisdictional uncertainties, and other potential causes of frustration and delay.

Recommendations.

- Establish a development review advisory committee to review the development review process, and make recommendations to improve customer service for applicants.
- Local governments in rural areas should consider setting up one stop business centers as part of their economic development office. These centers could act as economic development tools, especially if they coordinate and consolidate development approval information in one location along with other information of interest to new or expanding

¹⁰ Name withheld by request of consultant.

businesses, such as workforce and other demographic data, eligibility guidelines for government incentives and assistance programs, available land and office space, and possibly providing assistance to guide applicants through the permitting process. Such centers can encourage the location of new businesses in the area and facilitate expansion of existing businesses by creating an atmosphere that is attractive to development interests.

Collier County created the Development Services Advisory Committee in 1993; this 15-member committee, representing various aspects of the development industry, provides reports and recommendations to the BCC to assist in the enhancement of operational efficiency and budgetary accountability within the Community Development Services Division, and to serve as a primary communication link between the Community Development Services Division, the development industry, and the citizens of Collier County.

B. Online and Electronic Permitting

Issue. This issue is reflective of the economic need underlying the rationale for this report. Electronic permitting is a general term that encompasses many things; at the present time, some options are too expensive for most local governments. Some local governments in rural areas of economic concern accept electronic site planning documents; most do not accept electronic building plans (there are issues with standardization of formats and with electronic seals and signatures for the engineers and architects creating and reviewing the plans.) As technology advances and money to adopt the technology becomes available, local governments will be able to accept electronic applications, online submission and review of plans, online payment of fees, and other online options. The more sophisticated options are currently beyond the needs and reach of local governments in areas of economic concern.

If a local government decides to pursue electronic permitting, the first step it should take is to conduct a thorough review of the existing permitting process, which might involve:

- identifying and working with key stakeholders to conduct the evaluation of the current process and regulations;
- making changes to the existing review process, and accompanying regulations;
- determining which information technologies would allow the local government to better manage work flows and reduce barriers to effective and efficient code administration and enforcement;
- identifying funding sources to acquire the appropriate information technology to improve the effectiveness and efficiency of the regulatory process.

These preliminary steps are important, as the following quote explains:

"First, however, it is best to make certain that your processes are as efficient as they can be. As observed by then-president of the National Association of State Information Resource Executives...: 'If all you do is put IT on a bad regulatory system, all you will do is spend a lot of money on making a bad system worse.'" (Building Safety Journal, December 2008, pg. 16)

Recommendation. Local governments should continue to expand their utilization of electronic plan review and permitting. Utilization of this technology has the potential to reduce costs for both government and private sectors, and reduce the time required for the land development

review and approval process.

The City of Chesapeake, Virginia has a "One-Stop-Shop" for getting building permits, as well as related utility permits, from one location. The applicant completes an application and pays a fee at the Department of Development & Permits; applicants do not need to visit the Department of Public Utilities or Public Works for approval in most cases. The building permit and all other related approvals are approved at the same time.

C. Increased Scope of Administrative Review by Staff

Issue. The time required for elected officials to meet and make decisions dealing with minor development approvals can be significant and can add unnecessary expense to the development review process.

Discussion. Currently, many local governments still utilize a traditional two-step approval process for development projects, where a project is first reviewed and approved by the planning staff, then submitted for approval by the governing body of the local government.

In some jurisdictions, governing bodies have adopted a one-step process for some types of development reviews, e.g. small scale changes, exceptions, or variances where the planning staff has the expertise to make final approvals. Empowering staff of local planning departments to provide approvals eliminates the need for the governing body to spend its time on simple administrative approvals that the staff has the expertise to determine, resulting in expedited review and lower costs for both the applicant and the local government. The rural areas may want to review exactly what the staff can be empowered to approve in order to limit the number of hearings that are required by the counties.

Example:

- Sec. 10-104 of the Lee County Code authorizes the development services director to grant deviations from specified technical standards. Appeals from such decisions, and other types of variances, are decided pursuant to the code's variances process in Chapter 34 of the code.

Recommendation. Revise local land development codes to implement an administrative approval process for specific forms of land use applications; this would replace the current process, which requires a public hearing.

D. Expedited Reviews via Overlays for Economic Generators

Issue. Identifying future economic generators like the Americas Gateway Logistics Center, Airglades Airport, Immokalee Airport, or other specific economic activity centers in the rural areas of the region could provide significant enhancements to business interests in areas that are ready for economic development.

Recommendation. Create floating economic overlay areas in rural areas, and conceptual site plans that would assure that proposed development projects in overlay areas are reviewed in an expedited manner. Review staff should be empowered to provide preliminary approvals if requests are consistent with conceptual plans; the expedited review process could include shortened review time frames and special board meetings when

warranted. The expedited process would allow approvals, platting, and construction permits to be reviewed in an expedited manner, which would enhance rural local governments' ability to lure business interests to these areas.

E. Contractor Certification

Issue. During periods of increased development activity, local government review staff may be unable to provide reviews in a timely manner. In lieu of hiring additional staff for periodic fluctuations in development activity, local governments could certify qualified persons to conduct reviews and inspections to avoid delays in the development process.

Recommendation. Local governments should consider certifying qualified persons to perform reviews during periods of peak development activity.

F. Relaxation of Land Development Code for Inland Areas of Collier County

Issue. In 1959, Collier County adopted separate codes for inland and

coastal areas; subsequently, the county adopted a unified code. The ad hoc study committee heard testimony to the effect that the code requirements for urban coastal areas of Collier County may not be appropriate for inland rural areas, including the unincorporated community of Immokalee. An example is the landscaping requirements of the county land development code, which can significantly increase development costs for small businesses in the Immokalee area, thereby diminishing opportunities for economic development in the area.

Some of these issues were at least partially addressed for the Immokalee community by proposed LDC amendments to the Immokalee Urban Overlay District that were recommended in the update to the Immokalee Area Master Plan (IAMP) and the IAMP Future Land Use Map. However, the amendments failed to garner sufficient support, and were not approved by the Board of County Commissioners.

Recommendation. Revisit the issue of amending the Immokalee Area Master Plan and IAMP Future Land Use Map, with special attention to the Landscaping, Buffering and Open Space component of the Design Standards for the Immokalee Urban Overlay District.



V. Conclusions

The following specific actions are recommended for immediate action from the Boards of County Commissioners to facilitate the review and approval of economic development projects in the rural areas of the region:

A. Hendry County

- Administrative approvals. The process for approving farmworker housing located in the general agriculture zoning district should be streamlined to an administrative review and approval, rather than the traditional special exception with public hearings.
- Expedited reviews. For areas identified as economic generators, an expedited review process should be developed and implemented for economic development projects.

B. Glades County

- Pre-approve and permit the America Gateway Logistics Center (note: zoning changes already done).
- Empower staff to approve land use changes that meet specific criteria via an administrative review process.

C. Town of Immokalee (Collier County)

- Approve changes to the Collier County LDC in rural parts of the county, adopting standards that are consistent with the values and economic climate of the individual communities. At a minimum, these changes should relax the landscaping buffering and open space requirements in the Immokalee area.
- Consider expanding the current ability of review staff to approve land use changes in rural areas via an administrative process.

IV. Appendices

Appendix A

Interviews with Local Government and Private Sector Persons

| Name & Affiliation | Primary Discussion Topic | Date |
|---|--|---------|
| Katherine English, J.D. Pavese Law Firm | Legal and policy perspective on barriers to economic development in rural agricultural areas of the region | 4/23/13 |
| Ellen Lindblad, Director & Josh Philpott, Manger, Planning & Environmental Compliance, Lee County Port Authority | Streamlining regulatory process | 4/29/13 |
| Shelley Lauten, Partner, triSect LLC, former president, myregion.org | Regional role in eliminating regulatory barriers to economic development | 4/29/13 |
| Tony Palermo, Senior Planner, Zoning Division, Lee County Department of Community Development | Streamlining regulatory process | 4/29/13 |
| TJ Canamela, Owner/Manager, Buckingham Farms | Permitting issues associated with permitting a new small farming operation in Lee County | 4/30/13 |
| Don Paight, Executive Director, Fort Myers Redevelopment Agency | Lessons learned from process of revising plan for downtown Fort Myers | 5/1/13 |
| Tim Keene, P.E., Owner/Manager, Keene Development, LLC | Regulatory and process barriers in local and state government permitting process | 5/2/13 |
| Robin Singer, Director, City of Naples Planning Department | Streamlining regulatory process and regulatory barriers to economic development | 5/2/13 |
| Larry Hilton, Community Development Director and Acting County Manager, Glades County | Streamlining regulatory process and regulatory barriers to economic development | 5/7/13 |
| Michael Boyle, Superintendent of Public Works, and Ron Zimmermanly, Finance Director, City of LaBelle | Streamlining regulatory process and regulatory barriers to economic development | 5/7/13 |
| Jamie French, Director of Operations and Regulatory Management, Collier County Growth Management Division & Bruce Register, Director, Office of Business and Economic Development, Collier County | Streamlining regulatory process and regulatory barriers to economic development | 5/7/13 |
| Joan LeBeau, Chief Planner, and staff City of Punta Gorda | Streamlining regulatory process and regulatory barriers to economic development | 5/13/13 |

Appendix B

Florida Laws Protecting Agricultural Lands

The Agricultural Lands and Practices Act (§ 163.3162, F. S.) prohibits counties from adopting or enforcing any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land if such activity is regulated through implemented best management practices (BMPs), interim measures, or regulations adopted by the Department of Environmental Protection, Department of Agriculture and Consumer Services, water management districts, U.S. Department of Agriculture, U.S. Army Corps of Engineers, or the U.S. Environmental Protection Agency. In addition, the counties are prohibited from charging an assessment or fee for stormwater management on a farm that possesses a National Pollutant Discharge Elimination Permit, Environmental Resource Permit or implements BMPs adopted as rules by the Department of Environmental Protection, Department of Agriculture and Consumer Services or a water management district.

The Agricultural Land Acknowledgement Act (§ 163.3163, F. S.) ensures that generally accepted agricultural practices will not be subject to interference by residential use of land contiguous to sustainable agricultural land. The Act requires that before a local land use permit, building permit or certificate of occupancy for nonagricultural land contiguous to sustainable agricultural land is issued, the applicant for the permit or certificate must sign a written acknowledgement recognizing their agricultural neighbors.

Farmers may also dispose of, by open burning, certain materials used in agricultural operations, such as polyethylene agricultural plastic; damaged, non-salvageable, untreated wood pallets; and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting or maintenance of crops. Burning can be conducted provided that no public nuisance or any condition adversely affecting the environment or the public health is created thereby and that state or federal national ambient air quality standards are not violated (§ 823.145, F. S.)

Florida agriculturists are exempt from provisions of Chapter 373 F. S., Water Resources, Part IV Management and Storage of Surface Waters, if normal and customary agricultural practices or activities are not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. In the event of a dispute as to the applicability of this exemption, a water management district or landowner may request that the Department of Agriculture and Consumer Services make a binding exemption determination. The Department and each water management district are to enter into a memorandum of agreement (MOA), or amend an existing MOA, to describe processes and procedures to undertake a review and make a determination; however, the Department has exclusive authority to make the determination (§ 373.407 F. S.).

Provisions in Florida Statutes regarding use of water in farming and forestry was amended to recognize that the water management system located on agricultural lands in use for four of the last seven years prior to conversion to a non-agricultural use will not have to be mitigated as provided in Chapters 373 or 403, F. S.

2011 Legislative Changes for Florida Agriculture, Florida Aquaculture, Issue no. 78, June 2011.

Appendix C

Economic Development Programs Targeting Rural Agricultural Lands in Florida

Definition of Rural

§ 288.0656(7), F.S. (see below), authorizes the designation of up to three rural areas of critical economic concern within the State of Florida.

The key economic indicators or factors used in determining the designation include per capita income, average annual wages, percentage of people in poverty, and average annual unemployment rate.

There are three primary reasons why counties want to be in a rural area of critical economic concern:

- The rural area of critical economic concern designation provides communities with support for economic development efforts and authorization for waivers of criteria, requirements, or similar provisions of any economic development initiatives authorized in statutes.
- Legislation passed during the past two legislative sessions provides counties located in rural areas of critical economic concern with special consideration when dealing with state agencies or qualifying for certain programs.
- State agencies designing programs are including the rural area of critical area concern designation as a factor in future program decisions. For example, the Florida Department of Transportation is utilizing the rural area of critical economic concern designation as a consideration in the development of the "Strategic Inter-modal System" for connecting key roads, railways, seaports and airports.

Per § 288.0656 a rural county is defined as:

- A county with a population of 75,000 or less
- A county with a population of 125,000 or less which is contiguous to a county with a population of 75,000 or less
- Any municipality within a county as described above

The Rural Economic Development Initiative (REDI) was established to better serve Florida's economically distressed rural communities. An "economically distressed" county/community is eligible to request a "Waiver or Reduction of Match" of jobs or wage requirements, eligible company criterion, inducement requirement and grants. Each state agency determines which grant programs will allow for a waiver of match based on their annual budget and federal and state guidelines.

Communities

An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has multiple economic distress factors may qualify for a reduction or waiver of match and technical assistance from REDI.

Rural Areas of Critical Economic Concern

Rural Areas of Critical Economic Concern (RACEC) are defined as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor by executive order may designate up to three RACECs, which establishes each region as a priority assignment for REDI agencies and allows the Governor to waive criteria of any economic development

incentive including, but not limited to: the Qualified Target Industry Tax Refund Program under section 288.106 F.S., the Quick Response Training Program and the Quick Response Training Program for participants in the welfare transition program under section 288.047 F.S., transportation projects under section 288.063 F.S., the brownfield redevelopment bonus refund under section 288.107 F.S., and the rural job tax credit program under section 212.098 F.S. and section 220.1895 F.S.

South Central RACEC

DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties; the area within the city limits of Pahokee, Belle Glade and South Bay; and the Immokalee area.

| Year | Designation | Executive Order | Signed | Expiration | Additions |
|------|---------------|-----------------------|---------|------------|-----------|
| 2001 | Original | 01-26 | 1/26/01 | 1/26/06 | |
| 2006 | Re-designated | 06-34 | 2/16/06 | 2/16/11 | |
| 2011 | Re-designated | 11-81 | 4/22/11 | 4/22/16 | |

288.0656 Rural Economic Development Initiative.

(1)(a) Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities.

(b) The Rural Economic Development Initiative, known as "REDI," is created within the department, and the participation of state and regional agencies in this initiative is authorized.

* * *

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact and undertake outreach and capacity-building efforts.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Transportation.
2. The Department of Environmental Protection.
3. The Department of Agriculture and Consumer Services.
4. The Department of State.
5. The Department of Health.
6. The Department of Children and Family Services.
7. The Department of Corrections.
8. The Department of Education.

9. The Department of Juvenile Justice.
10. The Fish and Wildlife Conservation Commission.
11. Each water management district.
12. Enterprise Florida, Inc.
13. Workforce Florida, Inc.
14. VISIT Florida.
15. The Florida Regional Planning Council Association.
16. The Agency for Health Care Administration.
17. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the executive director of the department.

(b) Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 339.2821, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the department; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and

confirmed as a catalyst project by the department. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

(8) REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before September 1 on all REDI activities for the prior fiscal year. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI, and recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities, and proposals to mitigate such adverse impacts.

Rural Agricultural Industrial Centers

163.3177 Required and optional elements of comprehensive plan; studies and surveys

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements.

...
(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

* * *

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

* * *

(7)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not

promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

* * *

Rural land stewardship areas

163.3248 Rural land stewardship areas

(1) Rural land stewardship areas are designed to establish a long-term incentive-based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to

review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which do not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

* * *

Enterprise Zones

The Florida Enterprise Zone Program (Chapter 290, F.S.) encourages revitalization of specific geographic areas by offering tax advantages and incentives to businesses locating and hiring residents within the zone boundaries. Tax advantages and incentives include:

- Corporate income tax credits for businesses that construct or expand a

facility within an Enterprise Zone.

- Sales tax refunds for business equipment or building materials purchases used within an Enterprise Zone.

Enterprise zones are governed at the local level by an Enterprise Zone Development Agency which oversees the implementation of the strategic plan and makes important decisions concerning their zone. A local enterprise zone coordinator is appointed to maintain the day-to-day operation of the zone, verify zone addresses, answer questions and distribute materials to businesses, the Department of Economic Opportunity, and the local government.

Jobs Tax Credit on Sales Tax

This incentive is designed to encourage businesses to hire local residents. It allows a business located within an Enterprise Zone to take a sales and use tax credit for 20 or 30 percent of wages paid to new employees who reside within an enterprise zone. To be eligible, a business must create at least one new job for every job application filed. The Sales Tax Credit cannot be used in conjunction with the Corporate Tax Jobs Credit.

Jobs Tax Credit Corporate Income Tax

This incentive is also designed to encourage businesses to hire local residents. It allows a business located within an Enterprise Zone to take a corporate income tax credit for 15 or 20 percent of wages paid to new employees who reside within an enterprise zone. The Corporate Tax Credit cannot be used in conjunction with the Sales Tax Credit. A business should evaluate which job tax credit offers the most benefit.

Business Equipment Sales Tax Refund

A refund is available for sales taxes paid on the purchase of certain business property, which is used exclusively in an Enterprise Zone for at least three years.

Building Materials Sales Tax Refund

A business located in the Enterprise Zone can apply for a refund of the sales taxes paid on the purchase of building materials used to rehabilitate real property.

Property Tax Credit for Corporate Income Tax

New or expanded businesses located within an enterprise zone are allowed a credit against Florida corporate income tax equal to 96% of ad valorem taxes paid on the new or improved property.

U.S. Department of Energy (DOE) Programs

The Department of Energy offers a growing number of resources and incentives for the construction industry to support the net-zero energy building philosophy and encourage green energy upgrades for existing buildings. It also provides useful resources for other energy consumers -- homeowners, renters, and businesses.

Community Contribution Tax Credit Program

Any business, regardless of location, can qualify for the Community Contribution Tax Credit Program. This incentive is designed to encourage donations to qualified local community development projects. The program allows businesses to take a 50% credit on Florida corporate income tax or insurance premium tax, or to get a 50% sales tax refund.

Relevant Selected Sections of Florida Statutes:

Corporate Income Tax Credits:

- Enterprise Zone Jobs Credit (§ 220.181, F.S.)
- Enterprise Zone Property Tax Credit (§ 220.182, F.S.)
- Community Contribution Tax Credit Program (§ 220.183, F.S.)

Sales and Use Credits:

- Enterprise Zone Jobs Credit (§ 212.096, F.S.)
- Building Materials Used In Rehabilitation (§ 212.08(5)(G), F.S.)
- Business Property Used in An Enterprise Zone (§ 212.08(5)(G), F.S.)
- Electrical Energy Used in An Enterprise Zone (§ 212.08(15), F.S.)

Appendix D

Trends and Policy of Public Notice Publication Requirements

A comprehensive study of the underlying issues is available from Public Policy and Funding the News, A Project of the USC Annenberg Center on Communication Leadership & Policy: <http://fundingthenews.usc.edu/>. The report, Public Policy and Funding the News, is at: <http://fundingthenews.usc.edu/report/>. The following section on public notices is from the web site, at: <http://fundingthenews.usc.edu/report/public.html>.

Like postal subsidies, paid public notices trace their American origins to colonial days. And like postal subsidies, public notices mandated by the government have been a critical component of economic stability for newspapers. Yet they are almost certain to shrink drastically as a source of high-margin revenue for the commercial media. Governments at all levels are beginning to switch their public notices to the Web, a move that at best means sharply reduced billings for publishers, and at worst means they could lose the business altogether.

Public notices are government-required announcements that give citizens information about important activities. In most cases government mandates these notices of itself or of subordinate governments; in other cases they establish publication requirements for private-sector concerns. Typical public-notice laws apply to public budgets, public hearings, government contracts open for bidding, unclaimed property, and court actions such as probating wills and notification of unknown creditors. Public agencies have required paid publication of this kind of information for decades as a way to ensure that citizens are informed of critical actions.

Historically, these fine-print notices have been a lucrative business for newspaper publishers, and have touched off heated bidding wars for government contracts. Legal notices have been especially important to weekly and other community newspapers. Their trade association, the National Newspaper Association, estimated in 2000 that public notices accounted for 5 percent to 10 percent of all community newspaper revenue.

While other forms of advertising have plummeted, public notices have been a bright spot for publishers. Although small newspapers are the chief beneficiaries of public notices, nearly all newspapers benefit to some extent. The Wall Street Journal, for example, has a contract with the government to print seized-property notices. In a four-week study, we discovered that the government was a top purchaser, by column inches, of ad space in the Journal. It's a business the newspaper would like to expand. In 2009 it was battling with Virginia-area papers to get its regional edition certified to print local legal notices.

But the era of big money in public notices will almost certainly fade away. Proposals have been introduced in 40 states to allow local and state agencies to shift publication to the Web, in some cases to the government's own Web sites. Responding to The Wall Street Journal's efforts to get a share of the public-notice revenue in Virginia, a circuit court judge in Norfolk said it "may be an opportune time for the General Assembly to revisit the issue of notice by publication in light of the variety of electronic means of mass communication available." The media industry has beaten down many of

these initiatives so far, but in a clear indication of future trends, the shift is beginning to happen. The Obama administration's Justice Department announced in 2009 that it would move federal asset forfeiture notices to the Web, saving \$6.7 million over five years.

Appendix E

Florida Laws Affecting Public Notice Publication Requirements

- Chapter 50, F.S. - Legal and Official Advertisements
- § 286.011, F.S. - Publication Requirements for Florida Counties
- § 166.041, F.S. - Publication Requirements for Florida Municipalities

Rezoning & land Use Change Publication Requirements for Florida Municipalities

166.041 Procedures for adoption of ordinances and resolutions

* * *

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form: NOTICE OF (TYPE OF) CHANGE The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance) . A public hearing on the ordinance will

be held on (date and time) at (meeting place) . Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

* * *

Rezoning & land Use Change Publication Requirements for Florida Counties 125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions

* * *

4(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

2. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to chapter 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week unless the only newspaper

in the community is published less than 5 days a week. The advertisement shall be in substantially the following form: NOTICE OF (TYPE OF) CHANGE The (name of local governmental unit) proposes to adopt the following by ordinance or resolution: (title of ordinance or resolution) . A public hearing on the ordinance or resolution will be held on (date and time) at (meeting place) . Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

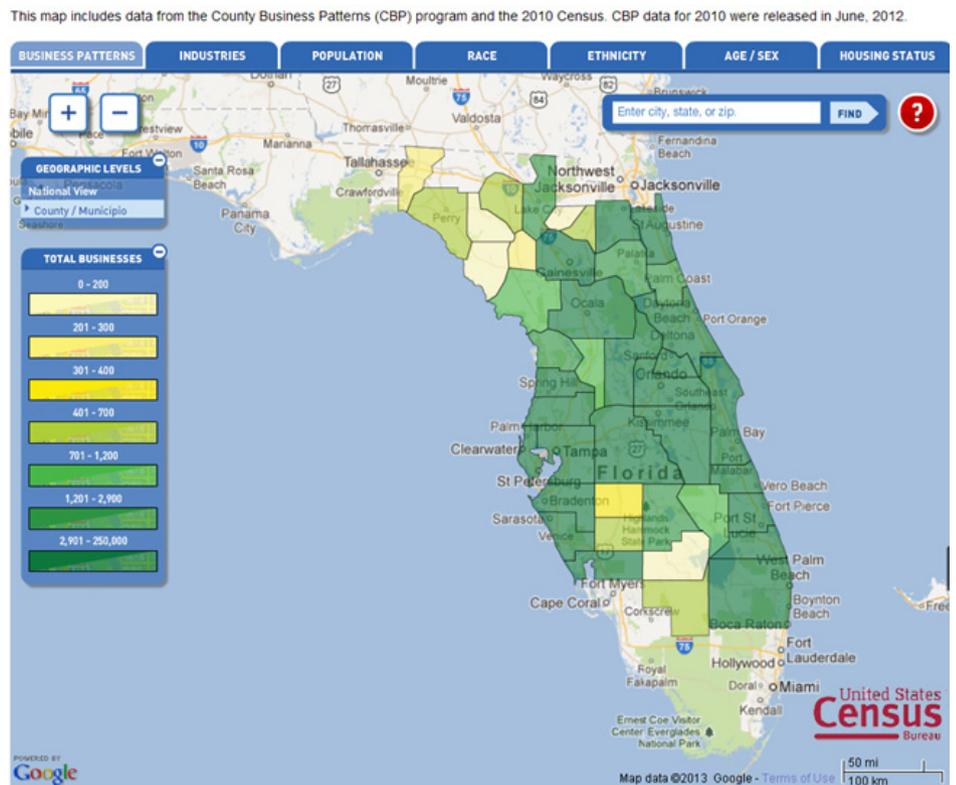
3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

* * *

Appendix F

Census Data for Critical Areas of Economic Concern

Census Map – Number of Businesses



Small Area Income and Poverty Estimate (SAIPE)
All ages in Poverty
2011 - Florida - Selected Counties

| Year | ID | Name | Number | 90% Confidence Interval | Percent | 90% Confidence Interval |
|------|-------|------------------|------------|--------------------------|---------|-------------------------|
| 2011 | 00000 | United States | 48,452,035 | 48,217,869 to 48,686,201 | 15.9 | 15.8 to 16.0 |
| 2011 | 12000 | Florida | 3,178,155 | 3,138,992 to 3,217,318 | 17 | 16.8 to 17.2 |
| 2011 | 12015 | Charlotte County | 20,821 | 17,143 to 24,499 | 13.2 | 10.9 to 15.5 |
| 2011 | 12021 | Collier County | 52,583 | 46,962 to 58,204 | 16.2 | 14.5 to 17.9 |
| 2011 | 12043 | Glades County | 2,465 | 1,863 to 3,067 | 22.2 | 16.8 to 27.6 |
| 2011 | 12051 | Hendry County | 11,037 | 9,155 to 12,919 | 29.6 | 24.6 to 34.6 |
| 2011 | 12071 | Lee County | 95,422 | 86,562 to 104,282 | 15.3 | 13.9 to 16.7 |
| 2011 | 12115 | Sarasota County | 44,010 | 37,874 to 50,146 | 11.7 | 10.1 to 13.3 |

Median Household Income, in dollars
2011 - Florida - Selected Counties

| Year | ID | Name | Number | 90% Confidence Interval |
|------|-------|------------------|----------|-------------------------|
| 2011 | 00000 | United States | \$50,502 | \$50,429 to \$50,575 |
| 2011 | 12000 | Florida | \$44,250 | \$43,850 to \$44,650 |
| 2011 | 12015 | Charlotte County | \$41,346 | \$38,654 to \$44,038 |
| 2011 | 12021 | Collier County | \$51,039 | \$49,408 to \$52,670 |
| 2011 | 12043 | Glades County | \$38,825 | \$35,154 to \$42,496 |
| 2011 | 12051 | Hendry County | \$35,247 | \$31,856 to \$38,638 |
| 2011 | 12071 | Lee County | \$45,515 | \$43,911 to \$47,119 |
| 2011 | 12115 | Sarasota County | \$47,457 | \$45,090 to \$49,824 |

Appendix G

Comprehensive Economic Development Strategy Vital Projects

The following are Vital Projects from the 2012-2017 Comprehensive Economic Development Strategy adopted by the Southwest Florida Regional Planning Council, grouped by the economic development pillar that they promote:

- Innovation & Economic Development (Pillar 2)**

Project: Expansion of the Immokalee Business Development Center

The Immokalee Business Development Center (IBDC), also known as "Immokalee Biz", addresses the general problem of a weak economic and business climate in Immokalee, and some of the barriers to entry for new businesses. Economic and social conditions are addressed and overcome through a combination of technical assistance, education, training, and business guidance. The IBDC promotes business growth, job creation, and economic growth for the Immokalee Community.

The current project of expanding the center (building a structure that will house the business development center and a regional food production center) will add a new program to the incubator by providing a facility to allow small local growers to increase the economic value and consumer appeal of raw farm products and marketing it more directly to the public. Hence, we will have the capability to retrain individuals who were in the agricultural industry to becoming entrepreneurs

Project: Airglades Airport Development

Airglades Airport is currently a GA airport that is in the FAA Privatization Program which will create an environment whereby a

developer (Airglades International Airport, LLC already established) will manage/purchase the airport and develop it for aviation/ cargo/distribution/manufacturing purposes. There are current infrastructure issues that need to be upgraded/improved. There is already existing interest from large companies to locate at Airglades creating a huge economic impact for Southwest Florida. The Airport is 2500 acres and expects to create a few thousand jobs and millions of dollars in private investment within the next five years. We need infrastructure funds NOW to help kick-start the development.

Project: Logistics Center (America Gateway Logistics - Phase 1)

The AGLC will be located in the center of southern Florida between Fort Myers and Palm Beach in Glades County. The AGLC will focus on the exporting and distribution of manufactured goods by Floridians and North American companies by linking four Florida ports and three international cargo airports on both coasts by road and rail thus advancing the goal of doubling Florida's exports and Florida becoming an international shipping hub (by rail, road, sea and air).

- Infrastructure & Growth Leadership (Pillar 3)**

Project: Regional Transportation Plan

To facilitate coordination in cooperation with the existing MPOs and other partners to create a comprehensive regional transportation plan for Southwest Florida.

- Business Climate & Competitiveness (Pillar 4)**

Project: Establish partnerships for the creation of a Regional Economic Development Agency to promote centralized data and regional marketing efforts

Create a repository of regional econometric and demographic data and dissemination method (e.g. website) and develop a marketing plan to attract businesses to the region.

H. States Utilizing One-stop Portals

Exhibit 2 Several States Have Implemented One Stop Portals to Aid Business Start-up

| State and Implementation Date | Name of System | Participating Entities ¹ | Functions |
|-------------------------------|---|---|---|
| Delaware (2006) | One Stop Business Registration and Licensing System | <ul style="list-style-type: none"> ▪ Department of Finance ▪ Department of Labor ▪ Department of State ▪ Department of Technology and Information | <ul style="list-style-type: none"> ▪ Enables applicants to register and obtain business licenses and register as a withholding agent and for unemployment and workers' compensation ▪ Provides a link to the Department of State, Division of Corporations to access incorporation forms and reserve a legal entity name ▪ Provides a link to the Internal Revenue Service to receive a Federal Employer Identification Number |
| Hawaii (2004) | Business Express | <ul style="list-style-type: none"> ▪ Department of Business, Economic Development and Tourism ▪ Department of Commerce and Consumer Affairs ▪ Department of Labor and Industrial Relations ▪ Department of Taxation ▪ State Procurement Office | <ul style="list-style-type: none"> ▪ Enables applicants to register a business and obtain taxpayer and employer identification numbers ▪ Provides customer assistance through live chat |
| Michigan (2009) | Michigan Business One Stop | <ul style="list-style-type: none"> ▪ Department of Information Technology ▪ Department of Labor and Economic Growth ▪ Department of Treasury | <ul style="list-style-type: none"> ▪ Enables applicants to determine state requirements, register/start a business, register to pay taxes, pay fees, and update information ▪ Has associated customer assistance call center |
| South Carolina (2005) | South Carolina Business One Stop | <ul style="list-style-type: none"> ▪ Department of Commerce ▪ Department of Consumer Affairs ▪ Department of Health and Environmental Control ▪ Department of Labor, Licensing, and Regulation ▪ Department of Plant Industry ▪ Department of Revenue ▪ Employer Security Commission ▪ Office of Regulatory Staff ▪ Secretary of State ▪ State Library | <ul style="list-style-type: none"> ▪ Enables applicants to establish and register a business entity, make changes to business filings, file and pay business taxes, register as an employer, and obtain and maintain selected other licenses, permits and registrations ▪ Provides customer assistance through telephone, live chat, e-mail, and fax via a help center |
| Utah (2003) | OneStop Online Business Registration System | <ul style="list-style-type: none"> ▪ Department of Commerce ▪ Department of Environmental Quality ▪ Department of Workforce Services ▪ Labor Commission ▪ State Tax Commission ▪ Some municipalities ▪ Utah Interactive (private contractor) | <ul style="list-style-type: none"> ▪ Enables applicants to register business name and type and apply for and obtain tax licenses and identification numbers for income tax withholding and unemployment insurance ▪ Provides information on obtaining local business licenses, although businesses must complete this process in the local office ▪ Provides link to the Internal Revenue Service to receive a Federal Employer Identification Number ▪ Provides customer assistance through e-mail and live chat |
| Washington (2000) | Master Business Application | <ul style="list-style-type: none"> ▪ Department of Labor and Industries ▪ Department of Licensing ▪ Department of Revenue ▪ Employment Security Department ▪ Some municipalities | <ul style="list-style-type: none"> ▪ Enables applicants to obtain a Unified Business Identifier and apply for over 100 state registrations and licenses, including business and tax registration, industrial insurance coverage, and unemployment insurance ▪ Can be used to obtain licenses in some municipalities ▪ Provides customized information and forms for specific business licensing requirements and corresponding contacts through a Business Licensing Guide Sheet |

¹ Bold font denotes agency with primary responsibility for system.

Source: OPPAGA analysis of information provided by other states.

Florida Has Made Limited Progress in Streamlining Business Processes; One-stop Portals of Benefit to Some Other States (OPPAGA, Report No. 10-22, February 2010, pg. 4-5)



Created Pursuant to a Grant from Florida Department of Economic Opportunity,
Division of Community Development:

*Legal and Regulatory Reform to Increase Government Efficiency in
Rural Areas of Critical Economic Concern in Southwest Florida*

Southwest Florida Regional Planning Council
June 2013



TOOLKIT

A Process For Rural Local Governments to Assess Regulatory Barriers to Economic Development



June 2013





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Developing regional services to create
a stronger rural environment

Introduction

This toolkit, and the underlying work that it is based upon, were made possible through the award of a grant from the Florida Department of Economic Opportunity's Grants and Donations Trust Fund. The purpose of this fund is to provide technical assistance to local governments for implementation of the State's growth management planning efforts. The grant was awarded in early 2013, for the purpose of identifying regulatory barriers that impede economic development in Rural Areas of Critical Economic Concern (RACECs) within the boundaries of the Southwest Florida Regional Planning Council.

The lack of business diversity in RACECs necessitates a need for economic development that will result in improvements to the tax base and provide jobs and economic opportunities for residents of the region. Areas designated as RACECs receive special consideration for economic development initiatives administered by the State of Florida. Despite the existence of numerous state programs to promote rural business development, the results have been slow in coming to these areas. Therefore, it was only natural to ask: are there legal or regulatory barriers to economic development in these rural areas?

Local elected officials, agencies, and employees that provide services to citizens face major challenges today, especially in rural areas. Local

governments must balance a number of conflicting goals: providing more timely and less expensive services; attracting and retaining new businesses in what is quickly becoming a global marketplace, ensuring public safety, and many other responsibilities, all in an era of diminishing financial resources.

In this economic climate, many local governments are looking for ways to make their communities more attractive to economic development. This tool kit is being provided for the benefit of local governments that are interested in determining whether there are laws, regulations, or policies that are acting as barriers to economic development in their jurisdiction.

Defining Barriers to Economic Development

There are many potential barriers to economic development. An economics course might look at categories of barriers to economic development, e.g., institutional and political barriers, such as lack of educated workers, inadequate health care systems, lack of infrastructure, weak institutional framework, ineffective tax structure, political instability and corruption, and unequal distribution of income.

This toolkit limits the scope of analysis to issues related to land development



The RACEC areas shall be a priority assignment for the Rural Economic Development Initiative.

State of Florida Executive Order

and building approval processes, e.g. planning, zoning, plan review, and inspections of proposed projects. The reason for this is that the government programs that regulate the design, construction and renovation of buildings are a key determinant in deciding where new businesses will locate, and regulations governing the design and construction of buildings add significantly to the cost of construction.

the goals and objectives of this study were similar to those of the group drafting the HUD report quoted above. Regardless of what you call the process, the intent is to make promote governmental efficiency by eliminating duplicative and unnecessary regulatory steps and processes, and utilizing tools and methods that increase efficiency and reduce the cost of the regulatory process.

Factors in Attracting Economic Development

| Rank | Location Factor |
|------|--|
| 1 | State and local tax scheme |
| 2 | Transportation infrastructure |
| 3 | Utility infrastructure |
| 4 | Land/building prices and supply |
| 5 | Ease of permitting and regulatory procedures |
| 6 | Existing work force skills |
| 7 | Local economic development strategy |
| 8 | Legal climate (tort reform) |
| 9 | Availability of incentives |
| 10 | State economic development Strategy |

Source: Site selection survey of corporate real estate executives performed in October 2012; published in Site Selector magazine, pg. 86, November 2012.

Streamlining and Barriers to Economic Development

A streamlined local government review process is more attractive to potential businesses than one that is not. What is "streamlining"? One report defines it as follows:

*"Streamlining means identifying and removing barriers to effective and efficient delivery of services to the public. Streamlining modifies or restructures the day-to-day operations of an agency. This is to eliminate, or significantly reduce areas of duplicative work, overlapping and conflicting rules, regulations, processes and procedures that might be confusing or that add unnecessary time and cost to the delivery of services to the community. Streamlining looks at both public purpose and process of agencies. For building departments, the objective is more effective and efficient administration and enforcement of the building codes and standards adopted. Streamlining is not regulatory abandonment."*²

Although the title of this report does not include the term "streamlining,"² "Guide to More Effective and Efficient Building Regulatory Processes Through Information Technology," U.S. Department of Housing and Urban Development, Office of Policy Development and Research, page 1 (September 2006), http://www.huduser.org/publications/pdf/Bldg_Reg_Process.pdf.

Saving Money for Public and Private Sectors

The direct benefit for a local governments to "streamline" their development review processes is to save money: it will usually result in reduced staff time and costs associated with the development review process. The indirect benefit is the attraction of new development that might otherwise locate elsewhere.

Advocates of streamlining building and land use regulatory systems are quick to point out that the purpose is not to reduce the effectiveness of regulations; the goal is to improve their effectiveness and efficiency, economic competitiveness, and possibly even increase energy efficiency and disaster resiliency. See Appendix A, Reduced Regulatory Costs Through Streamlining.

How to Use the Toolkit

The toolkit has four primary steps for conducting an assessment of your land development regulations and building code:

- Step One:** Identify and Assemble Stakeholders for Evaluation Process
- Step Two:** Identify Barriers
- Step Three:** Eliminate Barriers
- Step Four:** Track Progress

Processes for Assessing Regulatory Barriers to Economic Development

A. Process Utilized by SWFRPC for Report on Legal and Regulatory Reform to Increase Government Efficiency in Rural Areas of Critical Economic Concern in Southwest Florida

In order to determine whether there were laws, regulations or policies that were acting as disincentives to economic development in the study area, the Southwest Florida Regional Planning Council (SWFRPC) took the following steps:

1. Appointment of an ad hoc committee, consisting of public and private representatives from the participating communities, to analyze the issues, research potential solutions, discuss alternatives, and identify concrete actions that identified parties could take to address the

barriers to economic development in the affected counties.

2. The committee met approximately every two weeks, from January through April 2013. During this time, SWFRPC staff chaired the meetings, drafted meeting minutes, and prepared a draft report of the committee's findings.
3. Staff worked through several drafts of the report with the committee, then discussed the report's draft findings with other persons who were not on the committee to assess the validity of the report's draft findings and determine whether there were additional ideas that had not been addressed in the report.
4. Staff submitted the final report to the boards of county commissioners (BCCs) for each county included in the study area for approval at a regular meeting of the BCCS, and appeared at the commission meetings to summarize the report and request that the boards accept the report and consider the information presented in the report in future considerations of legal and regulatory reform in their jurisdictions.

The assessment of regulatory barriers conducted by the SWFRPC was limited in its scope due to time constraints; the project was limited to five months from beginning to end. This allowed enough time to identify regulatory barriers, and to develop proposed regulatory solutions to eliminate or circumvent the barriers, but not enough time to assist local governments in the adoption of recommended regulatory solutions; the process for amending administrative rules and comprehensive plans takes significantly longer.

A summary of the issues and recommendations discussed in the SWFRPC report on regulatory barriers for RACECs in Southwest Florida is attached as Appendix B; for streamlining recommendations for two urban Florida communities, see Appendices D and E.

The process outlined below, although based on the work conducted by the SWFRPC and the ad hoc committee appointed to study regulatory barriers to economic development in Rural Areas of Critical Economic Concern in Southwest Florida, is intended to be more comprehensive approach, which can be modified as needed by a local government that is intending to conduct its own analysis of regulatory barriers.

B. Process for Rural Local Government to Assess Regulatory Barriers to Economic Development

Preliminary Self-assessment

As a preliminary step, you could use the following checklist of topics to assess whether or not your regulations and processes would benefit from conducting a streamlining analysis (the self-assessment can also be performed after the formation of your stakeholder group):³

- **Workflow.** Do plans and permit applications enter and proceed through the system efficiently? Are there places they seem to vanish and reappear? Are customers submitting high quality plans or are they often rejected? Are inadequate submissions returned early or late in the process? Are all plan reviewers on a coordinated schedule for each submission or not?
- **Workload.** Does the system slow down because it is overloaded or inefficient? Are there any projections or plans to respond to future growth or decline?

³ "Guide to More Effective and Efficient Building Regulatory Processes Through Information Technology," U.S. Department of Housing and Urban Development, Office of Policy Development and Research, page 12 (September 2006).

- **Personnel Issues.** Is staff adequate to do the job? Does everyone have the skills and training to provide quality and timely services? Are staff members without computer skills willing to learn new technology? Are specialists in one trade willing to expand their expertise?
- **Organizational Issues.** Are building department divisions willing to work as a team? Should different government departments be consolidated into one department? Is there collaboration between the building department, the utilities, zoning and planning board, and other pertinent agencies? Where is there duplication of effort?
- **Operating Budgets.** Is the building department self-financing or subject to a budget from local or state government?
- **Existing Technology.** Does the building department or local government already have computer network resources capable of handling the workload? If considering moving to electronic permitting or other IT systems, what changes would be needed to accommodate the proposed system?
- **Cross-Departmental Communications and Coordination.** What outside departments must the building department collaborate with? Is there effective cooperation among them, or does it need to be improved? How can communications be enhanced? Are there ingrained political or turf issues that need resolving? Where must political and administrative leadership come from?
- **Customers and Citizens.** What do customers think about the current system? What services do they want? Do they understand why there is a building department and why it requires plan reviews, permits, and inspections? Where do they see the problems? What solutions do they suggest?

If there is consensus that the current system is adequately serving the needs of the community, then perhaps no further action is needed; if there are issues, it is advisable to proceed with the steps outlined below.

Step One: Identify and Assemble Stakeholders for Evaluation Process⁴

Identify and assemble stakeholders to undertake a successful evaluation of the laws and regulations, especially the land development regulations (LDRs) and comprehensive policy plans that affect your community's regulation of development. This group is usually referred to as a Task Force or Work or Advisory Committee.

This should be a broad-based group, representing all key stakeholders, in order to provide the credibility, leadership and political clout necessary for self-evaluation, analysis, problem solving, and institutional change. If means are available, it is recommended to invest in consultants and facilitators to help build and maintain a task force from beginning to end.

Stakeholders typically come from the following groups:

- Elected officials;
- Building department personnel and other key employees, including city and county managers;
- Building design and construction community;
- Business community;
- Neighborhood groups and citizens; and
- Media.

Elected officials are a crucial stakeholder for effective change, for numerous reasons:

⁴ Elements of these steps are adapted from reports and studies, including "Guide to More Effective and Efficient Building Regulatory Processes Through Information Technology," U.S. Department of Housing and Urban Development, Office of Policy Development and Research (September 2006).

- Since elected officials are where the business community and the public go to when they have a complaint about the services that their jurisdiction provides, elected officials who are stakeholders can provide valuable information from the users of an agency's services;
- Making improvements in regulatory processes or other actions will require action by the chief executive officer of a jurisdiction (mayor or county commissioner) or elected representative (state legislator, city or county council member);
- For effective, meaningful change, it is critical for elected officials to understand the importance of the changes proposed to their codes and programs, and support the adequate funding, staffing, and operation of their building department.

Building department personnel and other key employees are important because without the buy-in of the workers whose jobs are affected by changes in streamlining efforts, the improvements will not be effectively implemented. City and county managers in particular can play an important role in gaining buy-in from the staff they oversee.

The **construction community** includes the architects, engineers, and contractors who interact with local government building departments on a daily basis; therefore, they are probably the most important stakeholder to have involved in any restructuring or streamlining of the way a local building department administers its program. This group is frequently the only group capable of mapping out the entire construction regulatory process looks like, including the interaction and connections between different agencies and departments, and related regulatory agencies that impact construction (planning, zoning, utilities, fire, environmental, historic preservation, housing, emergency management, etc.)

The **business community** are also a key stakeholder in any streamlining effort; they can provide a unique and valuable perspective, since they can explain the processes they went through to get projects approved in the past, and the changes they would like to see that would increase the likelihood of expanding or renovating existing properties. This group represents the largest employers in a community, and can make or break the future of a community by choosing to relocate their company elsewhere due to excessive delays and inefficiencies in the regulation of construction. In addition, if the community has adopted and is effectively enforcing a current edition of a model building code, then buildings built or renovated to that code have a better chance of surviving a disaster with the least amount of damage possible, facilitating business continuity.

Neighborhood groups and citizens also play an important role in the streamlining process. Members of this group have to go through the development process when building new homes or remodeling existing homes.

Although the **media** is not likely to be a member of a task force or committee on streamlining, the media can have a major impact in determining the outcome of a regulatory restructuring effort; it can help a jurisdiction promote and build support for a streamlining initiative.



Graphic from the National Partnership to Streamline Government web site: http://www.natlpartnerstreamline.org/toolkit/toolkit3_120210.pdf

Step Two: Identifying the Barriers, Processes in Need of Improvement, and Possible Reorganization and Streamlining

The next step is to review the local government comprehensive policy plan, land development code, and all related processes of agencies commonly involved in your development approval process. The objective is to determine whether your community has regulatory barriers that impede safe and affordable construction, and assess the effectiveness and efficiency of your community's building and land use regulatory programs to facilitate economic competitiveness.

If you conducted the preliminary self-evaluation process, you can share the results with the stakeholder group. Then, the group should create a map of your existing development review and approval process; mapping all the steps and agencies that are involved in going from acquiring a piece of land to issuing a certificate of occupancy on a new structure is a fairly complex process.

After the map is completed, your stakeholder task force should look at the self-assessment list of strengths and weaknesses, and the map of the process in your community, and begin a dialogue regarding the barriers intrinsic to the system. Once the task force has created a list of barriers, it will need to decide the priority in which the community wants to address the barriers; the priorities will be determined based upon the unique conditions and needs of the community.

It is usually advised to start with the easiest items to change, the "low-hanging fruit;" this builds confidence and inertia. However, circumstances may dictate other choices:

- If financial resources are limited, you can fund the least expensive barriers to reduce or remove them first, and then find additional funding to address the remaining barriers.

- If the costs to the community and to stakeholders of not removing a barrier are unacceptable, the community may elect to take immediate action on a specific barrier; e.g., to avoid the loss of a major employer.

Develop Solutions and Approach to Eliminate Barriers

Step Three: Eliminate Barriers “Don’t Pave the Cowpath”⁵

After going through a long process with stakeholders to identify needed improvements in a community’s development review and approval process, it is recommended that department heads and elected officials resist the temptation of purchasing computer or IT solutions to “speed up” the process. Prior to expending money, it is important to first ensure that your processes have been streamlined, and are as efficient as possible. As mentioned in the underlying report on this subject, “If all you do is put IT on a bad regulatory system, all you will do is spend a lot of money on making a bad system worse.”⁶

The answer to your community’s problems might best be addressed by any number of potential actions, including:

- Reorganization of one or more departments;
- Repealing outdated local code requirements;
- Centralization of development review and approval processes;
- Special training for permit processing, plans reviewers or inspection personnel, or more adequate funding for the building department; or
- Phased and gradual application of information technology, following a restructuring of the existing development review and approval process.

Step Four: Track Progress “You Can’t Manage What You Don’t Measure”

In order to measure progress, it is important to develop a methodology for ascertaining the effectiveness of measures adopted to increase regulatory efficiency. By utilizing tracking and monitoring tools, local governments can develop metrics to track their progress. Examples would be the length of time it takes to review development plans, issue a permit, conduct an inspection, etc.

⁵ Stephen Garnier, IT Project Manager, Fairfax County Inspections Database Online Project; quoted in “Guide to More Effective and Efficient Building Regulatory Processes Through Information Technology,” U.S. Department of Housing and Urban Development, Office of Policy Development and Research, page 31 (September 2006).

⁶ Observation of then-president of the National Association of State Information Resource Executives, *Building Safety Journal*, December 2008, pg. 16.

Additional Resources

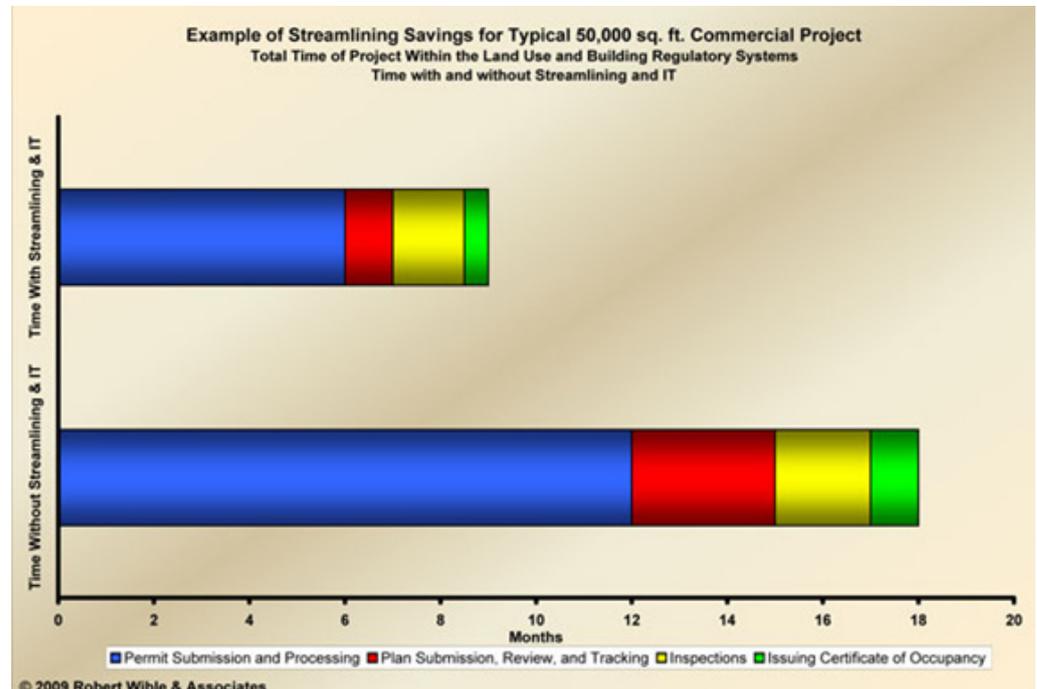
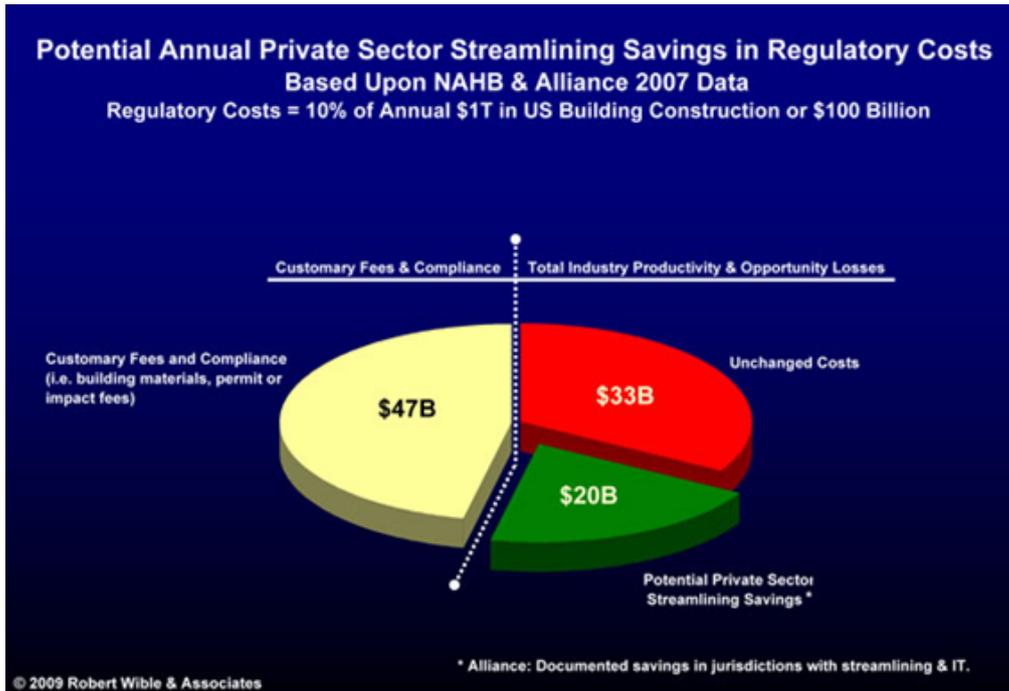
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Recommendations to Improve Regulatory Processes in the City of Tampa, Florida, Tampa Bay Regional Coalition, June 20, 2011 (<http://www.bizjournals.com/tampabay/City%20of%20Tampa%20Recommendations%20-%20Final.pdf>)

Final Report of Orange County Regulatory Streamlining Task Force, November 2012 (<http://www.ocfl.net/Portals/0/Library/Permitting-Licensing/docs/RegulatoryStreamliningFinalReport.pdf>)

Appendices

Appendix A. Reduced Regulatory Costs Through Streamlining



Appendix B. Summary of Opportunities to Address Barriers to Economic Development in Rural Areas of Critical Economic Concern Identified in SWFRPC Report

I. Federal and State Opportunities

The study committee felt strongly that federal and state government play an extremely important role in the economic development of rural parts of the State. It is only through the support of these larger governmental entities that the rural areas of the State can hope to achieve their economic development goals and objectives. Federal and state governments control funding for roads, water projects, and other infrastructure needs; they also determine the priority of funding for projects, as well as eligibility for waivers and incentives associated with state and federal programs. The areas identified for study in this report include Hendry County, Glades County, and the unincorporated town of Immokalee. Hendry County and Glades County are inland counties that have a lower tax base than the coastal counties in southwest Florida, which translates into less money to invest in the public infrastructure needed to attract new development—transportation, drinking water and waste water, schools and universities, broadband, skilled labor, etc.

Provision of Infrastructure

Issue. The primary issue restricting economic development in the region's rural areas of critical economic concern is the lack of adequate infrastructure.

Recommendation. Federal and state government should coordinate resources to provide more funding for local governments in rural areas to provide the infrastructure required to support new development in suitable areas, similar to the federal program that helped local governments build municipal wastewater treatment plants.

Integrating Hazard Mitigation Planning Into Infrastructure Planning and Funding Decisions

Issue. The committee believes that federal and state funding priorities should favor investment in rural areas over coastal areas – not only do they have greater economic need, they are also a more prudent investment of public funds, since they are less subject to hazards such as hurricanes.

Recommendation. Investment in rural infrastructure be prioritized to promote economic development in these areas in furtherance of State and regional goals, including limiting public expenditures that subsidize development in coastal high-hazard areas.

Federal and State Permitting

Issue. Local government representatives on the study committee were adamant in their opinion that federal and state permits take substantially longer to obtain than any local development permit; they made it clear that they did not believe that local regulations were acting as an impediment to economic development in rural areas. There are jurisdictional overlap and duplicative review issues for which there is no obvious cure; this is an issue that merits further analysis and study.

Recommendation. It is beyond the scope of this report to make recommendations concerning time-frames for federal agencies to review permit applications, or overlapping and duplicative reviews by federal and state agencies. The study committee reached the conclusion that there are larger issues affecting economic development in rural areas of the State than streamlining local development regulations. The recommendation is

that there be a concerted effort to build a partnership between the local, state, and federal agencies involved in issuing approvals for development projects, wherein all levels of government are committed to making cooperative, timely decisions.

Legal Notice Publication Requirement

Issue. State laws currently require that legal notices be published in print newspapers; this requirement applies to zoning and comprehensive plan land use changes for local governments in Florida. Requiring public notice by publication adds time and expense to the development process; given the funding issues facing local rural governments, some members of the study committee believe that the costs may outweigh the benefits. A proposed alternative is to permit local governments to provide notice solely by online publication.

Recommendation. Rural local governments should be authorized to use electronic legal notices, and avoid the cost and delays associated with publishing legal notices in newspapers. Local governments are already providing public notice of proposed actions to interested parties on their websites as a courtesy and as good business practice, and all newspapers in the state already provide free Internet access to legal notices at a central portal, www.floridapublicnotices.com, pursuant to § 50.0211, F.S.

Amending the Community Planning Act

Issue. The Community Planning Act (Chapter 163, F.S.) requires that comprehensive plans for rural counties include the same plan elements as urban counties. The substantive requirements of some mandatory plan elements are actually being addressed in a more comprehensive manner by state permitting agencies: water management districts evaluate and issue permits for water supply and stormwater drainage; metropolitan planning organizations and FDOT do transportation planning; Florida Fish and Game reviews impacts of development on wildlife, the Department of Environmental Protection does permitting for a variety of environmental issues. This increases expenses to the already economically depressed rural areas of the region and results in duplicative, multi-layered review.

Recommendation. The State should reevaluate the Act to consider whether some of the currently mandatory elements should be optional for local governments, especially in rural areas. Section 163.3177 could be revised to allow local governments, at least in rural areas, to opt out of the requirement to include all comprehensive plan elements. Specifically, local governments should be able to determine whether they want to include certain elements in their comprehensive plan, if another agency with greater subject matter expertise is already doing the planning and permitting for that subject matter. Pursuant to this opt-out provision, rural local governments would be permitted to defer to an evaluation and approval process already exercised by another agency.

Central or One Stop Permitting

Issue. The volume and complexity of regulations affecting land development is overwhelming. Although the intent is admirable, the execution is at times arduous. The process of obtaining the required approvals from permitting agencies is unpredictable, confusing, costly, and time consuming. It is often difficult to find the right person to talk to, and the process of contacting all of the required parties, submitting complete applications in the correct format, and tracking the applications to ensure that they do not get lost along the way is often delegated to a consultant, which adds to the cost of the project.

Recommendation. One agency should be established that is in charge of all the related permitting on any particular project. This agency would provide one place where an applicant would submit their proposed project

and pay their fees. An alternative solution is to create a permitting concierge or ombudsman at the state or regional level with the power and authority to facilitate timely review of all state, regional, and local agencies, and to require timely communication between agencies.

Permit Coordination and Standardization Between Agencies

Issue. The existing Federal, State and local permitting regulations should be more coordinated and standardized, especially when similar issues are being addressed by different levels of government.

Recommendation. Environmental resource permitting should be standardized throughout the State. The permitting processes for agencies involved in environmental permitting should be reviewed so that the impact of proposed development on a particular project could be evaluated at the same time by all appropriate agencies. Agencies should explore the possibility of using one master application form; parts of the form could be optional, depending upon the issues associated with a particular development proposal.

State Portals

Issue. There is clearly a trend towards utilization of online or “e-permitting.” Many states, including Florida, are adopting central web portals, centralized web sites where a person can conduct various types of business in the state. Typically, this allows an applicant to obtain a business license by filling in one application and paying one fee, rather than submitting multiple applications with several agencies and paying multiple fees. There are other uses as well; the State of Oregon has implemented a portal for submitting building permit applications.

Recommendation. The State should continue to move forward with efforts to develop the central web portal, increasing its functionality and the number of agencies that are tied into the system.

Standardized Permit Applications

Issue. Application forms utilized by federal, state, and local government permitting agencies require duplicative or unnecessary information, often by different departments in the same agency. This causes frustration, and wastes time and money. The existing federal, state and local permitting regulations should be more coordinated and standardized, especially when similar issues are being addressed by different levels of government. Online permit applications hold the potential to facilitate the process for both applicants and review agencies, especially if they are set up to allow applicants to make one application and pay one fee, and get approvals from multiple agencies at the same time.

Recommendation. A regional roundtable of the federal and state agencies involved in development permitting processes should be convened, and common submittal requirements should be identified so that applications can become more standardized. Agencies should also explore the possibility of using one master application form; parts of the form could be optional, depending upon the issues associated with a particular development proposal. At the present time, water management districts in Florida are working on streamlined permitting and standardization of applications, including a common web portal where applicants can submit and track permits; this type of regulatory streamlining should be considered by all permitting agencies.

II. Regional Opportunities

Regional Economic Development Facilitator

Issue. Proposals for economic development in rural areas of economic concern would benefit from the attention of a regional economic

development specialist, who could oversee and facilitate economic development proposals in these areas. Rural local governments often lack the resources to train and assign a staff person to work closely with someone considering locating a new business in their jurisdiction, which could mean the difference between attracting a business and losing it to another jurisdiction.

Recommendation. Regional economic development specialists should be available to assist local governments in rural areas of critical economic concern. These specialists would assist persons interested in locating new businesses in rural areas, working with local governments and economic development offices to answer questions and coordinate with state and federal offices to craft applications and expedite projects that would increase economic development in the rural areas of the region. This personal service to potential business interests would provide incentives for investors and provide assurances that reasonable development requests would receive increased attention and personal service from government permitting entities. In addition, this effort would assist limited local government staff in reviews and approvals of developments with significant economic benefits, and provide decision-makers with increased confidence in development proposals in their local jurisdictions. This position could be funded by the state, or by a combination of local, state, and private funding sources.

Regional Permitting Facilitator

Issue. Development proposals that involve reviews by federal, state, and local agencies often involve significant time delays that are frustrating and expensive. Some of these delays are attributable to a lack of coordination and cooperation in the review of the project. If a knowledgeable person was available to usher applicants through the review and approval processes of the applicable local, state, and federal government permitting agencies, it could greatly facilitate the process for the applicant.

Recommendation. Potential development projects in rural areas of critical economic concern should receive every opportunity to succeed that local, regional and state governments can provide. For projects that hold the potential to be of regional significance, a regional permitting facilitator should be available to assist applicants through the permitting process. For example, to initiate the process, the regional permitting facilitator could coordinate a meeting between the applicant and all involved permitting agencies, much in the same manner as the current process for preapplication conferences for Developments of Regional Impact described at § 380.06(7), F.S. The coordinated project review would identify important issues up front in the permitting process, and information requests could be identified at one time and place, so that the applicant could address these issues prior to submission for project approval. This position could be funded by the state, or by a combination of local, state, and private funding sources.

Regional Interactive GIS Mapping Website

Issue. Maps are an essential part of the land development process, and they can be used for many other potential uses as well. A regional web-based GIS map could be used by applicants, permitting agencies, and members of the public. A common base map, developed and maintained at a common location, with layers of additional data, would allow everyone to work from the same set of maps.

These maps could be used by applicants in order to assist them in understanding what systems are important in their project designs, and help shape their development requests. The maps would reduce costs and time for both the review agencies and applicants.

Recommendation. A data base should be coordinated at the regional level

that contains data from all parts of the region, including local governments in rural areas. Ideally, this would be compatible with the same GIS mapping system used by county property appraisers, coordinated through the Florida Department of Revenue. This common data base would then be used by people from public, private, and nonprofit sectors interested in proposing some form of economic development in the area.

III. Local Government Opportunities

Streamlined and One Stop Permitting

Issue. The traditional local land development review and approval process is not usually administered in a predictable, consistent manner, at least from the perspective of the persons seeking approvals from review agencies. There can be a myriad of approvals required, some of which are dependent upon gaining prior approval of another department or agency; jurisdictional ambiguity crops up at times, and people are sent back and forth from one place to another without getting clear guidance as to who is responsible for what.

Recommendations. Establish a development review advisory committee to review the development review process, and make recommendations to improve customer service for applicants. Local governments in rural areas should consider setting up onestop business centers as part of their economic development office. These centers could act as economic development tools, especially if they coordinate and consolidate development approval information in one location along with other information of interest to new or expanding businesses, such as workforce and other demographic data, eligibility guidelines for government incentives and assistance programs, available land and office space, and possibly providing assistance to guide applicants through the permitting process. Such centers can encourage the location of new businesses in the area and facilitate expansion of existing businesses by creating an atmosphere that is attractive to development interests.

Online and Electronic Permitting

Issue. This issue is reflective of the economic need underlying the rationale for this report. Electronic permitting is a general term that encompasses many things; at the present time, some options are too expensive for most local governments. Some local governments in rural areas of economic concern accept electronic site planning documents; most do not accept electronic building plans (there are issues with standardization of formats and with electronic seals and signatures for the engineers and architects creating and reviewing the plans.) As technology advances and money to adopt the technology becomes available, local governments will be able to accept electronic applications, online submission and review of plans, online payment of fees, and other online options. The more sophisticated options are currently beyond the needs and reach of local governments in areas of economic concern.

Recommendation. Local governments should continue to expand their utilization of electronic plan review and permitting. Utilization of this technology has the potential to reduce costs for both government and private sectors, and reduce the time required for the land development review and approval process.

Increased Scope of Administrative Review by Staff

Issue. The time required for elected officials to meet and make decisions dealing with minor development approvals can be significant and can add unnecessary expense to the development review process.

Recommendation. Revise local land development codes to implement an administrative approval process for specific forms of land use applications;

this would replace the current process, which requires a public hearing.

Expedited Reviews via Overlays for Economic Generators

Issue. Identifying future economic generators in the rural areas of the region could provide significant enhancements to business interests in areas that are ready for economic development.

Recommendation. Create floating economic overlay areas in rural areas, and conceptual site plans that would assure that proposed development projects in overlay areas are reviewed in an expedited manner. Review staff should be empowered to provide preliminary approvals if requests are consistent with conceptual plans; the expedited review process could include shortened review time frames and special board meetings when warranted. The expedited process would allow approvals, platting, and construction permits to be reviewed in an expedited manner, which would enhance rural local governments' ability to lure business interests to these areas.

Appendix C. National Partnership to Streamline Government Streamlining Toolkits

The National Partnership to Streamline Government created a Streamlining Toolkit (<http://www.natlpartnerstreamline.org/toolkit.php>) for elected officials, building officials and the construction community. The Alliance states that the tools in the kit have strengthened codes in over 500 communities by identifying and eliminating areas of regulatory overlap and inefficiency, strengthening code enforcement and reducing the amount of time it takes to move a building through the regulatory process by 50-70%. The following toolkits are available on the website:

Toolkit 1: THE STREAMLINING TOOLKIT: HOW TO USE, ITS ORIGIN AND SPONSORS

Toolkit 2: "REPORT ON THE COSTS, SAVINGS AND THE BUSINESS CASE FOR STREAMLINING" ADDRESSING ISSUES OF WHY STREAMLINE

Toolkit 3: IDENTIFYING REGULATORY BARRIERS AND ASSEMBLING STAKEHOLDERS TO STREAMLINE

Toolkit 4: GUIDES TO EFFECTIVE AND EFFICIENT BUILDING REGULATORY PROCESSES THROUGH STREAMLINING AND INFORMATION TECHNOLOGY (IT)

Toolkit 5: MODEL PROCUREMENT REQUIREMENTS

Toolkit 6: GUIDE FOR AN ACTION PLAN TO DEVELOP REGIONAL DISASTER RESILIENCY

Toolkit 7: ONLINE PERMIT APPLICATION, PROCESSING AND TRACKING

Toolkit 8: ELECTRONIC PLANS SUBMITTAL, REVIEW AND TRACKING

Toolkit 9: REMOTE FIELD INSPECTION DEVICES AND SOFTWARE

Toolkit 10: INTERACTIVE VOICE RESPONSE SYSTEMS



Created Pursuant to a Grant from Florida Department of Economic Opportunity,
Division of Community Development:

*Legal and Regulatory Reform to Increase Government Efficiency in
Rural Areas of Critical Economic Concern in Southwest Florida*

Southwest Florida Regional Planning Council
June 2013