

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOVEMBER 12, 2015 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **November 12, 2015** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Bob Mulhere called the meeting to order at **9:09 AM. Mayor Willie Shaw** then led an invocation and the Pledge of Allegiance. Nichole Gwinnett of staff conducted the roll call and it was noted that a quorum was not present at the time of roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Tricia Duffy, Mr. Don McCormick

Collier County: Mr. Bob Mulhere, Mr. Alan Reynolds

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Julie Wilkins, Mr. Mel Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Forrest Banks, Councilman Jim Burch, Councilman Mick Denham

Sarasota County: Commissioner Charles Hines, Commissioner Christine Robinson for Commissioner Carolyn Mason, Vice Mayor Rhonda DiFranco, Mayor Willie Shaw

Ex-Officio: Mr. Phil Flood - SFWMD, Mr. Jon Iglehart -FDEP

MEMBERS ABSENT

Charlotte County: Commissioner Ken Doherty, Councilman Gary Wein, Ms. Suzanne Graham

Collier County: Commissioner Tim Nance, Commissioner Penny Taylor, Councilwoman Teresa Heitmann

Glades County: Commissioner Weston Pryor, Councilwoman Pat Lucas, Commissioner Tim Stanley

Hendry County: Commissioner Don Davis, Commissioner Sherida Ridgdill

Lee County: Commissioner Katy Errington, Mayor Anita Cereceda, Ms. Laura Holquist

Sarasota County: Councilman Kit McKeon, Mr. Felipe Colón

Ex-Officio: Ms. Sara Catala- FDOT, Ms. Melissa Dickens - SWFWMD

Commissioner Wilkins said that she would contact Commissioner Turner to ask if he would be able to participate by phone in order to make a quorum.

Chair Mulhere recognized the presence of City of North Port Commissioner Tom Jones. He explained that Commissioner Jones had been a long-time member of the SWFRPC and welcomed him back.

Dr. Elkowitz announced that since he was a former member of the SWFRPC he would be willing to stand in representing Glades County to make a quorum.

**AGENDA ITEM #5
AGENDA**

At this time Chair Mulhere recommended that due to the lack of a quorum, Agenda Item #7 - Director's Report will be moved up to the beginning of the agenda.

**AGENDA ITEM #7
DIRECTOR'S REPORT**

Ms. Wuerstle presented the Director's Report via conference call.

**AGENDA ITEMS #7(a) & 7(b)
Building Sale - Non Rep Letter-Sellers& Building Inspection Deficiency Summary**

Ms. Wuerstle gave an update on the sale of the building. She explained that the "due diligence" was conducted and the report came back with \$33,000 worth of repairs that would need to be made to the building. The buyer has requested a \$10,375 credit at closing along with some of the furniture that wasn't going to be taken to the new office location. She needed the Council's approval for the \$10,375 credit and office furniture. She announced that the closing had been moved up to November 20.

Ms. Wuerstle stated that another item that she needed was Council's approval for the "non-rep agreement". This agreement is for the buyers' lawyers to put everything together so that the SWFRPC didn't need to hire lawyers for the sale of the building. She explained that it was a cash purchase and all of the required documents will be sent via FedEx to the SWFRPC prior to the closing in order for the Council's Legal Consultant, Beth Nightingale, to review the documents prior to the closing.

Ms. Wuerstle then explained that an agreement couldn't be made with Lee County on their office space. She noted that there wasn't meeting space available with the leasable area, so the meetings would have to be held at a different location. Also the cost per square foot was a little higher than originally thought.

Chair Mulhere noted that there was also a resolution authorizing the Executive Director to execute all closing documents that needed the Council's approval. Ms. Wuerstle explained that it had been requested by the buyers' lawyer that either the Chair or Vice-Chair of the Council execute the documents. Mr. Mulhere wasn't available for the closing. Vice-Chair McCormick stated that he could be present at the closing to execute the documents. The resolution was to insure that the closing would take place if for some reason the date changed and neither the Chair or Vice Chair could not be present.

Ms. Wuerstle announced that since an agreement couldn't be reached with Lee County that staff began researching other options for office space and found space at the Royal Palm Square Shopping Center in Fort Myers. Ms Wuerstle explained that she had moved forward with obtaining a lease for the space. She noted that the space is large enough to accommodate a meeting room, library, etc. There is also an abundance of parking and it is in a safe location.

The rent is \$8.48 per square foot and the initial lease options were either 5 year with a 5% escalator or a 10 year with a 3% escalator. Ms. Nightingale was able to negotiate with the landlord for a 10 year with no increases for 3 years and then the remainder of the 10 year lease would be with a 3% increase. She said that she needed the Council to approve either the 5 year lease or 10 year lease. She emphasized that a decision needed to be made as soon as possible so the lease could be drawn up and signed so the move would take place the first week of December. The landlord agreed that the SWFRPC wouldn't need to pay for the month of December since completion of the offices and minor updates, wouldn't be completed until the end of December.

Chair Mulhere noted that Commissioner Turner had agreed to call into the meeting in order to make a quorum.

Commissioner Mann asked Ms. Wuerstle if there is a clause in the lease where if the legislature decided to dissolve all of the RPCs that the SWFRPC wouldn't be obligated to the remainder of the lease. Ms. Wuerstle explained that the clause wasn't included in the lease; she felt that it would send up a big red flag. She then asked Ms. Nightingale to explain the issue in more detail.

Ms. Nightingale explained that the provision wasn't included within the lease. Commissioner Mann asked if "general law" would include such a provision where all leases would have some type of clause where if the entity was dissolved they wouldn't be obligated to the remainder of the lease. Ms. Nightingale explained that the SWFRPC is a separate legal entity and if the SWFRPC ceased to do business there wouldn't be any personal liability of the members, counties and municipalities. However, the landlord has the right, in a couple of different ways, under the lease to collect unpaid rent. Whether it would be to release the entity from the lease, but charge for the remainder of the lease or seek to collect on the contract to the extent that funds were available and/or through litigation.

Commissioner Mann stated that there is boiler plate language within a lot of State leases and usually the landlords are happy to get the deal that they accept the boiler plate language. The RPCs are on "thin ice" with the current legislature and he is concerned with having a 10 year lease. He doesn't want to have to envision the SWFRPC within the next 3 years having to sell off the Council's assets in order to use up all of its funds.

Ms. Wuerstle asked Commissioner Mann if he could have someone send her the boiler plate language and she would try to have it included within the lease. However, she wanted to know if it was a deal breaker if she wasn't able to get the language included. Commissioner Mann suggested giving the landlord the chance to say no. He then suggested to Ms. Wuerstle to ask Ron Book to come up with the boiler plate language.

Councilman Burch emphasized the time sensitivity of the issue at hand. In regards to the sale of the building, it is a very good deal on the table and it is a cash deal. He then referred to the proposed lease options and he agreed that the 10 year lease is a better lease; however, if the boiler plate language is to be included within the lease it needs to happen immediately. He then said that he had a concern that the officers of the Council would be liable for the lease if something should happen. It is very important to have confirmation that the officers wouldn't be liable for the entity if something should happen since the entity is a standalone entity.

At this time it was noted that Commissioner Turner had joined the meeting via conference call and that a quorum was present.

Mr. Reynolds stated that he felt that the shorter term lease would be better than the 10 year lease due to the current situation that the RPCs are facing. He also stated that he would be surprised if the landlord would accept some sort of an opt out clause as being discussed.

Mr. Karau asked what would be the monthly lease payment. Ms. Wuerstle said that the monthly lease payment would be \$3,500 plus electric.

Chair Mulhere reminded the members that the Council was in a very difficult financial situation, both current and pending, with a balloon payment coming due in June 2016 for the mortgage on the building. It will help the Council financially with the sale of the building.

Vice Mayor Denham suggested that since there was a quorum present, the Council take action on any necessary items requiring action from the Council. Chair Mulhere stated that was his intent.

Chair Mulhere explained that there are three items within the Director's Report which require action by the Council.

The first action item is the resolution authorizing the Executive Director to be able to execute the closing documents in the event that neither the Chair nor Vice Chair is able to be present at the closing.

A motion was made by Commissioner Mann to execute the resolution authorizing the Executive Director to be able to execute the closing documents in the event that neither the Chair nor Vice Chair was able to be present at the closing. The motion was seconded by Commissioner Wilkins and passed unanimously.

Chair Mulhere noted that the second action item is the approval of the "non rep letter".

A motion was made by Vice Mayor Denham to approve the non rep letter as presented. The motion was seconded by Councilman Burch and passed unanimously.

Chair Mulhere said that third item is the approval of either a 5 year or 10 year lease.

A motion was made by Commissioner Mann to approve executing a 5 year lease for the office space at the Royal Palm Square Shopping Center in Fort Myers. Councilman Banks seconded the motion and the motion passed with two opposed.

Ms. Wuerstle noted that the move will cost approximately \$30,000. Chair Mulhere stated that presumably the Council would be able to renegotiate the lease at the end of five years.

Vice Chair McCormick asked Ms. Wuerstle if she needed the Council to take action on the \$10,375 credit. Ms. Wuerstle replied that she did need the Council's approval for the \$10,375 credit at closing. Chair Mulhere noted that there were also the issues listed under the building inspection deficiency totaling \$30,000.

A motion was made by Vice Mayor Denham to approve the building inspection deficiency totaling \$30,000, along with the \$10,375 credit and acquisition of certain pieces of office furniture at the closing. The motion was seconded by Councilman Banks and passed unanimously.

Commissioner Wilkins asked for clarification on the issue raised regarding the officers of the Council being liable for the remainder of the lease should anything happen to the SWFRPC. Mr. Mulhere agreed and explained that the Council has agreed to move forward with a 5 year lease; however, he agreed that there needed to be clarification on that issue of liability.

AGENDA ITEM #4 PUBLIC COMMENTS

Dr. Elkowitz from Glades County said that under the previous discussion it was noted that the monthly costs for the Council to operate would be \$3,500; he then asked what costs were included within that \$3,500, salaries, insurance, etc. Chair Mulhere explained that the \$3,500 was the Council's monthly lease payment for rent.

Dr. Elkowitz asked what the Council's true monthly costs are. Chair Mulhere explained that the Council adopts a yearly budget and the budget has a breakdown of the Council's expenses.

Dr. Elkowitz asked where the Council was going to get its funding for the next five years if the State decided not to fund the RPCs. Chair Mulhere explained that the Council would continue receiving its funding from the same resources as it currently is, which is county assessments and grants. The Council hasn't received funding from the State for its statutory mandates for the last five years. The Council receives funding from its member jurisdictions and both federal and state grants.

Dr. Elkowitz then referred to Ms. Nightingale's comments regarding the liability to the Council and/or its officers for the lease. She had stated that the landlord had options on how they would be able to collect the debt and he would like clarification on those options. Chair Mulhere explained that if the Council had assets that the landlord would be able to garner those assets. Dr. Elkowitz

asked what would happen if there weren't any assets. Chair Mulhere explained that is an issue that needed further research and clarification on.

Ms. Wuerstle explained that a nominating committee needed to be appointed for the 2016 Officers. The following members volunteered to serve on the Nominating Committee:

1. Councilman Burch
2. Vice Mayor Denham
3. Mr. Flood
4. Mayor Shaw
5. Mr. Karau
6. Vice Mayor DiFranco

Ms. Wuerstle then asked for the Council to take action on the issue of canceling the Council's December 17, 2015 meeting. She explained that she was requesting that the Council cancel its December meeting due to the relocation of the SWFRPC offices.

A motion was made by Councilman Burch to cancel the Council's December 17, 2015 meeting. The motion was seconded by Mayor Shaw and passed unanimously.

**AGENDA ITEM #7(c)
Senate Bill 7000**

Ms. Wuerstle stated that while she was up in Tallahassee she intended to obtain further clarification on the intent of Senate Bill 7000. She also said that Dan Trescott would be able to give a report on the bill.

Chair Mulhere stated that the items which required action from the Council needed to be discussed first and then the Council could return to those items that just require discussion.

**AGENDA ITEM #6
Minutes of the September 17, 2015 & October 15, 2015 Meetings**

A motion was made by Commissioner Mann to approve the minutes of the September 17, 2015 and October 15, 2015 meetings as presented. The motion was seconded by Vice Mayor Denham.

Commissioner Wilkins referred to the minutes of the October meeting and stated that she was referred to as "Mr." instead of "Ms." and requested that change be made.

The motion passed unanimously as amended.

**AGENDA ITEM #9
CONSENT AGENDA**

A motion was made by Commissioner Mann to approve the consent agenda as presented and then Councilman Burch seconded the motion. The motion passed unanimously.

**AGENDA ITEM #7(c) Cont'd
Senate Bill 7000**

Mr. Dan Trescott gave an overview of proposed Senate Bill 7000. The bill is for clarification on what projects would have to go through the State's Coordinated Review Process for Comprehensive Planning.

Vice Mayor Denham stated that he was concerned on how large projects, such as DRIs, are going to be addressed in the region in the future. Mr. Trescott explained that the RPCs could continue to exist even if counties opt out. The RPC's role is to review the large projects for consistency. The funding that the RPC receives to operate will come from those municipalities that want to continue to participate. Also be future DRIs will be coming in for review.

Vice Mayor Denham said that there will always be a need to have a "regional" body/entity that reviews regional issues with future development. Chair Mulhere stated that we all share the same concern and he agreed that there may be a need to consider moving forward under a different body/name.

Vice Mayor Denham stated that he was very conscious of those counties who wish to opt out of the RPC; however, he would like to see those counties come up with an alternative. Chair Mulhere stated that the Council needed to continue to monitor that process and come up with some strategies.

Commissioner Pendergrass asked what authority the RPC currently has to deny a project. Vice Mayor Denham explained that the RPC will never have the authority to deny a project; however, the RPC does meet as a group and review all of the regional issues that need to be address for large developments.

Discussion ensued.

Councilman Burch stated that the RPC should stay consistent and oppose Senate Bill 7000. Chair Mulhere suggested placing SB 7000 and other legislative issues on the Council's January agenda for discussion along with the Committee's report. Mr. Trescott noted that there currently isn't a House Companion Bill to SB 7000.

**AGENDA ITEM #7(d)
Correspondence to FRCA**

Chair Mulhere noted that FRCA had formed a subcommittee called the Path Forward Committee at the request of the current FRCA President, Commissioner Constantine. He explained that both Vice Chair McCormick and he have been very active participating in those meetings and expressing their opinions on FRCA's future path, its primary roles and responsibilities, its organizational structure, and FRCA's lobbyist and executive director. However, the committee has been focusing on FRCA's worth through social media, etc. Both Vice Chair McCormick and he

kept being told thank you for bringing up those issues and they will be considered. He said that he was expecting a response from FRCA in regards to the letter very quickly.

Chair Mulhere stated that an organization such as FRCA should have a competent executive director who isn't also their lobbyist and there may not be the need to have a lobbyist to the same degree as what has been needed in the past. There may be the need to have a lobbyist on a retainer to address issues as they rise.

Councilman Burch thanked Chair Mulhere for the letter and felt that it covered all of the Council's concerns.

Commissioner Mann stated that since the legislature will be meeting in January and the Council will not be meeting in December that the Council needs to be prepared to take immediate action on Senate Bill 7000.

**AGENDA ITEM #7(e)
CREW Fundraisers**

Deputy Director Jennifer Pellechio presented the item.

**AGENDA ITEM #8
STAFF SUMMARIES**

This item was for information purposes only.

**AGENDA ITEM #10(a)
Budget & Finance Committee**

In the absence of Councilman McKeon, Deputy Director Jennifer Pellechio presented the item. She announced that the Council's audit was scheduled for February. She also noted that for the first month of the FY15-16 the Council is on target with an additional \$256,000 in grant revenue.

Chair Mulhere announced that Lieutenant Randy Boyd of the City of Sarasota Police Department will be giving a presentation on the High Point program under the Quality of Life and Safety Committee.

**AGENDA ITEM #10(g)
Quality of Life & Safety Committee**

Lt. Boyd explained that he was asked to give a presentation on how the City of Sarasota is addressing their quality of life issues. He thanked Mayor Shaw for inviting him to come and give the presentation to the Council because the RPC is where everyone can come together to share ideas and become better communities.

Lt. Boyd noted that he has been with the City of Sarasota Police Department for 25 years and he is currently in charge of the Criminal Investigation and Narcotics Divisions. In early 2012, at the direction of then Commissioner Shaw, he brought up a little unknown town in North Carolina

called High Point. He said that they were doing a type of policing that the City of Sarasota needed to take a look at. In June 2012 representatives from the City of Sarasota flew to High Point, North Carolina and while they were there they began to understand that this method of policing and community involvement is the most important element within the initiative called DMI (Drug Market Interdiction). The commitment of the community was what was driving the bus and the police department was just one wheel on the bus.

Lt. Boyd explained that DMI is where the police department, along with all of the stakeholders within the city go after the open air drug market. Every city across the nation has issues with open air drug markets where drug salesmen and others who stand on a street corner and make the property values decrease because others are coming into the community to purchase narcotics. This only amounts to 3-5% of the population, but they are holding the cities hostage.

The City of Sarasota decided to take the DMI from North Carolina and make it their own because they were not going to be held hostage by 3-5% of their community. The City of Sarasota started with a focus group, performed undercover buys from individuals, and have a "call in" meeting where the drug dealers/individuals are called in but are not arrested. The Chief of Police sends out a letter stating that they will not be arrested, but they need to attend the meeting. The individuals who attend the meeting will be sitting with the city's commissioners, city manager, Chief of Police, command staff and the leaders of the community and they will be given one last chance. They are assigned a mentor, similar to a probation officer, who gets them into some type of program where they can get clean. When they complete their program they will be citizens who will be contributing to the community instead of being a detriment to the community.

Mayor Shaw stated that the biggest commitment comes from the City's Police Department and the community itself because they were so divided and now they have grown together and formed a bridge of communication. What has been seen is greater community input and participation, but also a return to ownership of the community itself; as a result the crime rate has gone down to 13%.

Lt. Boyd stated that there is now the option of not having the community being police driven but community driven. The City of Sarasota is still in the commitment stage because it will never be completed. If you think that you are going to finish then you have failed. The key is knowing that you are in it and will stay in it, there will be ugly conversations, and some will get mad at each other, but when you leave the room the common goal will only be one thing: "to have a successful community".

Commissioner Wilkins asked Lt. Boyd if it was the drug dealers that are invited to the meeting and go through reform. Lt. Boyd responded affirmatively. However, not all drug dealers receive the opportunity. Lt. Boyd explained that there is a vetting process. The program is for those individuals who are right on the edge, just starting their narcotics salesman career.

Lt. Boyd explained that it is not a "free ride"; if those individuals decided not to go through the program then they are sent to prison. The program is a total commitment; everyone has to be committed to completing the process from the drug dealer and their family to the judge and the city commission. If one section is not committed the program will fail.

Vice Mayor Denham asked how many were brought in. Lt. Boyd said that six were brought into the first call-in. There were only six individuals out of 100+ buys that they felt were worthy of the opportunity. Those individuals who didn't get invited to the call-in got prosecuted to the full extent.

Councilman Burch applauded the City of Sarasota for its efforts. However, he felt that there was another part of the equation that needed to be addressed. We are losing a generation; our children are into heroin and opioids. The recent legislation was aimed at closing down the pill mills. Lt. Boyd said that if there isn't a safe place for children to go when they get off a school bus, a place where they can go and people are there to help and care for them, then the program will fail. Councilman Burch stated that there are athletes who get injured and then get addicted to opioids.

Mr. Karau asked Lt. Boyd how the President's program, where he doesn't want first offenders to go to prison, would affect the city's program. Lt. Boyd explained that the current laws aren't even clear on how many times an offender needs to be arrested before they are sent to prison.

Discussion ensued.

Councilman Banks asked Lt. Boyd about the age range of the six individuals. Lt. Boyd said that the ages ranged from 18 to 21 years of age. Councilman Banks asked what the requirements are. Lt. Boyd explained that they do everything that they can to help them, but first if they are users they have to get clean so they are placed in a program. Then they are assigned a mentor, someone who is not a family member. They are contacted on a regular basis, try to find them employment and show them the right way so they can be productive citizens. With the first process there were six at the beginning, but then two of them failed and/or decided that they didn't want to participate in the program so they were sent to prison.

Mayor Shaw explained that the school district has got to be involved.

Lt. Boyd stated that the City of Sarasota has currently completed three programs and will be starting the fourth in January. High Point is scheduled to come to Sarasota in January to review the program.

Ms. Nightingale asked how many law enforcement agencies are involved within the country and who was involved with spearheading such a program. Mayor Shaw explained that the program started with David J. Kennedy with the College of Criminology in Manhattan. The program started in Rhode Island and came to High Point, North Carolina. Rhode Island had to go to High Point to get a refresher course because they had lost their commitment.

Lt. Boyd stated that at the beginning of the process he didn't believe that the program would work, but after going through with the development of the process he believes that it does work.

Vice Mayor DiFranco asked Lt. Boyd if the Sarasota County Sheriff Department was involved. Lt. Boyd explained that members of the sheriff's department went to High Point and they are very much involved.

Lt. Boyd noted that there is a YouTube video on the High Point, North Carolina DMI program.

Commissioner Pendergrass explained that back in the 90s the City of Fort Myers had a similar program which also included drug marches. He said that the effort lasted approximately 12 years. Lt. Boyd said that he was also part of that effort as a patrolman.

Discussion ensued on the program within Lee County.

Mr. Karau asked what happened to the program. Commissioner Pendergrass and Mayor Shaw explained that the SEED funding dried up in 2004.

Lt. Boyd asked the Council members to go back to their police and sheriff departments and talk with the officers who are out on patrol daily because those officers are our heroes. They are the line between chaos and sanity.

Councilman Banks noted that the City of Ft. Myers has a good relationship with the Lee County Sheriff Department and recently they brought in 65 individuals and over 30 are already out and the remaining went to prison. The community stakeholders are working together to try to come up with some solutions. He said that those individuals need to be able to see the light at the end of the tunnel in order to commit to such a process. They have to be shown what the rewards would be if they stayed in school instead of going out on the street and making \$300 each day by selling drugs.

AGENDA ITEM #10(b)
Economic Development Committee

No report was given at this time.

AGENDA ITEM #10(c)
Energy & Climate Committee

Vice-Chair McCormick presented the item.

AGENDA ITEM #10(d)
Estero Bay Agency on Bay Management (EBABM) Committee

Mr. Beaver presented the item. He announced that the next meeting is scheduled for the December 14 at FGCU.

AGENDA ITEM #10(e)
Executive Committee

No report was given at this time.

AGENDA ITEM #10(f)
Legislative Affairs Committee

No report was given at this time.

AGENDA ITEM #10(h)

Regional Transportation Committee

Councilman Banks referred to FDOT's recently released Vision Element document and said that it was a very good document to have as a reference.

AGENDA ITEM #10(i) Interlocal Agreement/Future of the SWFRPC Committee

Councilman Burch gave the report and stated that the Regional Planning Council is the best forum to discuss quality of life issues for the region. He felt that this was a reasonable role for the regional planning councils. He presented the new draft amended interlocal agreement to the members of the Interlocal Agreement Committee and asked them to review the document and provide comments. Once the Committee reviews it, he will bring it back to the full Council in January. He said that there will be a meeting of the Interlocal Agreement Committee sometime before the next full Council meeting.

AGENDA ITEM #12 STATE AGENCIES COMMENTS/REPORTS

FDEP - Mr. Iglehart announced that the State's fiscal year begins on July 1 and the Federal fiscal year begins October 1st. Most of DEP's programs operate under the State's fiscal year; however, the monitoring programs operate under the Federal fiscal year. Currently, the drinking water programs operate under the State's fiscal year; however, they are being moved over to the Federal fiscal year so the utilities will be contacting their jurisdictions to make those changes.

SFWMD - Mr. Flood announced that the SFWMD's Water Supply Plan update process had begun.

AGENDA ITEM #13 COUNCIL ATTORNEY'S COMMENTS

No comments were made at this time.

AGENDA ITEM #14 COUNCIL MEMBER'S COMMENTS

Vice Chair McCormick wished everyone a happy holiday season.

AGENDA ITEM #15 ADJOURNMENT

The meeting adjourned at 10:50 a.m.

Councilman Forrest Banks, Secretary

The meeting was duly advertised in the November 2, 2015 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 41, Number, 213.