Southwest Florida Regional Planning

www.swfrpc.org
1926 Victoria Avenue
Fort Myers, FL 33901
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COUNCIL MEETING AGENDA

MEETING NOTICE

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

March 20, 2014

9:00am – 11:30am

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

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

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COUNCIL MEETING AGENDA

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NEXT SWFRPC MEETING DATE: April 17, 2014

NOTES:

The Council's Legislative Affairs Committee is scheduled to meet prior to the Council meeting at 8:00 AM.

The Council's Budget & Finance Committee is scheduled to meet immediately following the board meeting.

The Council's Energy & Climate Committee is scheduled to meet immediately following the Council meeting.

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

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL MEMBERSHIP

CHAIR.......... Councilwoman Teresa Heitmann
VICE CHAIR.......... Mr. Robert "Bob" Mulhere
SECRETARY.......... Mr. Don McCormick
TREASURER.......... Councilman Forrest Banks

CHARLOTTE COUNTY
Commissioner Tricia Duffy, Charlotte Co BCC
Commissioner Chris Constance, Charlotte Co BCC
Councilwoman Nancy Prafke, City of Punta Gorda
Ms. Suzanne Graham, Governor Appointee
Mr. Donald McCormick, Governor Appointee

COLLIER COUNTY
Commissioner Tim Nance, Collier Co BCC
Commissioner Georgia Hiller, Collier Co BCC
Councilwoman Teresa Heitmann, City of Naples
(City of Marco Island Vacancy)
Mr. Robert "Bob" Mulhere, Governor Appointee
Mr. Alan D. Reynolds, Governor Appointee

GLADES COUNTY
Commissioner Donna Storter-Long, Glades Co BCC
Commissioner Russell Echols, Glades Co BCC
Councilwoman Pat Lucas, City of Moore Haven
Mr. Thomas C. Perry, Governor Appointee

HENDRY COUNTY
Commissioner Karson Turner, Hendry Co BCC
Commissioner Don Davis, Hendry Co BCC
Mayor Phillip Roland, City of Clewiston
Commissioner Daniel Akin, City of LaBelle
Mr. Mel Karau, Governor Appointee

LEE COUNTY
Commissioner Frank Mann, Lee Co BCC
Commissioner Brian Hamman, Lee Co BCC
Councilman Jim Burch, City of Cape Coral
Vice Mayor Doug Congress, City of Sanibel
Councilman Forrest Banks, City of Fort Myers
Vice Mayor Joe Kosinski, Town of Fort Myers Beach
(City of Bonita Springs Vacancy)
Ms. Laura Holquist, Governor Appointee
(Gubernatorial Appointee Vacancy)

SARASOTA COUNTY
Commissioner Carolyn Mason, Sarasota Co BCC
Commissioner Charles Hines, Sarasota Co BCC
Vice-Mayor Rhonda DiFranco, City of North Port
Councilman Kit McKeon, City of Venice
Vice-Mayor Willie Shaw, City of Sarasota
(Gubernatorial Appointee Vacancy)
Mr. Felipe Colón, Governor Appointee

EX-OFFICIO MEMBERS
Phil Flood, SFWMD
Jon Iglehart, FDEP
Melissa Dickens, SWFWMD
Carmen Monroy, FDOT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STAFF
MARGARET WUERSTLE..........EXECUTIVE DIRECTOR
SEAN McCABE........LEGAL COUNSEL

James Beever
Lisa Beever
David Crawford
Liz Donley
Nancy Doyle
John L. Gibbons
Nichole Gwinnett
Rebekah Harp
Maran Hilgendorf
Judy Ott
Jennifer Pellechio
Timothy Walker

Updated 3/4/14

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Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested $66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage $1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.

- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.

- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.

- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.

- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.

- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.

- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.

- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.

- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.

- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.

- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.

- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.

- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.

- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.

- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.

- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.

- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.

- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.

- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC -National Association of Regional Councils

NOPC -Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP -State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

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

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

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MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
FEBRUARY 20, 2014 MEETING

The meeting of the **Southwest Florida Regional Planning Council** was held on **February 20, 2014** at the offices of the Southwest Florida Regional Planning Council – 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Teresa Heitmann** called the meeting to order at **9:02 AM.** Vice Mayor Shaw then led an invocation and the Pledge of Allegiance. Administrative Specialist II, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Councilwoman Nancy Prafke, Ms. Suzanne Graham, Mr. Don McCormick

Collier County: Commissioner Georgia Hiller, Mr. Bob Mulhere, Mr. Alan Reynolds, Councilwoman Teresa Heitmann

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Mr. Melvin Karau

Lee County: Commissioner Frank Mann, Councilman Forrest Banks, Councilman Jim Burch, Commissioner Brian Hamman, Vice Mayor Joe Kosinski, Vice Mayor Doug Congress, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Vice Mayor Willie Shaw, Councilman Kit McKeon, Commissioner Cheryl Cook for Commissioner Rhonda DiFranco

Ex-Officio Members: Mr. Shawn Hamilton for Mr. Jon Iglehart–FDEP, Mr. Phil Flood–SFWMD, Ms. Melissa Dickens–SWFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Tim Nance

Glades County: Councilwoman Pat Lucas, Commissioner Tim Stanley

Hendry County: Commissioner Don Davis, Commissioner Daniel Akin, Mayor Phillip Roland

Lee County: None

<u>Sarasota County</u>: Mr. Felipe Colón

<u>Ex-Officio Members:</u> Ms. Carmen Monroy – FDOT

Ms. Gwinnett announced that there was a quorum.

AGENDA ITEM #4
PUBLIC COMMENTS

Comments on agenda item 11(a), Estero Bay Agency on Bay Management:

Ms. Patty Whitehead, resident of Estero, board member of the Responsible Growth Management Coalition of Southwest Florida (RGMC), and newly appointed member of the ABM, expressed her concerns regarding the Estero Bay Agency on Bay Management (ABM). She stated that she had heard that the Council may be considering dissolving the ABM as a committee of the Council, and that she believed that this would be a move in the wrong direction, since the ABM serves a unique function and role in the protection of the Estero Bay watershed, which is both an environmentally sensitive area and a valuable environmental asset for Lee County that is subject to development pressure. She stated that she supports the mission and work of the ABM, and asked that the Council preserve the ABM.

Ms. Martha Simons, appearing as Council's representative on the ABM, stated that she supported the staff recommendation under Agenda Item 11(a), to continue to support the ABM as a Council committee, since it brings value to the regional planning council, and furthers the Council's mission statement and policy plan. The ABM operates at no cost to the Council, and performs valuable services that are not duplicative of other entities. There are other agencies, such as FDEP, that do a good job of furthering their mission, but their work differs from that of the ABM. Estero Bay is the State's first aquatic preserve, and it has unique archaeological, environmental and wildlife features that need to be preserved. The ABM brings value not only to the regional planning council, but to local governments that it provides technical assistance to, thereby saving taxpayers' monies. She closed by stating that she supported and thanked staff for its recommendation.

Dr. Lisa Beever, Director of the Charlotte Harbor National Estuary Program (CHNEP), and Chair of the ABM, encouraged the Council to maintain the ABM as a committee of the Council. She invests her own time as chair of the ABM, and in the development of the 10-year restoration plan for the Estero Bay Basin, Cela Tega workshops, and State of the Bay Reports. She stated that she makes this investment because the CHNEP Policy Committee, composed of elected officials and heads of agencies, sees great value in the work of the Estero Bay ABM. She stated that it is common for different basins to have a focus group to look at basin issues, and each of the groups operates differently based on the needs and opportunities within those basins, and their legal underpinnings. She gave as examples the Myakka River Coordinating Committee, the Peace River Basin Management and Advisory Committee, the Lemon Bay League, the Caloosahatchee River Citizens Association, the Estero Bay ABM. She stated that the ABM is the premier organization focusing on the needs and opportunities within the Estero Bay Basin.

Mr. Brad Cornell, representing Audubon Florida, which owns Corkscrew Swamp Sanctuary, and is a member of the ABM. Mr. Cornell stated that he supported the first option outlined in Mr. McCabe's memorandum, to continue to support the ABM as a Council subcommittee, including providing staff support to the committee. Although the ABM had its origins in litigation and controversy, its charge is to protect the Estero Bay watershed, which is fundamental to the interests of all citizens of southwest Florida. He stated that he believed that most people understand that land uses upstream affect water quality in the estuary downstream, and everything in between. He stated that the quality of the Estero Bay affects the economic as well as ecologic interests of all the citizens of the region, and urged Council to support the option to continue supporting the ABM. He stated that the ABM serves as a forum that can't be replicated by any individual organization or agency, and that collectively, the group has a lot to offer - the diverse interests of the group result in more well-considered conclusions and recommendations. The forum creates great opportunities, and provides advice and input for deliberations on land use and other issues by Council and local governments that make decisions that affect the Estero Bay watershed.

AGENDA ITEM #5
AGENDA

Ms. Holquist requested that Agenda Item 12(a) be pulled, to be reconsidered at the March 2014 meeting, since there would be meetings and actions affecting the agenda item over the course of the next week that would make discussion of the item premature.

There being no discussion or objection, Item 12(a) was pulled.

AGENDA ITEM #6
Minutes of the January 16, 2014 Meeting

Commissioner Turner moved to approve the minutes of January 16, 2014; Councilman Burch seconded the motion. The motion carried unanimously.

AGENDA ITEM #7
DIRECTOR'S COMMENTS

Ms. Wuerstle presented the item. She stated there were several items that she wanted to review. She mentioned that the Florida Regional Council Association (FRCA) Legislative Priorities were in the agenda package. She stated that there had been a meeting the previous week regarding the retreat at which they reviewed some of the findings from the retreat. FRCA is still working on determining what issues they are going to work on and what priorities the issues will be given. In the mean time, Ms. Wuerstle stated that she has started to develop a list of items that Council would like to see FRCA address for the Council. Ms. Wuerstle stated that Council had executed an agreement with FRCA in 2008; she would like to update the agreement, incorporating the list of items she has been working on, and bring it back to Council for approval in March.

Commissioner Turner endorsed Ms. Wuerstle's proposal, stating that the Council should put some parameters into its agreement with FRCA in regards to how the Council would monitor its relationship with FRCA. He stated that it was good fiscal policy to monitor the return on investment in any relationship, especially when taxpayers' money was paying part of the Council's FRCA dues. He further stated that he felt that the Council had made a positive step forwards by making FRCA aware of problems it perceived in their relationship.

Ms. Holquist stated that she had received an email from Ms. Coven at FRCA, stating that if the Council left the organization of regional planning councils, it could have a negative impact on the ability of the group to get grant funding, and that it was very important to keep the group united to maximize its ability to seek federal and state funding; i.e., that by pulling out of FRCA, the Council would be hurting the ability of the other ten regional planning councils in the state to get funding.

Councilwoman Heitmann stated that this was one of the reasons why she has advocated for giving FRCA the opportunity to amend its structure and leadership prior to withdrawing from the organization.

Mr. Mulhere observed that, as an attendee at the recent FRCA board retreat in Tallahassee, he believed that the SWFRPC is not alone as a regional planning council with its concerns about the manner in which FRCA has been managed and the focus of the organization; he stated that a majority of the regional planning councils concurred in the concerns voiced by the SWFRPC board members, and that the message was heard by FRCA. He stated that we should wait to find out what actions were being proposed by FRCA in response to the concerns raised at the meeting. He then stated that he liked Ms. Wuerstle's proposal, and would look forward to seeing her recommendations next month.

Ms. Wuerstle pointed out that the SWFRPC would not be the first Council to pull out of FRCA; there is already one RPC that does not participate or pay dues, the Withlacoochee Regional Planning Council covering both Central and West Central Florida.

Commissioner Turner moved that the Council continue its membership in FRCA for the time being, pending further review once additional information is provided by the Executive Director; the motion received unanimous approval.

Councilman McKeon stated that before making a decision to pull out of FRCA, he would like to have a dialogue concerning the pros and cons of such a decision. For instance, if the SWFRPC pulled out, and FRCA was still in existence, they could make negative statements about the SWFRPC that would have negative impacts on the Council.

Ms. Wuerstle mentioned that she had included a draft letter from the Council to Speaker Boehner and Chairman Hensarling of the U.S. House of Representatives, supporting quick action by the House to mitigate the impact of the Biggert-Waters Flood Insurance Reform Act.

Councilman Banks moved that the Council send the letter, and Mr. McCormick seconded; the motion received unanimous approval.

Ms. Wuerstle mentioned the inclusion in the Director's Report of the schedule of Discovery Meetings being conducted by FEMA for a coastal Risk Mapping, Assessment, and Planning project with counties in Southwest Florida.

Mr. Perry explained the current state of affairs in Hendry and Glades counties regarding FEMA maps. The maps are being redrawn, and the big issue is the condition of the levee around Lake Okeechobee.

Ms. Wuerstle referenced and summarized the list of SWFRPC's committees included in the Director's Report. The table includes a description of all of the committees, the date established, and the current members and chairperson of each committee. She stated that Council Chair Heitmann had appointed chairs to the committees at the Council's last meeting in January, and that a number of people had expressed interest in serving as members of the committees, and were listed as members in the table. She referenced one additional appointment, Commissioner Frank Mann to the Regional Transportation Committee.

Commissioner Hiller asked to be appointed to Economic Development Committee. She stated that she is currently the chair of economic development for Collier County, that Collier County recently joined the Southwest Regional Economic Development Alliance, that Collier County was a proponent of regionalism at the county board level, and that she is personally committed to regionalism; for these reasons, she is very interested in working with the committee with its efforts to promote regional economic development.

Councilwoman Heitmann thanked Commissioner Hiller for her willingness to serve. She stated that she would complete the process of appointing committee members and chairs, and asked members to let her know if they wanted to serve on a committee they were currently not appointed to.

Councilwoman Prafke asked to be appointed to the Economic Development Committee; Commissioner Hines volunteered for Transportation Committee; and Mr. Mulhere volunteered for the Legislative Affairs Committee.

Councilwoman Heitmann read through the chairs of the Council committees.

Ms. Wuerstle made a correction that Mr. McCormick is the chair of the Energy & Climate Committee.

Councilwoman Heitmann explained that the committee chairs would set meeting schedules, with assistance from staff; staff make sure that meetings received adequate public notice as required by law.

At the request of Councilwoman Heitmann, Ms. Gwinnett explained the online Doodle poll process utilized by Council staff to find meeting times and dates that worked for committee members.

Councilman Burch, referring back to the prior motion by the Council to send a letter supporting prompt action by the House on the Biggert-Waters issue, asked whether the Council would want to consider supporting a two-year extension rather than a four-year extension of time, since this would be better than no extension of time for delaying rate increases. Brief discussion ensued.

Ms. Wuerstle stated that the budget was on target, with approximately a $100,000 surplus, and that the audit report would be presented by the auditors at the March meeting.

AGENDA ITEM #8(a)
Grant Activity Sheet

No discussion; informational item only.

AGENDA ITEM #9
CONSENT AGENDA

Commissioner Turner made a motion to approve the consent agenda; Commissioner Cook seconded the motion. The motion received unanimous approval.

[The order of agenda items was changed to accommodate technical difficulties; Item #11(a) was discussed prior to the discussion of the comprehensive plan amendments.]

AGENDA ITEM #11(a)
Estero Bay Agency on Bay Management Discussion

Mr. McCabe presented this item; he reviewed the specific questions presented by the Council at the last meeting, and the responses covered in his memorandum were included in the agenda package. After summarizing the responses, he asked whether the Council had any questions.

Councilman Banks asked for the mission statement of the ABM. Mr. Beever stated that the mission was basically to consider the issues within the Estero Bay watershed, review and make comments on them to the RPC and to regulatory agencies.

Mr. Perry asked to be reminded which agencies had signed the Settlement Agreement; Mr. McCabe responded that the signatory agencies were FGCU, SFWMD, SWFRPC, and DCA (the stipulation was signed April 10-11, 1995, in re DOAH Case No. 95-569; parties included: Responsible Growth Management Coalition and Ellen Peterson, Petitioners (counsel: Thomas Reese); Florida Board of Regents of the State University System of Florida (Robert Rhodes, counsel; Charles Reed, Chancellor, BOR) and the South Florida Water Management District (John Fumero, counsel; Sam Poole, Exec. Dir.), Respondents; Lee County Board of County Commissioners, Intervenors; the Department of Community Affairs also signed the agreement (Linda Shelley, Secretary of DCA.)

Mr. Perry asked about the FGCU College of Arts and Sciences being listed in the membership list.

Mr. Beever responded that Win Everham, a member of the College of Arts and Sciences, was appointed by FGCU to represent the university on the ABM.

Mr. Perry asked how members were appointed to the ABM.

Mr. Beever explained the ABM membership appointment process. (Note: the process established in the Settlement Agreement (§ 5, pg. 6, ABM Settlement Agreement) is as follows: "ABM members shall initially be appointed to one year terms by the Arnold Committee. Thereafter the ABM shall determine the method of membership appointments. ABM membership shall consist of, but not be limited to, Lee County legislative delegation members who desire to participate, and shall include, but not be limited to, members from the following: local Chambers of Commerce, Citizen and Civic Associations, Lee County, the District, the Department of Environmental Protection, the FCFWFC, the FGCU, the SWFRPC, commercial and recreational fishing interests, environmental and conservation organizations, Responsible Growth Management Coalition, Fort Myers Beach Civic Association, Citizens Association of Bonita Beach, scientists, affected property owners, and the land development community.")

Each organization that is specified as an ABM member in the settlement agreement appoints a person to represent them, possibly with an alternate. New members are accepted if they are involved in and active in the Estero Bay watershed.

Mr. Perry stated that he was bothered by the absence of landowners on the committee.

Mr. Beever stated that there are land owners on the committee, but not developers. He explained that private land owners used to have more representation on the committee, including representatives from WCI and other land development groups. However, when the economic downturn occurred circa 2009, they began to submit letters withdrawing from membership, stating that they no longer has sufficient staff or time to participate in the ABM. In subsequent years, the ABM wrote letters to private land interests, inviting them to appoint members; however, they have so far declined to participate. (Note: Johnson Engineering is a current member of the ABM.) Other private sector businesses represented in the past or present on the ABM include the marine trades industry, commercial fishing industry, and other businesses; the most recent member to join is the Lion's Club.

Councilman Banks stated his belief that the ABM was created by the settlement agreement to ensure that as the university area was developed, that there would not be negative impacts on the Estero Bay.

Mr. Beever clarified that the ABM was established to protect the entire Estero Bay watershed.

Councilman Banks questioned whether the ABM should go on in perpetuity; he stated that at some point in time, the ABM should determine whether it had met the purposes for which it had been created, after which the members would be free to pursue other worthwhile activities.

Mr. McCabe stated that in determining the meaning of legal documents, if the actual language does not provide an answer, it is appropriate to look at other evidence that is indicative of the intent of persons who were involved in the creation of the document. He stated that the attorney for the plaintiffs in the underlying case had written a letter regarding the intent and purpose of the ABM; in the letter, the attorney states that the Estero Bay ABM was modeled after the Tampa Bay ABM, and that no end date was foreseen; both ABMs were intended to operate for an indefinite time period, as the water quality of the bays was of ongoing concern to residents of both watersheds. Mr. McCabe stated that he was merely providing this information for consideration by the Council, and that it was up to the Council to debate the merits of the ABM and make a decision based on its evaluation of all factors, knowing that its actions could have legal consequences based upon its perceived obligations under the ABM settlement agreement.

Councilman Burch asked for clarification concerning the potential for duplication of efforts, given the large number of groups involved in work on the Estero Bay; specifically, how the ABM communicates with the groups to ensure that multiple agencies are not duplicating the same work, and whether their work is coordinated to enhance the research done by separate groups.

Mr. Beever stated that most of the entities working in the Estero Bay are also members of the ABM. The ABM doesn't do actual research work such as water sampling, permitting, or compliance review in the field; the member agencies do the research and field work. The ABM is a meeting place, that serves as an inter-entity coordination group, where the members share information on the work they are doing and share their information, which in part is how the ABM creates its periodic State of the Bay reports evaluating the overall condition of the bay. Each agency has their particular specialty that they concentrate on, and the ABM provides synthesis: it allows people to work together to build consensus and reach a better understanding of the watershed.

Councilman Burch asked whether ABM participants have an agreement or obligation to share the information they collect, so that it can be evaluated in its entirety and compiled into the State Of The Bay Reports.

Mr. Beever stated that the data sharing does occur, in a friendly fashion, without any requirement or charter. The agencies continue to meet and participate in the ABM because they want to; it furthers the missions of the individual organizations, the ABM, and the Council. It acts as the guild hall for the Estero Bay. In addition, the ABM is still evaluating the impacts of the university: the MPO recently did a presentation for the ABM on proposed roads associated with the university; there are plans for new research parks; etc. The ABM is also working on the harmful algae bloom problem, the unified general permit for maintenance dredging, and other projects.

Mr. Flood commented that the issue was being discussed due to concerns over the direct and indirect costs of maintaining the ABM, and that even if funding was covered for the current fiscal year, financial concerns were bound to come up again in the future. He suggested that the ABM could be placed on hiatus, as the Council has done with the Regional Watersheds Subcommittee, and brought back as needed. This would allow staff resources to be utilized for more pressing matters of concern to the entire region, rather than one watershed.

Commissioner Mann provided a view of the university permitting process from the benefit of his historical perspective. He stated that although the fiscal impact appears to be relatively minor, finances were tight for most local governments. Lee County had continued to fund the ABM after the SFWMD and FDEP ceased funding, but that they had decided not to continue funding for the current fiscal year, presumably because they felt that the work of the ABM had been essentially completed.

Commissioner Mann stated that the ABM was created as a result of permitting of a university in a swamp, and that since a large part of it drained into the Estero Bay, there was great concern about its potential impact on the bay, and people wanted to monitor the development and construction of the university. However, 20 years have gone by, the agreement is silent on how long the ABM should exist, and several state agencies formerly involved in funding the ABM have now ceased their funding; therefore, the Lee County manager stated that he could not recommend continued funding for the ABM. Essentially, the county is stating that they feel that the job of the ABM is completed, and that the county does not feel that by doing so, they are promoting increased pollution of the waters of the Estero Bay, since there are still a number of agencies involved in monitoring the bay. In stating that it was his opinion that the specific purpose of the settlement agreement was to deal with the construction of the university, and Lee County was not going to pay for continued funding for the ABM.

Commissioner Mann stated that the issue boils down to a simple question: whether the Council wants to assume the entire cost of the ABM, which appears to be approximately $7,500 per year. If the Council decides that it does not, he stated, this would not mean that the Council does not care about the Estero Bay; Council's staff has demonstrated its concern for the water quality of the bay many times over the years. He closed his comments by stating that the Council should consider a motion to continue to support the ABM out of its own funds, and decide whether it could afford to do so, given its current financial condition.

> **Vice Mayor Shaw moved that the Council continue to support the ABM as a Council subcommittee, including providing staff support to the committee. Commissioner Cook seconded.**

Discussion ensued.

Councilman Banks asked what had been allocated for the ABM in the Council's budget.

Ms. Wuerstle stated that annual costs for the ABM were running around $7,500 in recent years. Mr. Beever stated that the average budget for the ABM was $7,500; in some years, it was as low as $5,000. The projection from Council's accountant was that the budget for the current year would be about $9,298, due to contributions from three entities, plus a match for the State Of The Bay document. Generally, special projects such as Cela Tegas come from special funding that is received from sponsors.

Mr. McCormick asked whether Lee County would be contributing to funding for the ABM.

Commissioner Mann stated that it would be decided on a year to year basis, but that he did not foresee funding assistance from Lee County.

Councilman Banks stated that if Council was going to proceed with funding the ABM, there should be a cap established for the ABM that would not be exceeded.

Commissioner Turner provided additional clarification; he stated that the Council should have a specific "not to exceed" number in the budget, and that if it needed to be adjusted, it would be brought back to Council.
Commissioner Constance agreed that he believed that the annual funding coming from the Council should not exceed $5,000 in a given year; if the ABM found additional monies from other

sources, its overall budget might be significantly higher, but the amount from Council should not exceed $5,000.

Commissioner Constance moved to amend Vice Mayor Shaw's original motion by adding the condition that the Council limits its support to the ABM to an amount not to exceed $5,000 per year. Commissioner Mann seconded; the amendment to the motion received unanimous approval.

Councilwoman Heitmann called for a vote on the main motion, and asked Vice Mayor Shaw to restate the motion as amended.

Vice Mayor Shaw restated his motion: that the Council continues to support the ABM as a Council subcommittee, including providing staff support to the committee, not to exceed $5,000 per year. The motion passed, with two opposed votes (Commissioners Mason and Hines).

AGENDA ITEM #10(a)
Sarasota County Comprehensive Plan Amendment (DEO 14-1ESR)

Prior to discussing individual projects on the agenda for the day, Mr. Crawford presented a summary of the comprehensive planning process from the perspective of the regional planning Council.

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

<u>Location</u>--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;

<u>Magnitude</u>--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and

<u>Character</u>--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

Mr. Crawford presented a summary of the proposed comprehensive plan amendments to the Sarasota County Comprehensive Plan.

Commission Cook stated that she was concerned with whether the proposed amendments were consistent with Sarasota County's 20/50 Plan.

Mr. Crawford stated the form has to be a village, and one of the factors in determining consistency with the plan is to determine whether the proposed changes will affect the viability of the village concept. The proposed changes involve moving some of the commercial development up to Clark Road, away from the village center. Mr. Crawford stated that in past development projects, they have found that if the commercial is confined to just the village center, they often do not work because there is no drive-by traffic.

In regards to the proposed change, staff discussed the project with the county and pertinent state agencies. In this case, since the county believes that the changes will work and are consistent with their plan, the changes are consistent with the regional plan, and do not have a significant impact on regional resources, that the relatively minor adjustments to the plan were a decision best left to local determination.

Councilman Burch stated that he had seen a change in development patterns from larger parcels of single family development to higher density development, which he believes does impact transportation systems. He asked whether the village concept is defined by the density, and the number of housing units in an area.

Mr. Crawford stated that yes, the village concept is confined to a specific number of units, and that the total number of units would not be adjusted very much, just how it is formed. He also stated that in general, higher density development results in less sprawl.

Councilman Burch asked whether more specificity could be provided regarding the impact of the proposed plan changes on density.

Mr. Paulmann of Stantec, representing the Clark Road property owners, spoke to the issue. Regarding transportation impact, he said that the issue is tied in part to the fact that there are no parallel roads to relieve traffic. The project will provide a north-south connector road between Venice and Clark Road in Sarasota, SR 72. Density in the project is two units per gross acre. The 20/50 Plan contemplates a range from three to six units per acre, so the project meets plan requirements.

Commissioner Hines stated that Mr. Crawford had done an excellent job summarizing the 20/50 plan, and that he did not see any potential for regional impact from the proposed changes. He stated that he believed the 20/50 plan requirements were too rigid, and that the flexibility provided in the plan under review would increase the likelihood that the project would succeed.

Mr. Mulhere commented that he had never seen a plan that did not require changes over time; nobody had a crystal ball that goes out so far as to know everything. One of the recurring flaws in the process that requires people to make these changes is that we often do not develop a plan that reacts appropriately to the marketplace. The market is constantly changing -- if the county wants to see the development happen, and there needed to be changes made to the project to reflect current market conditions, we ought to be making those changes. Also, when you talk about transportation impacts, you can’t discuss them in a vacuum, because, e.g., a low density development without a mixture of uses will have a greater traffic impact than a higher density development with mixture of uses that is capturing traffic.

Commissioner Cook stated that although changes may need to be made periodically to accommodate changes in the market, the 20/50 Plan was put in place over many years, with a lot of input by the community and elected officials, and she want to make sure that changes to the plan are not blithely made. The plan is intended to be a long-term plan.

Commissioner Hines moved to approve staff recommendation for approval of the plan amendment; Councilman McKeon seconded:

Approve staff comments, and authorize staff to forward comments to the Department of Economic Opportunity and Sarasota County.

The motion received unanimous approval.

AGENDA ITEM #10(b)
Sarasota County Comprehensive Plan Amendment (DEO 14-2ESR)

Mr. Crawford presented a summary of the proposed comprehensive plan amendments to the Sarasota County Comprehensive Plan.

He stated that this is a change to an existing DRI, and DEO's state planning division made a determination that there is no need to do a Notice of Proposed Change for the plan amendment, because they are merely shifting residential units from the north side of the road to the south side of the road, removing some industrial uses, and adding some residential, which could result in less traffic impact. Since the predicted impacts to the project are not changing, staff does not have any objection to the proposed changes.

Commissioner Hines moved to approve staff recommendation for approval of the plan amendment; Vice Mayor Shaw seconded:

Approve staff comments, and authorize staff to forward comments to the Department of Economic Opportunity and Sarasota County.

Commissioner Hines stated that this was another example of changing economic markets requiring plan amendments to adjust to the market changes.

Councilwoman Heitmann asked for a vote on the motion.

The motion received unanimous approval.

AGENDA ITEM #10(c)
Hendry County Comprehensive Plan Amendment (DEO 14-1SP)

Mr. Crawford presented a summary of the proposed comprehensive plan amendment to the Hendry County Comprehensive Plan. He explained that this is a sector plan development, and provided a summary of the Sector Plan process. Sector plans are intended to recognize and encourage the benefits of long-range planning for specific areas within a region or local governmental jurisdiction. The minimum size of the land area for a sector plan is 15,000 acres.

The primary goals of a Sector Plan include:

- Promoting long-term planning for conservation, development and agriculture on a landscape scale;
- Supporting innovative and flexible planning and development strategies;
- Facilitate protection of regionally significant resources;
- Ensure adequate mitigation of impacts to regional resources and facilities, including extra-jurisdictional impacts; and
- Emphasizing urban form in those areas designated for development.

The main stated purpose of the King Ranch Sector Plan is to undertake planning in a regional context in such a manner that the environmental opportunities are enhanced, while economically via agriculture is supported, and economic development through conversion to new, more urban oriented land uses, is encouraged. Without a Sector Plan that provides the necessary protections, assurances and incentives for the land owners within the proposed study area, the opportunity to develop a long-term, balanced plan could be lost to future fragmentation of the subject lands.

Mr. Crawford stated that the applicant has applied for a large scale comprehensive plan amendment to re-designate approximately 23,500 acres of land located in two separate parcels in the southwest portion of Hendry County through the Sector Planning process as allowed by the State of Florida. The subject area is comprised of two separate planning areas. The larger planning area known as the West Planning Area consists of approximately 19,798 acres. The West Planning Area is bounded by Collier County to the south and Lee County to the west. The northern boundary is adjacent to the Lee/Hendry County Landfill and the previously approved Rodina Sector Plan. The eastern boundary is generally consistent with the western boundary of the Felda Community Planning Area. The smaller planning area known as the East Planning Area consist of approximately 3,697 acres that connect Dinner Island Ranch Wildlife Management Area to the Okaloacoochee Slough.

The Southwest Hendry County Sector Plan will allow for urban type development in designated areas, long term agriculture and conservation that has an estimated buildout of 50 years. The Sector Plan site is located in an area of the region that is surrounded by existing and planned development, long-term agriculture, and conservation areas.

Mr. Crawford explained that the sector plan process limits the role of the Regional Planning Council to that of a commenting agency to DEO on projects that are by definition regional in scope, since they will have multi-jurisdictional impacts.

Mr. Crawford explained that the law concerning Sector Plans does not identify a specific role for the Regional Planning Councils to take in the review process even though developments the size of the Southwest Hendry County Sector Plan will have significant impacts on multiple jurisdictions, which is regional by definition, given that the subject site is located adjacent to Lee County on the west and Collier County to the south. Council staff believes that regional impacts and appropriate mitigation for these impacts may not be addressed adequately under the current local review and approval process. Council staff concerns in this matter could be addressed if the County would add language to the amendments that would require the Council to provide input at such time as future DSAPs is reviewed, and recommended proposed language.

Commissioner Constance asked what constitutes a sector.

Mr. Crawford stated that it has to be at least 15,000 acres, and the applicant is required to undergo the planning process specified in the sector planning process.

Commissioner Constance asked what differentiates the sector planning process from the DRI process.

Mr. Crawford stated that among other things, the regional planning council is not involved in the process, other than the opportunity to comment on the plan.

Commissioner Constance asked why an applicant would choose the sector plan process over the DRI process, and why the law allows a choice between the two processes.

Mr. Crawford stated he could not speculate as to the reasons the legislature decided to allow both sector plans and DRIs.

Commissioner Turner stated that from his perspective, from a magnitude scale, DRIs were much smaller than sector plans, and that sector plans were used for longer range planning than DRIs. He stated that Hendry County was excited about the plans, and that they believe that they provide good long-range planning for the future of the county.

> **Commissioner Turner moved to approve staff recommendation for approval of the plan amendment; Mr. Perry seconded.**

Mr. Mulhere stated that sector plans provide the opportunity for the holder of a large piece of land to do long range planning in conjunction with the local government, so that the maximum entitlements are established for the property. It differs from the DRI process in that it is not as detailed and specific; it leaves the more detailed and specific review process for a future date, when the market will be there for the project to move forward. Generally, from a planning perspective, he believes that it is a good process, since we don't have enough money to protect the resources that need protection; the process allows for the land owner to commit to protecting some resources in return for a level of entitlement for future development.

Commissioner Constance asked what the scale was for the circles that would contain future development.

Mr. Hutchcraft, representing King Ranch, responded to the question. He explained that there are two planning areas. The eastern planning area, consisting of about 3,700 acres, is essentially being put into long-term agriculture, and will have virtually no residential development (one unit per 100 acres.) The circles represent the location of future neighborhoods; the goals, objectives and policies establish that a neighborhood can only be 1,000 acres in size. The boundaries are somewhat conceptual; the specific boundaries for neighborhoods would be established in the next step in the sector planning process, the detailed specific area plan.

Councilman Burch asked about the analysis of traffic impacts to the proposed development.

Mr. Hutchcraft explained that the discussions to determine the methodology for determining traffic impacts included other potentially affected counties, including Lee County, Collier County, and Hendry County; once the methodology was agreed upon, the applicant used an FDOT regional model to run the analysis, and they gave the information back to them to evaluate..

Mr. Hutchcraft also commented that the sector plan process gives an applicant an opportunity to do long-term planning on large pieces of property before they get fragmented. One of the unique aspects of the property at issue is that it abuts three counties – Collier, Hendry and Lee. The analysis showed that the roads at issue did not all connect, which gave the property owners, local governments, and FDOT an opportunity to make the road connections link up and make sense. It also resulted in some surprising findings, particularly on SR 82; they found that when they made the connections, it built a better network, and resulted in less improvements being necessary for a longer period of time.

Discussion ensued.

Mr. Reynolds asked whether the applicant is comfortable with the two staff recommendations.

Mr. Hutchcraft stated that he had briefly reviewed them. He said that the applicant's plan is consistent with the state statutes, and they have every intent of remaining consistent with state law. He said that the applicant had also coordinated with RPC staff, and that RPC staff had provided comments to Hendry County; therefore, he stated, the RPC has had the opportunity to provide input into the process.

In regards to staff's second comment regarding the applicant's Environmental Analysis, he suggested that Council members to read the letter regarding the project from the Florida Fish and Wildlife Conservation Commission (FWC). The applicant met with FWC, and incorporated their suggestions into the plan; Mr. Hutchcraft stated that the FWC agreed that how they treated the eastern property was a significant regional solution to the environmental issues associated with the property. He also took exception to the staff report statement that the Environmental Analysis indicated that there was only one federally listed species, the Florida panther, within the east parcel; he stated that the intent of the Environmental Analysis was to use the Florida panther as an umbrella species, and that when they addressed panther habitat, they also addressed a lot of other environmental issues. He stated that he felt that they had not done an inadequate job, but rather a phenomenal job of addressing natural resources, including providing environmental connections that link CREW to the Spirit of the Wild in perpetuity.

Councilwoman Heitmann asked who they worked with regarding water issues.

Mr. Hutchcraft stated that within the property, there are a number of landowners, and they worked with all of them; in addition, they reached out to all of the adjacent landowners, including Duda to the north and the Felda community to the east. They met with Collier County to give them an overview of the project; Lee County was invited to their regional stakeholders meeting, at which there were also a number of community activists, including Audubon, Florida Wildlife Federation, and Defenders of Wildlife. They have had a number of meetings with the water management district, and met with the PSC.

Councilwoman Heitmann asked whether the water management district had made any comments. Mr. Hutchcraft said that the water management district's comment was that they wanted to be provided with a copy of the DSAP at the time that it was submitted.

Mr. Perry commented that the site was, for the most part, intensely developed as an agricultural site. Mr. Hutchcraft agreed; he said that the entire area is converted primarily to citrus crops, some pasture land, a little bit of row crops, and some mining activity, with little natural features remaining. He commented that their analysis documented that there really isn't any regionally significant natural resources within the boundary of the western property, and that what makes the project unique is that the regional natural resources are on either side of the property, making their ability to make connections to the regionally significant natural areas an important and significant asset of the proposed project.

Mr. Reynolds, posing a question to Mr. Crawford, stated that the staff recommendation for the project implies that the region has an ongoing role to play in the sector planning process; he asked what the mechanism was that provided the ongoing involvement.

Mr. Crawford stated that once the Council made its comments, its involvement with the process was essentially completed, as was the case with the Rodina sector plan area, located to the north of the plan currently under review. He stated that the Council, like the water management district, merely wants to be included in the planning process for the smaller planning areas, as plans for those areas are developed in the future. He commended the applicants for the quality of their plan, and for their coordination efforts. However, from a regional planning perspective, he would like for the Council to have the opportunity to review the plans in the future, to make sure that the regional impacts of the development will be adequately addressed. If the Council does not claim a role in the process now, it will not be guaranteed an opportunity to comment on the future impacts of the development, which could be significant given the size of the project.

Mr. Reynolds asked Mr. Crawford to confirm that under state laws, the Council does not have a specified role in the planning process.

Mr. Crawford said that he believes that the state statutes are silent on the matter, and that he did not see any abuse of the law in conditioning a recommendation for approval upon a future obligation to notify the Council and provide the Council with the opportunity to comment on future planning efforts.

Councilwoman Heitmann stated the Council could work on tightening the details of the staff recommendations if needed, and asked for a vote on the motion.

The motion received unanimous approval.

Mr. Mulhere asked to confirm that the motion included the two staff recommendations, to have a clear record of the vote:

SWFRPC Recommendation #1:

The Council would request that technical assistance and comments concerning regional issues associated with the future development of the Southwest Hendry County Sector Plan community are provided to Hendry County during the Detailed Specific Area Plans (DSAP) review process as they are submitted and reviewed by Hendry County. The Council would encourage the County to continue to coordinate with the Council staff at the time of each subsequent DSAP application.

SWFRPC Recommendation #2:

Prior to any DSAP, the applicant should address the survey for and, if present, plans to protect, avoid impacts to, and if necessary, mitigation for these species. This survey should provide the following information:

a. **Identify the dominant species and other unusual or unique features of the plant communities on the DSAP site. Identify and describe the amount of all plant communities that will be preserved in a natural state following development as shown on a map of the DSAP;**

b. **Discuss what survey methods were used to determine the absence or presence of state or federally listed wildlife and plants. (Sampling methodology should be agreed to by the reviewing agencies at conference stage.) State actual samplings times and dates, and discuss any factors that may have influenced the results of the sampling effort. Show on a map of the DSAP the location of all transects, trap grids, or other sampling stations used to determine the on-site status of state or federally listed wildlife and plant resources;**

c. **List all state or federally listed wildlife and plant resources that were observed on the site and show location on a DSAP map. Given the plant communities on-site, list any additional state or federally listed wildlife and plant resources expected to occur on the site and show the location of suitable habitat on a DSAP map. Additionally, address any unique wildlife and plant resources, such as colonial bird nesting sites and migrating bird concentration areas. For species that are either observed or expected to utilize the site, discuss the known or expected location and population size on-site, existence (and extent, if known) of adjacent, contiguous habitat off-site, and any special habitat requirements of the species;**

d. **Indicate what impact development of the site will pose to affected state or federally listed wildlife and plant resources; and**

e. **Discuss what measures are proposed to be taken to mitigate impacts to state and federally listed wildlife and plant resources. If protection is proposed to occur on-site, describe what legal instrument will be used to protect the site, and what management actions will be taken to maintain habitat value. If protection is proposed to occur off-site, identify the proposed amount and type of lands to be mitigated as well as whether mitigation would be through a regional mitigation land bank, by acquisition of lands that adjoin existing public holdings, or by other means.**

Council affirmed by unanimous consent.

AGENDA ITEM #10(d)
Palmer Ranch Increment XVI DRI - NOPC

Mr. Crawford presented a summary of the Palmer Ranch Increment XVI NOPC. He stated that the DRI has been under development for a number of years, and in his opinion is one of the finest developments in the Region.

Mr. Crawford stated that the Council's role in coordinating the review process of an NOPC is to determine whether "any proposed change to a previously approved development creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency." § 380.06(19)(a), Fla. Stat.

Mr. Crawford explained that the proposed change was to reduce the amount of approved commercial in Increment XVI from 200,000 square feet to 100,000 square feet, to add 78 residential units on Parcel P3, and incorporate the adjacent 14.06 ± acres in Restoration Area D into Increment XVI; the added property would be incorporated into Increment XVI and would remain in open space.

The staff recommendation is that no additional regional impact will occur from the proposed change that was not previously reviewed by the SWFRPC; therefore, staff does not object to any of the proposed changes. Furthermore, staff agrees that the applicant rebutted the presumption of a substantial deviation with the information provided in the NOPC.

Commissioner Hines moved to approve staff recommendations; Vice Mayor Shaw seconded:

1. **Notify Sarasota County, the Florida Department of Economic Opportunity (DEO) and the applicant that SWFRPC staff has no objection to the change, which is found not to be a substantial deviation and found not to create additional regional impacts not previously reviewed by the Regional Planning Council.**

2. **Request that Sarasota County provide SWFRPC staff with copies of any Development Order amendments related to the proposed changes not contained in the NOPC, as well as any additional information requested of the applicant by DEO or the County.**

The motion received unanimous approval.

AGENDA ITEM #10(e)
Babcock Ranch DRI – Master Development Order (MDO)

AGENDA ITEM #10(f)
Babcock Ranch DRI – Increment I Development Order

(Both items discussed together)

Mr. Crawford stated that in 2013, Council conditionally approved the NOPC for the Babcock Ranch Community MDO and the Increment I development order.

There were two issues with the MDO: affordable housing and an extension of time for the buildout and expiration dates for the DRI. In regards to the Increment I development order, there were three issues: the two issues in the MDO, and a revision to the IDO to increase the acreage of Increment I by approximately 992 acres in order to increase flexibility in community planning alternatives for the subject site.

Mr. Crawford stated that procedurally, this was the final step in the DRI NOPC process; it was Council's opportunity to review the development order to ensure that the language reflected the conditional approval previously issued by the Council.

Mr. Crawford stated that it was staff's opinion that the final development order is consistent with the Council's prior conditions, and that staff recommended final approval of the development orders.

Mr. Mann stated that he had several comments to make. He thanked Charlotte County representatives for their sensitivity to Lee County's concerns with this development. It is a huge project on SR 31, and the transportation impact will be borne for the most part by Lee County. He stated that for the record, his concerns continue to be the transportation impact, and to make certain that in the long term, the developer pays for those impacts, not the county taxpayers who live adjacent to the property. He closed by stating that the changes being reviewed were essentially internal changes that staff had concluded do not have a regional impact, that he agreed with staff's conclusion, and that he would supporting the Charlotte County motion to approve the agenda items.

Commissioner Constance moved to approve staff recommendations for the Master Development Order, agenda item #10(e); Mr. McCormick seconded:

1. **Accept the Charlotte County approved Development Order as rendered; and**

2. **Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the approved Development Order is consistent with the Council approved NOPC.**

The motion received unanimous approval.

Commissioner Constance stated that the school siting provision in the development order said that the developer would offer land for schools, but did not specify who would actually build the schools. He asked how this would be worked out with the Charlotte County School Board.

Mr. Crawford stated that historically, developers offer land for school sites, and the school boards have built the actual school buildings and facilities, but that he was not sure about this project.

Commissioner Duffy stated that she was aware that the developer was planning on building the schools, that they had already had discussions with the Charlotte County School System, and that they were planning to construct and run the schools in cooperation with the Charlotte County School Board.

Ms. Erica Rogan with Kitson and Partners stated that the developer is dedicating a specific number of school sites as part of the DRI process; that the construction funding would be part of the concurrency discussions with the school board. She stated that those discussions had not taken place yet, but would take place at the time of site plan approval.

Commissioner Constance stated that he assumed that the funding source for the schools would come from the tax base of Babcock; Ms. Rogan agreed.

Mr. Crawford asked for motion for approval for Increment I, Agenda Item #10(f).

Commissioner Constance moved to approve staff recommendations for the Increment I; Ms. Holquist seconded:

1. **Accept the Charlotte County approved Development Order as rendered; and**

2. **Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the approved Development Order is consistent with the Council approved NOPC.**

The motion received unanimous approval.

Councilwoman Heitmann stated that she believed that the discussion and debate on these issues were, from her perspective, a positive change from some of the acrimonious discussions in prior years regarding regional planning councils, and that she believed that we are on a new road, limiting our review to the regional impacts that we are statutorily charged with reviewing, and having good debate on the issues. Referencing Mr. Reynolds' comments regarding Council's role in the sector planning process during discussion of Agenda Item #10(c), she stated that she would like to make sure that Council did not overstep its statutory role in its review of projects.

AGENDA ITEM #11(b)
FRCA Discussion

This item was discussed under Director's Report.

AGENDA ITEM #12(a)
Economic Development Initiative of Southwest Florida

Councilman Banks reported that there have been many economic development meetings, stemming from the grant to provide a business plan for the Economic Development Alliance that Ms. Pellechio has worked many hours on.

Commissioner Constance observed that this was the Economic Development Initiative of Southwest Florida, and that we are the Southwest Florida Regional Planning Council. He asked if he was mistaken in his belief that Sarasota County has been left out of the initiative, and whether the Economic Development Initiative of Southwest Florida was a subcommittee or adjunct to the SWFRPC.

Councilman Banks stated that he believed that Commissioner Constance's assumption was correct. He stated that he had worked hard to get Sarasota County involved in the process, and that since Sarasota is in the Region, that they should be involved in the initiative.

Discussion ensued.

AGENDA ITEM #13(a)
Budget & Finance Committee

This item was discussed under Director's Report.

AGENDA ITEM #13(b)
Economic Development Committee

Committee report was covered under Councilman Bank's report of the Councilman Economic Development Initiative of Southwest Florida above.

AGENDA ITEM #13(c)
Energy & Climate Committee

Mr. McCormick reported that the committee would be convening shortly to discuss the impact of solar energy. The Council was awarded a $94,000 grant that is designed to facilitate the use of solar energy by developers and homeowners.

AGENDA ITEM #13(d)
Estero Bay Agency on Bay Management Committee

Mr. Beever gave a report for the Estero Bay Agency on Bay Management Committee. He stated that they had held several meetings, and had reviewed road projects in the watershed with the MPO, including new roads associated with the university, including a new entrance road to the university. A resolution of appreciation had been given to Martha Simons for her service as an

ABM member, and the 2013 ABM Environmental Stewardship Award was awarded to Mr. Church Roberts IV with Johnson Engineering for his work with filter marshes and the mitigation area with the regional airport.

The committee held elections, electing Dr. Lisa Beever as chair, Dr. Nora Demers as vice-chair, and Mr. Wayne Daltry as Secretary for 2014. The committee also reviewed and adopted a draft 2014 work plan for the ABM, which was included in the Council's agenda package for review. Mr. Beever stated that there were two action items for Council, that were presented in February: approval of elected officers, and approval of the work plan.

Commissioner Mann moved approval of both items; Councilman Burch seconded; the motion received unanimous approval.

AGENDA ITEM #13(e)
Legislative Affairs Committee

Vice Mayor Congress gave the report for the Legislative Affairs Committee. He reviewed Council's legislative priorities, including an update on water policy issues and the Biggert-Waters Flood Insurance Act.

Mr. McCabe provided an update on several bills of potential concern to the Council:

- SB 372 - Developments of Regional Impact: further reduces the number of developments subject to DRI review; thereby failing to provide a mechanism for addressing the impact of proposed development on nearby local governments (multijurisdictional impact) or regional resources.
- HB 395 - Growth Management/Private Property Rights
- HB 703 - Environmental Regulation
- HB 7023 - Economic Development

The reason for concern with these bills is that they violate local government Home Rule principles.

After a brief presentation on the bills, Mr. McCabe opened the issue of what action to take on the proposed bills to the Council for discussion.

Discussing SB 372, Commissioner Mann stated that Florida had enacted growth management legislation in prior years in reaction to type of development that was happening in the absence of laws requiring adequate planning, and that this legislation demonstrated concern for the future of Florida. He stated that he now sees the pendulum swinging in the opposite direction; SB 372 would eliminate a substantial portion of the DRIs that the Council would review, and he was frightened of what the long-term impact of this might be.

Discussion ensued.

Councilman McKeon moved that the Council take a position in opposition to SB 372, and send a letter stating the Council's opposition to the bill to our legislative delegation and the author of the bill; Vice Mayor Shaw seconded. After brief discussion, the motion received unanimous approval.

Commissioner Constance said that not only should the Council oppose the bill, but that member local governments should oppose the bill with letters from the individual member governments. Such action will be an exercise in responsible stewardship.

Mr. Reynolds suggested that this was an issue where FRCA could demonstrate its value to the Council, by coordinating legislative action with other organizations that are similarly aligned.

Mr. McCabe presented a brief synopses of HB 395, Growth Management/Private Property Rights; HB 703, Environmental Regulation; and HB 7023, Economic Development.

Commissioner Mann stated his displeasure with the bills, and of the preemption of local control demonstrated by the legislature. With these bills, the legislature is stating that it doesn't matter what the local governments that are the closest to the people think.

Councilman Bank suggested that similar to the Council's decision to oppose SB 372, that the Council sending letters opposing HB 395, HB 703, and HB 7023, on the grounds that the bills constitute a preemption of local control and violate local government Home Rule principles.

Discussion ensued.

Councilman Bank moved that the Council take a position in opposition to SB 372, HB 395, HB 703, and HB 7023, on the grounds that the bills constitute a preemption of local control and violate local government Home Rule principles; Commissioner Cook seconded. The motion received unanimous approval.

Commissioner Constance stated that it would be better to have four separate letters, since there were four subsets of legislators, and drafting one comprehensive letter would water down the impact of the opposition.

Vice Mayor Congress asked whether the Council wanted the letters sent out immediately, or brought back for review by the Council.

By unanimous consent, the Council agreed to send the letters before the next Council meeting.

Vice Mayor Congress agreed to work with staff on the drafting of the letters.

Discussion of the role of the Legislative Affairs Committee and the legislative process ensued.

Commissioner Constance stated that we don't seem to originate any of the discussion; we're always playing defense, rather than offense. He would like for the Council to urge all of its members to hold their legislative delegation meetings early in the process, with August as a cutoff date, so that they can bring their legislative priorities to the Council and provide direction to Council's Legislative Affairs Committee. This would allow the Council to decide on its priorities well in advance of the start of the session – what its members want, and what to look out for. This would allow the Council and its members to have an offensive strategy for the session.

The next meeting is set for March 6 at 8:00 a.m.

Mr. Flood mentioned that the governor's budget included $100 million in projects to specifically address the Council's water policy projects, including Everglades restoration projects, water storage projects, and projects that will facilitate moving water south into the Everglades.

Mr. McKeon suggested that when drafting the Council's letters of opposition, Mr. McCabe also draft model letters that local governments could modify for their use in opposing the bills.

AGENDA ITEM #13(f)
Quality of Life & Safety Committee

No report for the committee; however, Vice Mayor Shaw provided an explanation of the charge of the committee; that it would provide input to the Council on programs and policies to enhance the quality of life and the safety of residents of the region. The committee will bring together leaders and stakeholders to discuss crime issues and develop recommendations for innovative programs to assist local leaders in addressing their needs.

AGENDA ITEM #13(g)
Transportation Committee

No report at this time.

AGENDA ITEM #14
NEW BUSINESS

None.

AGENDA ITEM #15
STATE AGENCIES COMMENTS/REPORTS

SFWMD – Mr. Flood commented that the SFWMD governing board had recently met in Fort Myers at the Lee County Commission chambers; next month, the District will be holding a workshop on lessons learned as a result of the rainy season -- how the system operated, and how the process can be improved; he will try to bring a summary of the workshop to the next meeting.

SWFWMD – There is a new appointment to the district's governing board representing Sarasota and Charlotte County, Mr. Michael Moran of Sarasota; appointed in December 2013, he will serve until March 2015.

FDEP – Guest representative Shawn Hamilton from Pensacola was welcomed. Terry Cerullo mentioned that the 2nd Annual South Florida Brownfield Symposium will be held on March 28, 2014 at the Lee County Education Center in Fort Myers.

FDOT – no report.

AGENDA ITEM #16
COUNCIL ATTORNEY'S COMMENTS

None.

AGENDA ITEM #17
COUNCIL MEMBERS' COMMENTS

Mr. McCormick commented that the representative from King Ranch was present at the meeting today, one of largest developers in the nation. The representative was very comfortable with our process; we worked well with him, rationally and agreeably, demonstrating that the system is working well. Now, some legislators in Tallahassee want to change the playing field. We should let people know that we work with the biggest and the best, rationally, and that it's micromanagement like this that makes it impossible to work effectively.

Mr. Perry mentioned that the annual Chalo Nitka (Seminole for Big Bass) Festival and Rodeo was being held in Moore Haven the first weekend in March, which made him happy because there were three swine in his back yard that were preparing to move to the fairgrounds.

Commissioner Hamman was also welcomed; he stated that it was good to be on the team.

AGENDA ITEM #18
ADJOURNMENT

The meeting was adjourned at 12:08 p.m.

____
Mr. Don McCormick, Secretary

The meeting was duly advertised in the February 10, 2014 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 40, Number 27.

________________Agenda
____________________Item

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Director's Report 7

7

Southwest Florida
Regional Planning

www.swfrpc.org
1926 Victoria Avenue
Fort Myers, FL 33901
Phone: (239) 338-2550
Fax: (239) 338-2560

EXECUTIVE DIRECTOR'S REPORT - March 20, 2014

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

1. Internal Issues

a. Budget

i. Budget Update
   a) The 2013 audit is completed. Approval of the audit is required so that it can be distributed.
   b) The financial report shows that we are on target with the 2014 budget.
   c) A proposal has been requested from Bank of America refinancing of the building.

ii. Grants:
   a) We have received an additional $182,000 in grants since the 2014 budget was adopted.
   b) SWFRPC is partnering with Tampa Bay RPC and South Florida RPC to submit an application for Investing in Manufacturing Communities Partnership (IMCP) to receive a "Manufacturing Communities" designation.
   c) DEO grant application process is now open for grants up to $25,000.

---

2. External Issues

a. FRCA: Attached are the Legislative Highlights 2014 talking points and an excerpt from the FRCA Business Meeting regarding the retreat.
b. The Executive Director met with the following to establish partnerships and discuss issues of mutual concerns:
   Paul Carlisle, Glades County Manager; Commuter Transit Service Summit, Tampa Bay RPC and South Florida RPC.

3. Goals and Priorities for Second Quarter 2013 (January - April)

a. Research the health insurance and benefits package (completed for 2013-2014 budget)
b. Employee Evaluations and Expectations (in progress)
c. Implementation of Workplan:
   - Grant Research and Submission: Submitted grants include Manufacturing Grant, Arts and Culture Grant, Economic Development Planning Grant, and Brownfields Grant.
   - Orientation for new RPC members (To be held in May 2014)
   - Improved Financial Reporting: New software in process for time keeping and project management

FLORIDA GULF COAST UNIVERSITY

OFFICE OF THE PRESIDENT

2/20/2014

Mr. Tim Nance
Commissioner
Collier County Commission
3299 Tamiami Trail East, Suite 303
Naples, FL 34112

Dear Commissioner Nance:

As you know, over the past several years a top funding priority for Florida Gulf Coast University (FGCU) has been the research IHub building, to be located on a tract of land midway between our beautiful campus and RSW airport. Two years ago, we received $4.6 million from the State for planning, site preparation, and other up-front costs. Last year, our request for $7.6 million for substantial construction of the IHub building had broad support from the Florida Legislature, but was vetoed. In light of this disappointing outcome, I have redoubled our efforts this year to seek funding that will allow us to move forward with the project, one I consider vital to FGCU's role as a catalyst for supporting economic development and diversification of Southwest Florida.

In order to achieve our goal of receiving State funding for the project this year, my senior leadership team and I have been in close contact with the Governor's Office and his senior staff and closest advisors. In direct response to their enormously helpful input, we have revamped our proposal to include more information related to regional economic development and jobs creation, in addition to highlighting the enormous educational and research outcomes associated with this facility and the cutting edge programs to be housed therein.

I am asking for your direct assistance in achieving our goal of legislative and gubernatorial approval for this funding request by writing a letter of support that reflects your perspective on the value of FGCU's IHub building upon education, research, and economic development in Southwest Florida and beyond. Enclosed please find a copy of our bulleted proposal for your review. To have the greatest impact, I ask that your letter of support include specific reference to the impact of the FGCU research IHub building on:

- ✓ you and or your organization;
- ✓ SW Florida regionalism and regional economic development/diversification;

- ✓ job growth.

Please address your letter to me at the following address:

Dr. Wilson G. Bradshaw, President
Florida Gulf Coast University
10501 FGCU Boulevard South
Fort Myers, FL 33965-6565.

Also, please include a cc: to Ms. Robbie Roepstorff, Chair, FGCU Board of Trustees. I will ensure that Ms. Roepstorff receives a copy of your letter.

While Florida's 2014 legislative session does not formally begin until March 4th, please know that I have been actively working with our regional delegation and the Governor's Office since last summer in order to maximize our efforts for this important State funding request. But I need your help to demonstrate the broad regional support that I believe this project enjoys, deserves and requires in order for our request to be successful. Further, I may be calling upon you during the legislative session to solicit your support in other ways.

Your participation in an organized and concerted effort by key community and business leaders will send a strong message about the regional importance of the IHub funding request. Your letter of support will be most impactful if received in my office no later than March 3rd. I will keep you apprised of our progress throughout the legislative session and thank you for your continuing support of our University. GO EAGLES!

With my sincere thanks,

W. G. Bradshaw

Wilson G. Bradshaw, Ph. D.
President
Florida Gulf Coast University

Florida Gulf Coast University
The Emergent Technologies Institute (ETI)

Relationship to University Mission:

Florida Gulf Coast University (FGCU) proudly presents the opportunity for qualified students to earn STEM degrees and gain employment in areas of existing and developing disciplines with a focus on emerging technologies while contributing to the diversification of Southwest Florida's economy.

The FGCU Emergent Technologies Institute (ETI) links these two mission critical elements of an emerging technologies marketplace with applied research focused on real world commercial and residential applications.

Project Background:

1) A recent Public/Private Partnership (P3) established with Mr. John Backe has provided to FGCU:
    a. an endowed Faculty Eminent Scholar Chair ($1,000,000 gift) currently held by Dr. Joe Simmons;
    b. gift of 6.5 acres of land located within the 240-acre Innovation Hub Park development ($1,200,000);
    c. both gifts total a $2,200,000 public private match;
    d. permanent revenue stream in support of the Emergent Technologies Institute resulting from a portion of the rental/lease/sale of space within the Innovation Hub Park.
2) Competitive grant ($200,000) awarded to FGCU in 2011 from the State University System (SUS) Board of Governors to support the activities of the Backe Chair.
3) Public Education Capital Outlay (PECO) award of $4.7 million granted in 2012 for Phase I of planning and development of FGCU Emergent Technologies Institute building.

Relationship to Job Creation and Regional Economic Development:

1) Job Creation:
    a) FGCU Emergent Technologies Institute = 215 jobs (see also page 3)
    b) 10-year build-out of full FGCU Innovation Hub Park (start-up R&D's) = 1012 jobs (see also page 3)
2) Regional Economic Development:
    a) Southwest Florida (SWFL) is engaged in a dynamic effort to establish a regional economic development presence to market opportunities for expansion of existing businesses, development of start-ups that diversify the local economy, and attract companies to relocate to the region.
    b) SWFL is home to a population of more than 1,000,000 and a workforce that exceeds 500,000.
    c) FGCU has been an active partner in branding efforts for improved regional marketing:
        1. Southwest Florida Economic Development Association (SWFEDA) (Lead Partner)
        2. Workforce Now (Lead Partner)

FGCU Emergent Technologies Institute (ETI) Projected Return-on-Investment (ROI)

REGIONAL ECONOMIC IMPACT EXPENDITURES (millions)

FGCU Emergent Technologies Institute	$21
FGCU Innovation Hub Park	$131
Total Regional Economic Impact*	$152

*Based on estimates generated from the economic impact model, IMPLAN.

EMPLOYMENT IMPACT

	Construction Jobs*	Permanent Jobs	Multiplier	Total
FGCU Emergent Technologies Institute	90	71	54**	215
FGCU Innovation Hub Park	568	444	444**	1012

*Each construction job will create an additional 0.6 jobs; Each Research & Development job will create an additional 1 job in the region.

** Multiplier estimates generated based on the economic impact model, IMPLAN.

STUDENT INVOLVEMENT (annually)

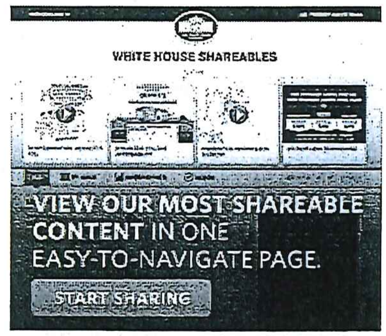
	Internships/ year	Cooperatives/ year	Research Assistants	Total
FGCU Emergent Technologies Institute	20	5	12	37
FGCU Innovation Hub Park	50	15	25	90

*Based on 10 businesses housed in the Research Park.

WORKFORCE TRAINING PROJECTIONS

	U.S.	Florida
Industry Job Growth*	220,000	15,000

*Based on U.S. Solar Industry projections and Florida demographics.



The White House

Office of the Press Secretary

For Immediate Release December 05, 2013

FACT SHEET: Attracting Manufacturing Investment in American Communities

Obama Administration Opens Application Process for Phase 2 of 'Investing in Manufacturing Communities Partnership'

To compete in an increasingly global economy, the United States must come up with innovative strategies that will lead to economic growth and job creation around the country. The 'Investing in Manufacturing Communities Partnership' (IMCP) seeks to enhance the way we leverage federal economic development funds to encourage American communities to focus not only on attracting individual investments one at a time, but transforming themselves into globally-competitive manufacturing hubs.

An administration-wide initiative led by the White House and the U.S. Department of Commerce, the 'Investing in Manufacturing Communities Partnership' will encourage communities to devise comprehensive economic development strategies that strengthen their competitive edge in attracting global manufacturers and their supply chains. IMCP specifically brings together the resources of multiple federal departments and agencies involved in economic development.

In Phase One of the of the 'Investing in Manufacturing Communities Partnership,' 44 communities were awarded a total of $7 million to support the creation of economic development strategies that recognize the community's comparative advantages as a place to do business, invest in public goods, and encourage collaboration between multiple entities to expand the area's commercial appeal to investors.

Today, U.S. Secretary of Commerce Penny Pritzker announced that the competition for Phase Two of the 'Investing in Manufacturing Communities Partnership' is now open, and the Federal Register Notice will be posted in the coming days. In this phase, communities will have an opportunity to compete for a special designation that will elevate them in consideration for $1.3 billion in federal dollars and assistance from 10 cabinet departments/agencies. These communities could also potentially receive catalytic additional federal investments to further support their economic development strategies. The IMCP is a critical component of the Department of Commerce's "Open for Business Agenda," which prioritizes trade and investment.

Phase Two of the Investing in Manufacturing Communities Partnership

In Phase Two of the IMCP, up to 12 communities that come up with winning strategies will receive a designation of "Manufacturing Community" that gives them elevated consideration for $1.3 billion in federal dollars and assistance from 10 cabinet departments/agencies. These communities would also potentially receive additional catalytic federal investments to support their economic development strategies. In order to earn the designation, communities must present strategies that identify technologies or industries in which they would be competitive in the future and would make investments in the following areas:

- workforce and training;
- advanced research;
- infrastructure and site development;
- supply chain support;
- export promotion;
- and capital access

These communities will receive:

- Elevated consideration for federal dollars and assistance across 10 cabinet departments/agencies, totaling $1.3 billion;
- A dedicated federal liaison at these agencies who can act as their concierge to the specific services they need;
- Subject to funding availability, challenge grants may become available to some awardees from the pool of designated manufacturing communities;

LATEST BLOG POSTS

January 17, 2014 12:01 AM EST
West Wing Week 01/17/14 or, "Give Peace a Chance"
Welcome to the West Wing Week, your guide to everything that's happening at 1600 Pennsylvania Avenue.

January 16, 2014 8:50 PM EST
What You Missed: Facebook Q&A on College Opportunity
The President's education advisor, Roberto Rodriguez, answered your questions about expanding college opportunity so that every student who works hard can get a higher education during a Q&A on Facebook.

January 16, 2014 7:56 PM EST
A Positive Step Forward for Our Nation and Economy
Sylvia Mathews Burwell, Director of the Office of Management and Budget, discusses the passage of the Consolidated Appropriations Act.

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- Recognition on a government website, accessible to prospective private investors (foreign and domestic alike) looking for information on communities' competitive attributes

IMCP Competition Process

- Phase One: The Administration and the Department of Commerce have already awarded 44 communities with $200,000 planning grants – a total of $7 million.
- Phase Two: Communities must apply by March 14, 2014 to be considered. Eligibility for Phase 2 is not contingent on having won Phase 1.
- Details on additional phases of the IMCP are forthcoming.

IMCP Participating Agencies (Either through Phase One or Phase Two)

- Department of Agriculture
- Department of Commerce, Economic Development Administration
- Department of Defense
- Department of Education
- Department of Energy
- Department of Housing and Urban Development
- Department of Labor, Employment and Training Administration
- Department of Transportation
- Appalachian Regional Commission
- Delta Regional Authority
- Environmental Protection Agency
- National Science Foundation

Small Business Administration

FEDERAL REGISTER
The Daily Journal of the United States Government

Notice

Site Feedback

Announcement of Federal Interagency Competition, Fiscal Year 2014 Investing in Manufacturing Communities Partnership

A Notice by the Economic Development Administration on 12/10/2013

Previous Article Next Article

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Publication Date:
Tuesday, December 10, 2013

Agencies:
Department of Commerce
Economic Development Administration

Dates:
The deadline for receipt of applications is 11:59 p.m. Eastern Time on March 14, 2014. Applications received after this deadline will not be reviewed or considered. Applications will be accepted in electronic form. Applicants are advised to carefully read the application and submission information provided in the Supplementary Information section of this notice.

Entry Type:
Notice

Action:
Notice.

Document Citation:
78 FR 74106

ACTION Notice.

SUMMARY This notice outlines a competition to designate up to 12 communities as manufacturing communities (Manufacturing Communities) through the Investing in Manufacturing Communities Partnership (IMCP), including proposal submission requirements and instructions, and eligibility and selection criteria that will be used to evaluate proposals. Manufacturing Communities will receive preference for a range of future Federal economic development funding and technical assistance offered by IMCP participating agencies. Some Manufacturing Communities, as discussed in the Supplementary Information section of this notice and subject to the availability of funds, may receive financial assistance awards from IMCP participating agencies to assist in cultivating an environment for businesses to create well-paying manufacturing jobs in regions across the country.

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2013-29422

Shorter URL:
https://federalregister.gov/a/2013-29422

- 3. Department of Housing and Urban Development
- 4. Department of Labor, Employment and Training Administration
- 5. Department of Transportation
- 6. Environmental Protection Agency
- 7. National Science Foundation
- 8. Small Business Administration
- 9. U.S. Department of Agriculture
- 10. U.S. Department of Commerce

- Footnotes

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The Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.)

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The deadline for receipt of applications is 11:59 p.m. Eastern Time on March 14, 2014. Applications received after this deadline will not be reviewed or considered. Applications will be accepted in electronic form. Applicants are advised to carefully read the application and submission information provided in the Supplementary Information section of this notice.

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You may submit applications by any of the following methods. All comments must include the title, "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981.

Email: IMCP@eda.gov. Include "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 in the subject line of the message.

Fax: (202) 482-2838, Attention: Office of Performance and National Programs.

Please indicate "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 on the cover page.

Mail: Economic Development Administration, Office of Performance and National Programs, U.S. Department of Commerce, 1401 Constitution Avenue NW., Suite 71030, Washington, DC 20230. Please indicate "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 on the envelope.

FOR FURTHER INFORMATION CONTACT:

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Ryan Hedgepeth, U.S. Department of Commerce, Economic Development Administration, 1401 Constitution Avenue NW., Suite 78006, Washington, DC 20230 or via email at *rhedgepeth@eda.gov*.

SUPPLEMENTARY INFORMATION:

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I. Overview

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The Investing in Manufacturing Communities Partnership (IMCP) is a new government-wide initiative that will help communities cultivate an environment for businesses to create well-paying manufacturing jobs in regions across the country and thereby accelerate the resurgence of manufacturing. The IMCP is designed to reward communities that demonstrate best practices in attracting and expanding manufacturing by bringing together key local stakeholders and using long-term planning that integrates targeted investments across a community's industrial ecosystem to create broad-based prosperity. Research has shown that vibrant ecosystems may create a virtuous cycle of development for a key technology or supply chain through integrated investments and relationships among the following elements:

- Workforce and training;
- Supplier network;
- Research and innovation;
- Infrastructure/site development;
- Trade and international investment; and
- Operational improvement and capital access.

Interactions within and between these elements create "public goods," or assets upon which many firms can draw and that are fundamental in creating an advantage for industry but are not adequately provided by the private sector. Thus, well-designed public investment is a key part of developing a self-sustaining ecosystem that attracts private investment from new and existing manufacturers and leads to broad-based prosperity.

Designation as an IMCP manufacturing community (each a Manufacturing Community, and collectively the Manufacturing Communities) will be given to communities with the best strategies for designing and making such investments in public goods. The Federal agencies participating in IMCP are the: Department of Commerce, Economic Development Administration; Department of Defense; Department of Education; Appalachian Regional Commission; Delta Regional Authority; Department of Energy; Department of Housing and Urban Development; Department of Labor, Employment and Training Administration; Department of Transportation; Environmental Protection Agency; National Science Foundation; Small Business Administration; and the Department of Agriculture (each an IMCP Participating Agency, and collectively the IMCP Participating Agencies). IMCP Participating Agencies will coordinate with each other to leverage complementary activities while also preventing duplication of efforts. Manufacturing Communities will receive preferential consideration for other Federal programs identified by IMCP Participating Agencies consistent with each program's eligibility requirements and evaluation criteria (see Section II. of this notice). Additionally, a Federal point of contact (POC) will be made available to help the winning community access Federal funds and resources. Manufacturing Communities will have access to generally available technical assistance resources developed through IMCP, namely: (1) An online data portal centralizing data available across agencies to enable communities to evaluate their strengths and weaknesses; and (2) a "playbook" that identifies existing Federal planning grant and technical assistance resources, and catalogues economic development best practices.

Some Manufacturing Communities, subject to the availability of funds, may receive awards from IMCP Participating Agencies (see Section II. of this notice).

II. Benefits of IMCP Manufacturing Communities Designation

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Up to 12 communities will be designated as Manufacturing Communities for a period of two years. After two years, communities will be invited to apply to renew their designation as Manufacturing Communities; they will be evaluated based on: (a) Performance against the terms of the designation and post-designation awards received (if any); and (b) progress against project-specific metrics as proposed by communities in their applications, designed to also help communities track their own progress. See Section V.A.2. of this notice for more information on self-defined metrics.

Co-applicants and identified partners in Manufacturing Communities' original IMCP proposals will be eligible for the following benefits:

1. Preferential consideration (or supplemental awards for existing grantees) for funding streams identified by the IMCP Participating Agencies as furthering IMCP goals and thereby assisting Manufacturing Communities in bolstering their economic development plans. Manufacturing Communities will only receive preference when applying for grants and projects consistent with the community's economic development strategy. (*Note:* In the event that co-applicants and partners submit multiple applications to a given funding stream, only one of the applicants may claim preference.)

2. A POC to help the Manufacturing Community access Federal economic development funding and non-funding related to specialized services provided by the IMCP Participating Agencies. These specialized services include but are not limited to: Big data analytics; capacity-building assistance; and capital access consulting.

3. Branding and promotion under the Manufacturing Community designation that may be helpful in attracting partners and investors behind the community's development strategy.

4. In addition, subject to the availability of funds, some Manufacturing Communities may be invited to submit additional documentation (e.g. budget information) for consideration for Federal financial assistance through Challenge Grant Awards from EDA with the possibility of additional funding from other Federal programs. Challenge Grant Awards are intended to support large public goods investments, such as transit or digital infrastructure, workforce training, and business incubators. The total sum for Challenge Grant Awards, subject to the availability of funding, is expected to be up to $20 million.

Publication of this announcement does not obligate the IMCP Participating Agencies to award Manufacturing Communities any specific grant or cooperative agreement, and the IMCP Participating Agencies reserve the right to fund, in whole or in part, any, all, or none of the applications submitted in response to future solicitations.

The following 9 IMCP Participating Agencies have agreed to provide preferential consideration, and/or consideration in the determination of application merit, and/or grant supplemental awards (totaling approximately $1.3 billion) for Manufacturing Communities for the following 18economic development programs:

1. Appalachian Regional Commission

a. Local Access Road Program: The Appalachian Regional Commission program aims to better link the Region's businesses, communities, and residents to the Appalachian Development Highway System and to other key parts of the Region's transportation network. The program offers a flexible approach designed to meet local needs and provide a financing mechanism to support a variety of economic development opportunities throughout the Region. Funding is available to provide access to industrial sites, business parks, and commercial areas where significant employment opportunities are present. Other eligible sites include timberlands with significant commercial value and areas where educational services are provided. Proposals for the use of this program should be developed in coordination with the State ARC Program Office and State Department of Transportation as required lead times can span multiple fiscal years and/or project cycles.

b. Area Development Program: The Appalachian Regional Commission program addresses three of the four goals identified in the Commission's strategic plan: (1) Increase job opportunities and per capita income in Appalachia to reach parity with the nation; (2) Strengthen the capacity of the people of Appalachia to compete in the global economy; and (3) Develop and improve Appalachia's infrastructure to make the Region economically competitive. Projects funded in these program areas create thousands of new jobs; improve local water and sewer systems; increase school readiness; expand access to health care; assist local communities with strategic planning; and provide technical and managerial assistance to emerging businesses. Proposals for the use of this program should be developed in coordination with the State ARC Program Office.

2. Delta Regional Authority

a. States' Economic Development Assistance Program (SEDAP)): DRA's primary investment, SEDAP provides for investments in Basic Public Infrastructure, Transportation Infrastructure, Workforce Development, and Business Development with an emphasis in entrepreneurship. SEDAP funds are allocated to Lower Mississippi Delta designated counties in eight states (Alabama, Arkansas, Illinois, Kentucky, □ Louisiana, Mississippi, Missouri, and Tennessee).

3. Department of Housing and Urban Development

a. Office of Economic Resiliency Integrated Planning & Investment Grants (pending program funding) will offer $75 million in Integrated Planning and Investment Grants that will seed locally-created, comprehensive blueprints that strategically direct investments in development and infrastructure to projects that result in: attracting jobs and building diverse and resilient economies, significant municipal cost savings, and stronger, more unified local leadership. Integrated Planning and Investment Grants will incorporate some of the same features of the previously-funded Regional Plans for Sustainable Communities and the Community Challenge Grants offered by the Office of Sustainable Housing and Communities, but, using lessons learned from that program and feedback from local leaders, will place a greater emphasis on supporting actionable economic development strategies, reducing redundancy in Federally-funded planning activities, setting and monitoring performance, and identifying how Federal formula funds can be used smartly and efficiently in support of economic resilience. As with the previous efforts, priority will be placed on directing grants to rural areas, cities, counties, metropolitan areas and states that demonstrate economic need and are committed to building the cross-sector, cross-disciplinary partnerships necessary to tackle the tough decisions that help make places economically competitive. A portion of grant funds will be reserved for small and rural communities and regions.

b. Delta Community Capital Initiative: Administered by HUD's Office of Rural Housing and Economic Development, DCCI is a collaborative effort among three Federal agencies—the Department of Housing and Urban Development (HUD), the Department of the Treasury—Community Development Financial Institutions Fund (CDFI Fund) and the Department of Agriculture—Rural Development (USDA—RD). The DCCI's goal is to increase access to capital for business lending and economic development in the chronically underserved and undercapitalized Lower Mississippi Delta Region. Specifically, it will provide direct investment and technical assistance to community development lending and investing institutions that focus on small business development to benefit the residents of Lower Mississippi Delta Region.

c. Appalachia Economic Development Initiative: Administered by HUD's Office of Rural Housing and Economic Development. AEDI is a collaborative effort among three Federal agencies—the Department of HUD, the CDFI Fund and the USDA—RD. The AEDI's goal is to increase access to capital for business lending and economic development in the chronically underserved and undercapitalized Appalachia Region. Specifically, it will provide investment and technical assistance to State community and/or economic development agencies that apply on behalf of local rural nonprofit organizations or community development corporations that focus on small business development to benefit the residents of the Appalachia Region.

4. Department of Labor, Employment and Training Administration

a. Trade Adjustment Assistance Community College and Career Training Grant Program (TAACCT): The Education and Training Administration's Trade Adjustment Assistance Community College and Career Training Grant Program (TAACCT) provides community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs. Through these multi-year grants, the Department of Labor is helping to ensure that our nation's institutions of higher education are helping adults succeed in acquiring the skills, degrees, and credentials needed for high-wage, high-skill employment while also meeting the needs of employers for skilled workers.

5. Department of Transportation

a. Transportation Investment Generating Economic Recovery (TIGER): The U.S. Department of Transportation's Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the Department of Transportation to engage directly with states, cities, regional planning organizations, and rural communities through a competitive process that invests in road, rail, transit and port projects that promise to achieve critical national objectives. Each project is multi-modal, multi-jurisdictional or otherwise challenging to fund through existing programs. The TIGER program showcases DOT's use of a rigorous cost-benefit analysis throughout the process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs, and make investments in our Nation's infrastructure that make communities more livable and sustainable. For more information about the TIGER program, please visit *http://www.dot.gov/tiger*.

6. Environmental Protection Agency

a. Targeted Brownfield Assessments (TBA) program is designed to help states, tribes, and municipalities, as well as land clearance authorities, regional redevelopment agencies, and other eligible entities—especially those without other EPA brownfield site assessment resources—minimize the uncertainties of contamination often associated with brownfields, and set the stage for new investment. The TBA program is not a grant program, but a service provided by EPA via a contractor, who conducts environmental assessment activities to address the requestor's needs.

b. Brownfield Site Assessment/cleanup/RLF (RLF) (includes assessment, Revolving Loan Fund, and cleanup grants) can support a range of activities needed to re-deploy properties, including for manufacturing and related uses. Assessment grants provide funding for communities, regional development authorities, and other eligible recipients to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites. Revolving Loan Fund (RLF) grants provide funding for states, communities, and other eligible recipients to capitalize a locally administered RLF to carry out cleanup activities at brownfield sites; alternatively, recipients may use up to 40% of their capitalization grants to provide subgrants for cleanup purposes. Cleanup grants provide funding to carry out remedial activities at brownfield sites. Cleanup grants require a 20 percent cost share (cash or eligible in-kind), which may be waived based on hardship. An applicant must own the site for which it is requesting funding at time of application. For additional information on brownfield grants, including examples of their use to advance manufacturing activities, please visit *www.epa.gov/brownfields*.

7. National Science Foundation

a. Advanced Technology Education (ATE) (supplemental awards will be awarded only to existing ATE grantees also designated as *Manufacturing Communities* entitled to challenge grants): With an emphasis on two-year colleges, the Advanced Technological Education (ATE) program focuses on the education of technicians for the high-technology fields that drive our nation's economy. The program involves partnerships between academic institutions and employers to promote improvement in the education of science and engineering technicians at the undergraduate and secondary school levels. The ATE program supports curriculum development; professional development of college faculty and secondary school teachers; career pathways to two-year colleges from secondary schools and from two-year colleges to four-year institutions; and other activities. Another goal is articulation between two-year and four-year programs for K-12 prospective teachers that focus on technological education. The program also invites proposals focusing on research to advance the knowledge base related to technician education.

b. I/UCRC (supplemental awards will be awarded only to existing ATE grantees also designated as *Manufacturing Communities* entitled to challenge grants): The Industry/University Cooperative Research Centers (I/UCRC) program develops long-term partnerships among industry, academe, and government. The centers are catalyzed by a seed investment from the National Science Foundation (NSF) and are primarily supported by industry center members, with NSF taking a supporting role in their development and evolution. Each center is established to conduct research that is of interest to both the industry and the center. An I/UCRC not only contributes to the Nation's research infrastructure base and enhances the intellectual capacity of the engineering and science workforce through the integration of research and education, but also encourages and fosters international cooperation and collaborative projects.

8. Small Business Administration

a. Accelerator Program (pending funding and authority for the program): The Accelerator Program, within the SBA's Office of Investment and Innovation, is comprised of ecosystems that encompass programs which at a high level provide high potential entrepreneurs and fast growing start-ups with three things—in exchange for minority equity stakes: (1) Mentorship —access to people that have "seen the movie" before and whom can be tapped for advice; (2) Access to Capital—access to super-seed cash to jump-start ideas and very young companies; and (3) Space—Sharing office space and co-working to enable both cost savings and idea proliferation in a Keiretsu-type setting. Some of the concrete and specific initiatives at the Accelerator Program include Demo Days (brought accelerators from diverse industries and geographies together to network and share ideas), Start-Up University (an online platform for universities to build and share effective models for fostering student entrepreneurship), and Educate Accelerators (train the trainers type programs).

9. U.S. Department of Agriculture

a. Rural Economic Development Loan and Grant Program (REDLG) REDLG provides loans and grants to local public and nonprofit utilities which use the funds to make zero interest loans to businesses and economic development projects in rural areas that will create and retain employment. Examples of eligible projects include: Purchase or improvement of real estate, buildings, and equipment, working capital and start-up costs; health care facilities and equipment, business incubators; telecommunications/computer networks; educational and job training facilities and services; community facilities and other community development projects. In REDLG a rural area is any area other than a city or town that has a population of greater than 50,000 inhabitants and its contiguous urbanized area.

b. Rural Business Enterprise Grant Program (RBEG): RBEG grants may be made to public bodies and private nonprofit corporations which use the grant funds to assist small and emerging businesses in rural areas. Public bodies include States, counties, cities, townships, and incorporated town and villages, boroughs, authorities, districts, and Indian tribes. Small and emerging private businesses are those that will employ 50 or fewer new employees and have less than $1 million in projected gross revenues. Examples of eligible fund use include: Capitalization of revolving loan funds to finance small and emerging rural businesses; training and technical assistance; job training; community facilities and infrastructure, rural transportation improvement; and project planning and feasibility. In RBEG a rural area is any area other than a city or town that has a population of greater than 50,000 inhabitants and its contiguous urbanized area.

c. Intermediary Relending Program (IRP) IRP loans are provided to intermediaries to establish revolving loan funds which they use to with finance business and economic development activity in rural communities. Private non-profit corporations, public agencies, Indian groups, and cooperatives with at least 51 percent rural membership may apply for intermediary lender status. IRP funding may be used for a variety of business and community development projects located in a rural area. Under the IRP, a rural area is any area that is not inside a city with a population of 25,000 or more according to the latest decennial census. Some examples of eligible projects, related to businesses in the manufacturing sector are: Acquisition of a business, purchase or development of land, buildings, facilities, leases, purchase equipment, leasehold improvements, machinery, supplies; startup costs and working capital. IRP may also finance community and economic development projects.

d. Business & Industry Guaranteed Loan Program (B&I) The B&I Guaranteed Loan Program bolsters existing private credit structure by guaranteeing quality loans aimed at improving the economic and environmental climate in rural communities. A borrower may be a cooperative organization, corporation, partnership, or other legal entity organized and operated on a profit or nonprofit basis; an Indian tribe on a Federal or State reservation or other Federally recognized tribal group; a public body; or an individual. Borrowers must be engaged in a business that will: Provide employment; improve the economic or environmental climate; promote the conservation, development, and use of water for aquaculture; or reduce reliance on nonrenewable energy resources by encouraging the development and construction of solar energy systems and other renewable energy systems.

In addition, each of the 13 IMCP Participating Agencies—the above nine plus the Departments of Commerce, Defense, Education, and Energy—will offer staff time in order that each Manufacturing Community will have access to a POC (assigned from an IMCP Participating Agency) to facilitate access to technical assistance and economic development funds.

III. Eligibility Information

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A. Eligible Organizations

Proposals for designation as a Manufacturing Community must be submitted on behalf of the region by a consortium that includes one or more of the eligible organizations discussed in this section. The consortium must designate one of these eligible organizations as lead applicant and one member of that organization to be the primary point of contact for the consortium. Applicants are strongly encouraged to include other key stakeholders, including but not limited to private sector partners, higher education institutions, government entities, economic development and other community and labor groups, financial institutions and utilities. All members of the consortium must submit letters of commitment or sign a Memorandum of Understanding documenting their contributions to the partnership. Additionally, at a minimum, the applicant must have letters of support from a higher education institution, a private sector partner, and some government entity if not already part of the consortium. Applicants should demonstrate a significant level of regional cooperation in their proposal because only one designation will be made in a particular region.

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Eligible lead applicants include a(n):

1. District Organization;

2. Indian Tribe or a consortium of Indian Tribes;

3. State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

4. Institution of higher education or a consortium of higher education institutions; or

5. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. [1]

B. Geographic Scope

Applicants may define their regional boundaries of their consortium, though all such regions should have a strong existing manufacturing base. In general, an applicant's region should be large enough to contain critical elements of the key technologies or supply chains (KTS) prioritized by the applicant, but small enough to enable close collaboration (e.g. generally, larger than a city but smaller than a state). The proposed manufacturing community should provide evidence that their community ranks in the top third in the nation for their key manufacturing technology or supply chain by either: Location quotient for employment in the KTS, or location quotient for firms in the KTS.

A key element in evaluating proposals will be the rate of improvement in key indicators that the plan can credibly generate. Thus, both distressed and non-distressed manufacturing regions are encouraged to apply.

IV. Application and Submission Information

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A. How To Submit an Application

You may submit applications by any of the following methods. All comments must include the title, "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981.

Email: IMCP@eda.gov. Include "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 in the subject line of the message.

Fax: (202) 482-2838, Attention: Office of Performance and National Programs.

Please indicate "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 on the cover page.

Mail: Economic Development Administration, Office of Performance and National Programs U.S. Department of Commerce, 1401 Constitution Avenue NW., Suite 71030, Washington, DC 20230. Please indicate "Proposals for designation as a Manufacturing Community" and Docket No. 131121981-3981 on the envelope.

FOR FURTHER INFORMATION CONTACT: Ryan Hedgepeth, U.S. Department of Commerce, Economic Development Administration, 1401 Constitution Avenue NW., Suite 78006, Washington, DC 20230 or via email at *rhedgepeth@eda.gov*.

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In preparing their applications, communities are urged to consult online resources developed through IMCP, namely (1) a data portal centralizing data available across agencies to enable communities to evaluate their strengths and weaknesses; and (2) a "playbook" that identifies existing Federal planning grant and technical assistance resources and catalogues best practices in economic development. These resources are available at *www.eda.gov/challenges/imcp/*.

B. Content and Form of Application Submission

In order to be considered for designation, applicants must submit a proposal that includes all required elements outlined below. The proposal will be used to determine which communities will receive the manufacturing communities designation. Reviewers will focus on the quality of the analysis described below; the POC awarded to designees will help with identifying appropriate funding streams and fine-tuning the details of proposals to meet the requirements of individual agencies.

Each proposal shall consist of no more than thirty (30) single-sided pages exclusive of cover sheet and/or transmittal letter, and must include the following information:

(a) *Point of Contact:* Name, phone number, email address, and organization address of the respondent's primary point of contact, including specific staff member to be the point of contact;

(b) *Assessment of Local Industrial Ecosystem:* An integrated assessment of the local industrial ecosystem (i.e., the whole range of physical, capital, and human resource components needed for manufacturing activities) as it exists today in the area defined by the applicant and what is missing; and an evidence-based path for developing chosen components of this ecosystem (infrastructure, transit, workforce, etc.) by making specific investments to address gaps and make a region uniquely competitive;

(c) *Implementation Strategy Description:* A description of the proposed investments and implementation strategy that will be used to address gaps in the ecosystem;

(d) *Implementation Strategy Parties:* A description of the local partner organizations/jurisdictions, and their roles and responsibilities, that will carry out the proposed strategy, including letters of commitment or signed a Memorandum of Understanding documenting their contributions to the partnership as attachments that will *not* count against the 30-page limit;

(e) *Performance Metrics:* A description of metrics, benchmarks and milestones to be tracked and of evaluation methods to be used (experimental design, control groups, etc.) over the course of the implementation to gauge performance of the strategy;

(f) *Federal Financial Assistance Experience:* Evidence of the intended recipient's ability and authority to manage a Federal financial assistance award;

(g) *Geographic Scope:* Description of the regional boundaries of their consortium and the basis for determining that their manufacturing concentration ranks in the top third in the nation for their key manufacturing technology or supply chain by either: Location quotient for employment in the KTS, or location quotient for firms in the KTS.

(h) *Submitting Official:* Documentation that the Submitting Official is authorized by the applicant to submit a proposal and subsequently apply for assistance;

C. Deadlines for Submission

The deadline for receipt of applications is March 14, 2014 at 11:59 p.m. Eastern Time. Proposals received after the closing date and time will not be considered.

V. Application Review and Selection Process

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Throughout the review and selection process, the IMCP Participating Agencies reserve the right to seek clarification in writing from applicants whose proposals are being reviewed and considered. IMCP Participating Agencies may ask applicants to clarify proposal materials, objectives, and work plans, or other specifics necessary to comply with Federal requirements. To the extent practicable, the IMCP Participating Agencies encourage applicants to provide data and evidence of the merits of the project in a publicly available and verifiable form.

A. Proposal Narrative Requirements and Selection Criteria

IMCP Participating Agencies will consider each of the following factors as a basis to confer the manufacturing communities designation. (See section V.B. of this notice for weighting).

1. Quality of Assessment/Implementation Strategy

Applicants should provide a detailed data-driven assessment of the local industrial ecosystem as it exists today, what is missing, and an evidence-based path to development that could make a region uniquely competitive. This description should also explain public good investments needed to realize these plans. The proposed development should involve strong coordination across the subcategories below. Applicants must conduct a thorough cost-benefit analysis of their proposed public good investment and demonstrate that project benefits exceed project costs, similar to analysis required of Department of Transportation TIGER applicants (see *www.dot.gov/sites/dot.dev/files/docs/TIGER%202013%20NOFA_BCA%20Guidance_0.pdf*).

Key technologies & supply chain

At the outset, applicants should *identify KTS* on which their development plan will focus, and explain how these KTS build on existing regional assets and capabilities. In selecting KTS and in defining the geographic boundaries of the community, applicants should choose areas that are sufficiently focused to ensure a *well-integrated development plan,* but sufficiently broad that resulting development of related capabilities have a *substantial impact on a community's prosperity overall* and achieve broad distribution of benefits. Finally, the applicant should discuss why this community has a *comparative advantage* in building these KTS (e.g., comparative data such as location quotients levels of sales, employment, patents) and how their strategy integrates the following subcategories into a coherent whole, leading to a vibrant manufacturing ecosystem based on these KTS.

We expect that winning applications will include a detailed, integrated, and data-driven assessment of the local industrial ecosystem as it currently exists for their KTS, what is missing, and a path to development that could make a region uniquely competitive. However, we do not expect that applicants will provide detailed budgets and analysis for plans to remedy every gap they identify. Instead, applicants should submit estimated budgets for such projects that they can show would be catalytic.

The following text provides guidance on how we will analyze the composition of a community's industrial ecosystem, and is not meant to be proscriptive.

For *workforce and training*, the applicant should consider:

i. Current capability: What are the requisite skills and average compensation for employees in fields relevant to the KTS? How many people with these or similar skills currently reside in the region? How many employees could be added to the workforce with minimal additional training?

ii. Current institutions for improving capability: What local community colleges, certified apprenticeships, workforce intermediaries, and other training programs exist that either specialize in the KTS or could develop specialties helpful for the KTS? Do these programs result in recognized credentials and pathways for continuous learning that are valued by employers and lead to improved outcomes for employees? To what extent do these institutions currently integrate research and development (R&D) activities and education to best prepare the current and future workforce? To what extent do postsecondary partners engage with feeder programs, such as those in secondary schools? What is the nature of engagement of Workforce Investment Boards, employers, community, and labor organizations?

iii. Gaps: What short- and long-term human resources challenges exist for the local economy along the region's proposed development path? If available, what is the local unemployment rate for key occupations in the KTS? Are any local efforts underway to re-incorporate the long-term unemployed into the workforce that could be integrated into KTS?

iv. Plans: Communities that intend to focus on workforce issues as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Linkage (including training, financial and in-kind partnerships) with employers (or prospective employers) in the KTS and labor/community groups to ensure skills are useful, portable, and lead to a career path;

b. Plans to ensure broad distribution of benefits, e.g., through programs to upgrade jobs and wages or support disadvantaged populations;

c. Extent of plan to integrate R&D activities and education to best prepare the current and future workforce as appropriate to the KTS focus specified.

For *supplier networks,* the applicant should consider:

i. Current Capability: What are key firms in the KTS? What parts of the KTS are located inside and outside the region defined by the applicant? How are firms connected to each other? What are the key trade and other associations and what roles do they play? How might customers or suppliers (even outside the region) support suppliers in the region? What are examples of projects/shared assets across these firms? What new KTS products have been launched recently? If your community is participating in SBA Supply Chain Analysis grant, how will you leverage their work?

ii. Current Institutions for Improving Capability: What processes or institutions (foundations, medical or educational institutions, trade associations, etc.) exist to promote innovation or upgrade supplier capability? Please provide performance measures and/or case studies as evidence of these capabilities.

iii. Gaps: What short- and long-term supply chain challenges exist for the local economy along the region's proposed development path? Are there institutions that convene suppliers and customers to discuss improved ways of working together, roadmap complementary investments, etc.?

iv. Plans: Communities that intend to focus on improving supplier networks as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Establishing an industrial park conducive to supply chain integration, □ including support for convening and upgrading supplier firms of all sizes;

b. Remedying gaps and/or undertaking more intensive supply chain mapping;

c. Measuring and improving supplier capabilities in innovation, problem-solving ability, and systematic operation (e.g. lean, International Organization for Standardization (ISO) certification);

d. Leveraging organizations that work with suppliers, such as Manufacturing Extension Partnership (MEP), U.S. Export Assistance Centers (USEAC), Small Business Development Centers (SBDCs), SCORE chapters and Women Business Centers (WBCs); and

e. Measuring and improving trade association activity, interconnectedness, and support from key customers or suppliers (even if outside the region).

For *research and innovation,* the applicant should consider:

i. Current Capabilities: What are the community's university/research assets in KTS? To what extent do training institutions currently integrate R&D activities and education to best prepare the current and future workforce? Does the community have shared facilities such as incubator space or research centers? What is the community's record for helping the ecosystem develop small businesses and start-ups?

ii. Current Institutions for Improving Capability: How relevant are local institutions' program of research and commercialization for the proposed development path? How robust is the revenue model? What local entities work with new and existing firms to help promote innovation? How integrated are industry and academia (including Federal Laboratories)?

iii. Gaps: What short- and long-term research challenges exist for the local economy along the region's proposed development path?

iv. Plans: Communities that intend to focus on improving local research institutions as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Establishing shared space and procuring capital equipment for incubation and research;

b. Developing strategies for negotiating intellectual property rights in ways that balance the goals of rewarding inventors and sharing knowledge;

c. Plans for promoting university research relevant to new industry needs, and arrangements to facilitate adoption of such applied research by industry;

d. Leveraging other Federal innovation initiatives such as the National Network for Manufacturing Innovation, MEP, Manufacturing Technology Accelerator Centers; and

e. Plans to ensure broad distribution of the benefits of public investment, including benefits to disadvantaged populations.

For *infrastructure/site development,* the applicant should consider:

i. Current capability: Describe the quality of existing physical infrastructure and logistical services that support manufacturing and provide analysis of availability of sites prepared to receive new manufacturing investment (including discussion of specific limitations of these cites, i.e., environmental concerns or limited transportation access). Provide detailed analysis on how transportation infrastructure serves KTS in moving people and goods. Do KTS firms contribute significantly to air or water pollution, or sprawl?

ii. Current institutions for improving capability: Is there capability for on-going analysis to identify appropriate sites for new manufacturing activity, and efforts necessary to make them "implementation ready?" Do the applicants control these sites? Are they well-located, requiring readily achievable remedial or infrastructural support to become implementation-ready? Are they easily accessible by potential workers via short commutes or multiple modes of transportation? Are they located in areas where planned uses will not disproportionately impact the health or environment of vulnerable populations? Are they suitable for manufacturing investment in accordance with Brownfield Area-Wide plans, Comprehensive Economic Development Strategies (CEDS), or other plans that focus on economic development outcomes in an area such as those associated with metropolitan planning organizations or regional councils of government? Are there opportunities to improve the environmental sustainability of the KTS?

iii. Gaps: Provide analysis of gaps in existing infrastructure relevant for proposed path to ecosystem development, including barriers and challenges to attracting manufacturing-related investment such as lack of appropriate land or transportation use planning, and explains how plans will address them. To what extent have firms indicated interest in investing in the region if infrastructure gaps are addressed?

iv. Plans: Communities that intend to focus on infrastructure development as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Transportation projects that contribute to economic competitiveness of the region and United States as a whole by (i) improving efficiency, reliability, sustainability and/or cost-competitiveness in the movement of workers or goods in the KTS, and (ii) creating jobs in the KTS;

b. Site development for manufacturing to take advantage of existing transportation and other infrastructure and facilitate worker access to new manufacturing jobs;

c. Infrastructure and site reuse that will generate cost savings over the long term and efficiency in use of public resources; and

d. Improvement of production methods and locations so as to reduce environmental pollution and sprawl.

For *trade and international investment,* the applicant should consider:

i. Current capability: What is the current level and rate of change of the community's exports of products or services in the KTS? Identify existing number of international KTS firms, inward investment flow, outward investment flow, export and import figures, KTS trends in the region and internationally.

ii. Current institutions for improving export capability and support: What local public sector, public-private partnership, or nonprofit programs have been developed to promote exports of products or services from the KTS?

iii. Gaps: What are the barriers to increasing KTS exports? Identify strategic needs or gaps to fully implement a program to attract foreign investment (e.g. outreach missions, marketing materials, infrastructure, data or research, missing capabilities).

iv. Plans: Communities that intend to focus on exports or foreign direct investment as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Developing global business-to-business matching services; regional advisory services for engaging international markets and international trade officials, or planning and implementing trade missions.

b. Location (investment) promotion in target markets and within target sectors to build the KTS; Investment Missions; business accelerators or soft landing sites to support new investors; marketing materials; or organizational capacity to support investment strategy implementation.

For operational improvement *and capital access,* the applicant should consider:

i. Current capability: For the KTS, what data is available about business operational costs and local capital access? The applicant can provide general description of what is available, and more detailed description of key areas of comparative advantage or of concern. How does industry partner with utility companies to achieve efficient energy distribution and delivery and/or more energy efficient manufacturing operations? What (if any) local institutions exist to help companies reduce business operational costs while maintaining or increasing performance? What (if any) sources of capital and infrastructure are available (public and private) to businesses to expand or locate in a community? What evidence exists regarding their performance?

ii. Gaps: What improvements or new institutions (including financial institutions and foundations) are key for promoting continuous improvement in KTS business operational capability?

iii. Plans: Communities that intend to focus on operational improvements and/or capital access as a priority area in seeking future grants should explain how they intend to build on local assets to improve KTS in areas such as:

a. Reducing manufacturers' production costs by reducing waste management costs, enhancing efficiency, and promoting resilience establishing mechanisms to help firms measure and minimize life-cycle costs (e.g., improving firms' access to innovative financing mechanisms for energy efficiency projects, such as a revolving energy efficiency loan fund or state green bank);

b. Building concerted local efforts and capital projects that facilitate industrial energy efficiency, combined heat and power, and commercial energy retrofits (applicants should detail strategies for capturing these opportunities in support of local manufacturing/business competitiveness); and

c. Developing public-private partnerships that provide capital to commercialize new technology, and develop/equip production facilities in the KTS.

2. Capacity To Carry Out Implementation Strategy

Applications will be judged in part on the quality of the evidence they provide, including the following information:

i. Overall leadership capacity—lead organization's capacity to carry out planned investments in public goods, e.g., prior leadership of similar efforts, prior success attracting outside investment, prior success identifying and managing local and regional partners, and ability to manage, share, and use data for evaluation and continuous improvement.

ii. Sound partnership structure, e.g., clear identification of project lead, clarity of partner responsibilities for executing plan, and appropriateness of partners designated for executing each component; clarity of partnership governance structure; and strength of accountability mechanisms, including contractual measures and remedies for non-performance, as reflected in letters of commitment or Memorandum of Understanding among consortium members. As discussed in Section III.A. of this notice, the partnership (a) must include an EDA-eligible lead applicant (district organization; Indian tribe; state, county, city, or political subdivision of state, institution of higher education, or nonprofit); and (b) should include other key stakeholders, including but not limited to private sector partners, higher education institutions, government entities, economic development and other community and labor groups, financial institutions and utilities. At a minimum, the applicant must have letters of support from a higher education institution, a private sector partner, and some government entity if not already part of the consortium.

iii. Partner capacity to carry out planned investments in public goods and attract companies, as measured by prior stewardship of Federal, state, and/or private dollars received and prior success at achieving intended outcomes.

iv. State of ecosystem's institutions (associated with the six subcategories under Section I. of this notice) and readiness of industry, nonprofit, and public sector facilities to improve the way they facilitate innovation, development, production, and sale of products, as well as train/educate a corresponding workforce.

v. Depth and breadth of communities' short, medium and long term development and employment goals, plans to utilize high-quality data and rigorous methods to evaluate progress, and demonstration that the probability of achieving these goals is realistic.

Competitive applications will have clearly defined goals and impacts that are aligned with IMCP objectives. Over the long term (5-10 years), plans should lead to significant improvements in community's economic activity, environmental sustainability, and quality of life. Thus, every applicant should provide credible evidence that their KTS development plan will lead over the next 5- 10 years to significant but reasonably attainable increases in private investment in the sector, creation of well-paying jobs, increased median income, increased exports and improved environmental quality. We expect that every applicant will track these long-term outcomes, for either the community as a whole or only for their KTS.

In addition, applications will be evaluated on the extent to which applicants present practical and clear metrics for nearer-term evaluations. For the short and medium term (next

2-3 years), applicants should develop milestones (targets they expect to achieve in this time frame) and metrics (measurements toward the selected milestones and long-term goals) that measure the extent to which the chosen catalytic projects are successfully addressing the ecosystem gaps identified in their assessment and contributing to improving the long-term metrics above.

These intermediate metrics will vary according to the plan; for example, a community that has identified a weakness in supplier quality may track improvements in supplier quality systems, while a community that has identified a desire to increase university-industry collaboration might track invention disclosures filed by faculty and business. To the extent feasible, communities should also plan to statistically evaluate the individual programs as well as the effects of the bundle of programs taken together. For example, communities might choose randomly from among qualified applicants if job training programs are oversubscribed, and track job creation outcomes for both treatment and control groups.

A key element in evaluating proposals will be the rate of improvement in key indicators that the plan can credibly generate. Thus, both distressed and non-distressed manufacturing regions are encouraged to apply.

3. Verifiable Commitment From Existing and Prospective Stakeholders—Both Private and Public—To Executing a Plan and Investing in a Community. [2]

i. *Cohesion of partnership*. This may be shown in part by evidence of prior collaboration between the IMCP lead applicant, applicant consortium members, and other key community stakeholders (local government, anchor institutions, community, business and labor leaders and local firms, etc.) that includes specific examples of past projects/activities.

ii. *Strength/extent of partnership commitment* (not contingent upon receipt or specific funding stream) to coordinate work and investment to execute plan and strategically invest in identified public goods. Documented match for current project and evidence of past investments can help serve to demonstrate this commitment.

iii. *Breadth of commitment to the plan from diverse institutions,* including local anchor institutions (e.g., hospitals, colleges/universities, labor and community organizations, major employers small business owners and other business leaders, national and community foundations) and local, state and regional government officials.

iv. *Investment commitments.* Extent to which applicants can demonstrate commitments from public and private sectors to invest in public goods identified by the plan, or investments that directly lead to high-wage jobs in manufacturing or related sectors. Letters of intent from prospective investors to support projects, with detailed descriptions of the extent of their financial and time commitment, can serve to demonstrate this commitment. These commitments should be classified into two groups: those that are not contingent on receipt of a specific Federal economic development funding stream, and those that are contingent on the availability of such a Federal economic development funding stream. In the latter case, applicants should aim to show that each dollar of their proposed Federally-funded public investments will be matched over the next 5-10 years by at least two dollars of other investment, which may be private or public (non-Federal).

B. Review Process

All proposals submitted for the manufacturing communities designation will be reviewed on their individual merits by an interagency panel. The interagency panel will judge applications against the evaluation criteria enumerated in section V.A. of this notice, and score applications on a scale of 100 points. The maximum number of points that may be awarded to each criterion is as follows:

1. Quality of Implementation Strategy: 50 points

i. Quality of analysis of workforce, supplier network, innovation, infrastructure, trade, and costs (6 points per element)—36 points

ii. Bonus weight (applicant selects one of the elements in section V.B.1.i. for extra weighting)—6 points

iii. Quality of integration of the six elements—8 points;

2. Capacity: 25 points

i. Leadership capacity, partnership structure, partner capacity, readiness of institutions (4 points per element)—16 points

ii. Quality of goal-setting and evaluation plan—9 points; and

3. Commitment: 25 points

i. Cohesion, strength, and breadth of partnership—14 points

ii. Credibility and size of investments not tied to future Federal economic development funding—7 points

iii. Credibility and size of match tied to IMCP funding—4 points.

Following the scoring of applications, the interagency panel will rank the applications according to their respective scores and present the ranking to the Assistant Secretary for Economic Development (who will serve as the selecting official for the manufacturing community designations made by EDA pursuant to this notice). In determining the issuance of manufacturing community designations, the Assistant Secretary for Economic Development will take into consideration the ranking and supporting justifications provided by the interagency review panel, as well as the applicant's ability to successfully carryout the public policy and program priorities outlined in this notice. The decision of the Assistant Secretary for Economic Development is final; however, if the Assistant Secretary for Economic Development decides to make a manufacturing communities designation that differs from the recommendation of the interagency review panel, the Assistant Secretary for Economic Development will document the rationale for such a determination.

C. Transparency

The agencies and bureaus involved in this initiative are committed to conducting a transparent competition and publicizing information about investment decisions. Applicants are advised that their respective applications and information related to their review, evaluation, and project progress may be shared publicly. For further information on how proprietary, confidential commercial/business, and personally identifiable information will be protected see Section VI.A. of this notice.

VI. Other Information

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A. Freedom of Information Act Disclosure

The Freedom of Information Act (5 U.S.C. 552) (FOIA) and DOC's implementing regulations at 15 CFR part 4 set forth the rules and procedures to make requested material, information, and records publicly available. Unless prohibited by law and to the extent permitted under FOIA, contents of applications submitted by applicants may be released in response to FOIA requests. In the event that an application contains information or data that the applicant deems to be confidential commercial information, that information should be identified, bracketed, and marked as “Privileged, Confidential, Commercial or Financial Information.” Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

B. Intergovernmental Review

Applications submitted under this announcement are subject to the requirements of Executive Order (EO) 12372, “Intergovernmental Review of Federal Programs,” if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the “single point of contact review process”). All applicants must give State and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas. [3] To find out more about a State's process under EO 12372, applicants may contact their State's Single Point of Contact (SPOC). Names and addresses of some States' SPOCs are listed on the Office of Management and Budget's home page at *www.whitehouse.gov/omb/grants_spoc*. Section A.11. of Form ED-900 provides more information and allows applicants to demonstrate compliance with EO 12372.

VII. Contact Information

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For questions concerning this solicitation, or more information about the IMCP Participating Agencies programs, you may contact the appropriate IMCP Participating Agency's representative listed below.

1. Appalachian Regional Commission

a. Local Access Road Program: Jason Wang, (202) 884-7725, *jwang@arc.gov*

b. Area Development Program: David Hughes, (202) 884-7740, *dhughes@arc.gov*

2. Delta Regional Authority

a. States' Economic Development Assistance Program (SEDAP): Kemp Morgan, (662) 483-8210, *kmorgan@dra.gov*

3. Department of Housing and Urban Development

a. Office of Sustainable Housing and Communities (OSHC) grant: Salin Geevarghese, (202) 402-6412, *salin.g.geeverarghese@hud.gov*

b. Delta Community Capital Initiative: Jackie Williams, (202) 402-4611, *Jackie.L.Williams@hud.gov*

c. Appalachia Economic Development Initiative: (202) 402-4611, *Jackie.L.Williams@hud.gov*

4. Department of Labor, Employment and Training Administration

a. Trade Adjustment Assistance Community College and Career Training (TAACCCT): Robin Fernkas, (202) 693-3177, *Fernkas.Robin@dol.gov*

5. Department of Transportation

a. Transportation Investment Generating Economic Recovery (TIGER): Thomas Berry, (202) 366-4829, *thomas.berry@dot.gov*

6. Environmental Protection Agency

a. Targeted Brownfield Assessments (TBA): Debra Morey, (202) 566-2735, *morey.debi@epa.gov*

b. Brownfield Grants: Debra Morey, (202) 566-2735, *morey.debi@epa.gov*

7. National Science Foundation

a. Advanced Technology Education: Susan Singer, (703) 292-5111, *srsinger@nsf.gov*

b. I/UCRC: Grace Wang, (703) 292-5111 *jiwang@nsf.gov*

8. Small Business Administration

a. Accelerator Program: Pravina Ragavan, (202) 205-6988, *pravina.raghavan@sba.gov*; Javier Saade, (202) 205-6513, *javier.saade@sba.gov*

9. U.S. Department of Agriculture

a. Rural Economic Development Loan and Grant Program (REDLG): Mark Brodziski, (202) 720-1394, *mark.brodziski@wdc.usda.gov*

b. Rural Business Enterprise Grant Program (RBEG): Mark Brodziski, (202) 720-1394, *mark.brodziski@wdc.usda.gov*

c. Intermediary Relending Program (IRP): Mark Brodziski, (202) 720-1394, *mark.brodziski@wdc.usda.gov*

d. Business & Industry Guaranteed Loan Program (B&I): John Broussard, (202) 720-1418, *john.broussard@wdc.usda.gov*

10. U.S. Department of Commerce

Michael Jackson, (202) 482-3639, *mjackson@doc.gov*

Dated: December 5, 2013.

Thomas Guevara,

Deputy Assistant Secretary for Regional Affairs.

[FR Doc. 2013-29422 Filed 12-9-13; 8:45 am]

BILLING CODE 3510-WH-P

FOOTNOTES

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1. See section 3 of (42 U.S.C. 3122) and 13 CFR 300.3.
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2. Such commitments may range in intensity and duration. Lead applicants are responsible for overall coordination, reporting, and delivery of results. Consortium members have ongoing roles that should be specified in the proposal. Other partners may take on less intensive commitments such as in-kind donations of the use of meeting space, equipment, telecommunications services, or staffing for particular functions; letters or other expressions of support for IMCP activities and applications for resources; participation in steering committees orother advisory bodies; permanent donations of funding, land, equipment, facilities or other resources; or the provision of other types of support without taking on a formal role in the day-to-day operations and advancement of the overall strategy; stronger applications will also specify these commitments.
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3. As provided for in 15 CFR part 13.
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FRCA
FLORIDA REGIONAL COUNCILS ASSOCIATION
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EXCERPT FROM FEBRUARY 13, 2014
FRCA BUSINESS MEETING SUMMARY

FRCA Strategic Planning Retreat

The members discussed their overall observations regarding the FRCA Strategic Planning Retreat. The conversation then focused on the retreat recommendations and action steps for moving forward. It was noted that some of the recommendations would take time and could not be acted on immediately. Therefore, the members agreed to make the August Policy Board meeting a business meeting that focuses on those issues and to decide whether future fall Policy Board meetings should continue to be held in conjunction with the Florida Association of Counties' or Florida League of Cities' annual conferences due to attendance and other issues.

The two recommendations that the members felt could be addressed in the short term were the creation of a Gubernatorial Advisory Committee and actions to improve communications. There were varying views on whether there should only be one Gubernatorial Advisory Committee made up of all Council gubernatorial appointees or just those who are members of the Policy Board, and whether each council should form its own Gubernatorial Advisory Committee, which several were already in the process of doing. In all cases, it was agreed that the Gubernatorial Advisory Committee(s) needed to be provided with talking points focused on the role of regional planning councils in economic development. However, it was understood that there were issues pertinent to each region, which could also be addressed, such as the unique role that the ECFRPC could play in helping to convene sector plan related activities in the East Central Florida region and the potential importance of those activities to the Governor.

The members agreed to let the Gubernatorial Advisory Committees form on their own from council to council and let them each try to access the Governor. They felt that at this time, there was no pressing need for the committees to coordinate, but did not close the door on future coordinated activities. It was suggested that the committees be encouraged to reach out to the Governor's regional liaisons, as well. The members also agreed that a FRCA Gubernatorial Advisory Committee should be formed from among the appropriate Policy Board members.

With regard to the development of a communications plan, the members identified several ways to improve communications among the councils; for the benefit of the councils' and FRCA's partners; and, for education of elected official at all levels, including the following:

- Create an orientation package explaining the purpose and value of regional planning councils to be given to all newly elected officials;
- Move forward with a press release on the Energy Resiliency Study and for all councils to become more proactive in issuing press releases;
- Create a quarterly FRCA electronic newsletter that is succinct and links to the soon to be developed scorecard website; and,

- Consider issuing regional electronic newsletters, similar to what the NEFRC and WFRPC are currently doing.

Discussion followed regarding the need to coalesce and communicate regional planning council core programs. The members generally agreed that the core council programs were economic development, emergency management, technical assistance, and transportation. However, the recognized challenge was how to capture that under the umbrella of the councils' role as conveners; the councils being key to cost efficiencies; and, the councils' role in strengthening regions by bringing communities together. The members agreed to continue this discussion in February.

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LEGISLATIVE TALKING POINTS 2014

- Designated as federal **Economic Development Districts** to promote economic development in conjunction with local economic development organizations, provide access to federal economic development funding, and provide technical assistance to local governments, private businesses and neighborhood-based organizations with respect to the creation and expansion of infrastructure and jobs.

- Prepare 5-year **Comprehensive Economic Development Strategie**s, or investment plans, using the **Florida Chamber Foundation's Six-Pillars** as the organizing framework, which will help implement the State Strategic Plan for Economic Development and meet the Governor's job creation goals.

- Assist the Florida Department of Economic Opportunity in the **implementation of the *Florida Strategic Plan for Economic Development***, including tracking and reporting on tactics and metrics to measure progress toward implementing that plan.

- Use **regional econometric modeling** to provide objective economic impact analyses on policy and investment decisions in support of local economic development organizations, helping them create jobs and invest in local communities.

- Prepare **grant applications** for federal/state economic development infrastructure funds to support economic development and job creation projects at the request of local economic development organizations and local governments.

- Convene community leaders to develop **regional visions** that link business development, job creation, infrastructure, environment, land use, and transportation into long-term investment plans.

- Collaborate with **military bases** on a variety of activities to protect their mission and save jobs while ensuring public safety and compatible growth in their adjacent communities.

- Administer **brownfield revolving loan funds** and **business-related revolving loan funds,** undertake **brownfield revitalization projects,** and serve as the regional clearinghouse for the federal **Intergovernmental Coordination and Review** process, ensuring access to hundreds of millions of federal infrastructure, economic development, and job creation investment dollars on an annual basis.

METRICS

- **Invested $66 million in 60 projects** in Florida to **create/retain 13,700 jobs** (January 2003 – August 2010).

- Conducted **420 regional economic impact analyses** (over the past 10 years).

- **Loaned $38.6 million** through a revolving loan fund portfolio, resulting in the creation of **over 1,800 jobs** (over the past 10 years).

- **Leveraged 11 dollars** in local, federal, and private direct investment for every dollar invested by the State of Florida (FY 2010-11).

- **Reviewed 14,800 projects** through Federal Consistency Review linking infrastructure investment to local, regional, and state economic development priorities (over the past 10 years).

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Staff Summaries 8

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Grant Activity Sheet (Information Only)

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#	Type	Awarded	Funding Agency	Project Mgr.	Project Name	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
1	Grant	Yes	EPA	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida	$294,496.00	$148,996.00	GIS database with Conservation Easements	$145,500.00
2	Contract	Yes	Collier County	Jim Beever	Ecosystem Services Valuation of Conservation Collier Lands	$3,000.00	$3,000.00	Products of the study will include; 1) Updated valuations of the ecosystem services provided by existing conservation lands in the Conservation Collier program. 2) A documentation and quantification of the ecosystem services provided by each habitat type, including the source for valuations and what kind of services are included in the values.	$0.00
3	Contract	Yes	City of Bonita Springs	Jim Beever	Spring Creek Watershed and Restoration Study	$50,000.00	$50,000.00	First Deliverable: the Spring Creek Restoration and Vulnerability Assessment Second Deliverable: The Spring Creek Restoration Plan	
4	Grant	Yes	Visit Florida	Jennifer Pellechio	Our Creative Economy: Southwest Florida Regional Strategy for Public Art	$10,000.00	$5,000.00	Logo & meeting results	$5,000.00
5	Contract	Yes	N/A	Jim Beever	Estero Bay ABM	$12,000.00	$10,000.00	City of Bonita Springs approved to provide $4,000 to the SWFRPC for the ABM (FY2013/14) of which $1,000 would go to the ABM general fund and $3,000 toward funding the ABM State of the Bay report. Also, the SWFRPC would contribute $2,000 of the local assessment. FGCU contributed $2,500 for FY13.	$2,000.00
6	Grant	Yes	EPA	Jim Beever	WQFAM	$160,000.00	$160,000.00		
7	Contract	Yes	County - Glades	John Gibbons	SQG Glades	$3,900.00	$3,900.00		
8	Contract	Yes	LeeTran	Jennifer Pellechio	VA Transportation Planning Study	$1,300,000.00	$50,000.00	1. Create a Technical Stakeholder Committee 2. Identify barriers and develop a proposed plan of action to address barriers establishing a regional profile. The study will provide a regional profile, which will map existing services, networks and resources 3. Non-Traditional Outreach Component 4. Develop a Planning Study for the six county region that presents regional profile; identifies barriers, gaps and needs; and proposes potential solutions.	$0.00
9	Contract	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II	$140,000.00	$90,000.00	Recruit local governments to review and adopt BMPs. Host stakeholder meetings and/or training programs, providing technical assistance to local governments as needed, and tracking any policy adoptions and local government feedback.	$50,000.00

#	Type	Awarded	Funding Agency	Project Mgr.	Project Name	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
10	Grant	Yes	Southwest Florida Community Foundation	Jennifer Pellechio	Guide & Regional Asset Mapping of Public Arts	$30,000.00	$15,000.00	The Southwest Florida Regional Planning Council, in partnership with the Lee County Alliance for the Arts and the Lee County Tourism Development Council, proposes to identify, map and document existing public art and public art venues in Lee County. A Field Guide to the Public Art of Lee County will assist residents, visitors and tourists to find public art geographically and in temporal space (for regularly scheduled events) in electronic and print media. The deliverables from this project will be incorporated into the overall regional strategy.	$15,000.00
11	Grant	Yes	DEO	Jennifer Pellechio	Regional Economic Development Initiative – Business Outreach	$15,000.00	$15,000.00	Business Plan	
12	Grant	Yes	CTD	Nichole Gwinnett	FY2013-14 Planning Grant for Glades-Hendry Service Area	$38,637.00	$38,637.00	TDSP Update, CTC Evaluation, LCB Quarterly Meetings, By-Laws	$0.00
13	Contract	Yes	DEO	Jennifer Pellechio	Vision and Implementation Plan	$25,000.00	$12,500.00	Mission, Goals & Objectives, Draft Plan, Final Plan	$0.00
14	Grant	Yes	DEM	John Gibbons	IECGP Training Grant Program	$7,000.00	$7,000.00	Location and coordination of suitable training facility and requirements to produce class roster; class evaluation sheets and the execution of the Florida DEM Course Manager's Package	$0.00
15	Grant	Yes	Mosaic	Judy Ott	Coral Creek Restoration: Monitoring Juvenile Fish Habitat	$50,000.00	$50,000.00	Quarterly monitoring reports	
16	Grant	To Be Submitted	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida: An Ecosystem Analysis Supporting Regional Development	$100,000.00	$40,000.00	Regional website, branding strategy, brochures, analysis	$40,000.00
17	Grant	To Be Submitted	Multiple Agencies	Liz Donley	Neighborhood Lakes and Ponds	$60,000.00	$5,000.00	Video presentations, workshops, micro-grants	
18		To Be Submitted	NOAA	Judy Ott	Oyster Habitat Restoration along Charlotte Harbor East Shore: Enhancing Essential Fish Habitat	$220,000.00		Draft and final reports, quarterly progress reports, possible presentations, and restored oyster habitat	
19	Grant	To Be Submitted	EDA	Jennifer Pellechio	TBD - FY 2014 Coastal Resilience Networks			TBD	
20	Grant	To Be Submitted	EPA	Liz Donley	Big CHIPR			Report, transect information, presentations, articles	
21	Grant	To Be Submitted	PNC Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues	$40,000.00	$10,000.00	A field guide to the public art of Charlotte County.	$30,000.00
22	Grant	Pending	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues	$400,000.00	$200,000.00	• Asset Mapping • A Regional Strategy for Enhancing Public Art: A SWOT • Southwest Florida's Public Art and Cultural Venues	$113,472.00
23		Pending	FDEP	Jim Beever	Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)	$500,000.00	$500,000.00		
24	Grant	Pending	Presbyterian Committee	Margaret Wuerstle	A Nutritional Oasis for Marginalized Individuals	$15,000.00	$15,000.00		

#	Type	Awarded	Funding Agency	Project Mgr.	Project Name	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
25	Grant	Pending	EDA	Jennifer Pellechio	EDA Planning Grant	$270,000.00	$189,000.00		$81,000.00
26	Grant	Pending	Visit Florida	Margaret Wuerstle	Our Creative Economy: Southwest Florida Regional Strategy for Public Art	$10,000.00	$5,000.00		
27	Grant	Pending	The Nature Conservancy	Jim Beever	Application of the SWFRPC Salt Marsh Study Method to Other Areas Around the Gulf of Mexico	$150,000.00	$150,000.00	1. Identification of project area 2. Gathering of GIS mapping data 3. Mapping of salt marshes to type 4. Measurement of the migration movement of the salt marshes 5. Final repor	
28	Grant	Pending	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development	$210,000.00	$100,000.00	Regional website, branding strategy, brochures, anaylsis	$40,000.00
29		Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico	$500,000.00	$500,000.00		
30	Grant	Pending	FDEP	Margaret Wuerstle	Implement agriculture BMP in the Caloosahatchee Watershed	$3,000,000.00	$3,000,000.00	Grants to growers to implement BMP. Anticipated to assist 20 growers /year for six years or 120 growers	
31	Grant	Pending	EPA	John Gibbons	Environmental Job Training for dislocated workers and veterans with employable job skills		$200,000.00	• Cooperative Agreement Application required • Finalized Budget and Work Plan • Progress Reports • Data Registration electronically • Final Report require	
32	Grant	Pending	NOAA	Jim Beever	The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida	$208,245.74	$200,245.74	TEV valuation of southwest Florida in existing and future climate change scenarios	
33	Grant	Pending	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant	$600,000.00			
34	Grant	Pending	NARC	Liz Donley	Use of Trees and Woody Shrubs in Green Infrastructure Stormwater Treatment	$46,072.00	$3,912.00	Forum, powerpoint, scope fo work for follow-on project, new partnerships	$42,160.00
35	Grant	Pending	EPA	Maran Hilgendorf	Gulf of Mexico Citizens Academy	$151,003.18	$151,003.18	On-line, interactive Citizens Academy with apps for tablets, cell phones, etc.	$0.00
36	Grant	Pending	NOAA	General Partner	"Resilient Coastal Communities" and its National Height Modernization Program (NHMP)	$50,000.00	$50,000.00	Meetings, workshops, data, new geospatial models	
37	Grant	Pending	FEMA	John Gibbons	Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach	$64,000.00	$64,000.00	National LEPC Training and Exercise Program	$0.00
38	Grant	Pending	SeaWorld & Bush Gardens Conservation Fund	Liz Donley	Monofilament Cleanup	$17,091.00	$1,647.00	Needs assessment, monofilament clean-up	
39	Grant	Pending	Elizabeth Dole Foundation	Margaret Wuerstle	Homeless Veterans Camp	$150,000.00	$150,000.00	Maps of camp locations and documentation of number of homeless veterans	$0.00

#	Type	Awarded	Funding Agency	Project Mgr.	Project Name	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
40	Grant	Pending	EPA	John Gibbons	Southwest Florida Environmental Justice Empowerment Center		$120,000.00	• Semi-annual Progress report • Draft Report 60 days after project ends • Final Report 90 days after project ends • Financial Status Reports	

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Consent Agenda 9

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CONSENT AGENDA SUMMARY

Agenda Item #9(a) – Intergovernmental Coordination and Review

There were eight clearinghouse items reviewed during the month of February. Staff found the projects to be “Regionally Significant and Consistent” with the SWFRPC’s Strategic Regional Policy Plan (SRPP).

RECOMMENDED ACTION:

- Approve the administrative action on the Clearinghouse Review items.

Agenda Item #9(b) – Financial Statement for February 28, 2014

Staff provided the balance sheet, income statement and statement of cash flow for the month of January.

RECOMMENDED ACTION:

- Approve the financial statement for the month of February.

RECOMMENDED ACTION: Approve consent agenda as presented.

3/2014

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Intergovernmental Coordination & Review

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9a

Project Review and Coordination Regional Clearinghouse Review

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning February 1, 2014 and ending February 28, 2014.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.

Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.

Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the FDEP-State Clearinghouse in Tallahassee.

RECOMMENDED ACTION: Approval of the administrative action on Clearinghouse Review items.

3/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-02	Ms. Michelle Edwards	Collier County Area Transit	Collier County	Collier County Area Transit - Section 5310 - Capital assistance to replace paratransit vehicles that have outlived their useful life.	FTA	$545,515.00	Regionally Significant and Consistent
2014-03	Ms. Michelle Edwards	Collier County Area Transit	Collier County	Collier County Area Transit - Section 5311 - Operating assistance to offset cost of public transportation provided in the rural (non-urban) areas of Collier County.	FTA	$404,500.00	Regionally Significant and Consistent
2014-04	Ms. Michelle Edwards	Collier County Area Transit	Collier County	Collier County Area Transit - Section 5339 - Assistance to replace support vehicles that have outlived their useful life.	FTA	$224,534.00	Regionally Significant and Consistent
2014-06	Mr. Thomas Nolan	Good Wheels, Inc.	Region	Good Wheels, Inc. - Section 5310 - One replacement bus and one replacement minivan to provide service to people who are elderly and or disabled.	FTA	$102,720.00	Regionally Significant and Consistent
2014-07	Mr. Thomas Nolan	Good Wheels, Inc.	Region	Good Wheels, Inc. - Section 5311 - Operating assistance for rural service area.	FTA	$50,000.00	Regionally Significant and Consistent
2014-08	Mr. Herb Hamilton	Hope Hospice and Community Services, Inc.	Region	Hope Hospice and Community Services, Inc. - Section 5310 Program - PACE Transportation Project: Enhanced access to healthcare for seniors.	FDOT	$220,000.00	Regionally Significant and Consistent
2014-09	Rev. Kirk Zaremba	United Cerebral Palsy of SWFL, Inc.	Sarasota County	United Cerebral Palsy of SWFL, Inc. - Section 5310 grant application - Operational assistance.	FTA	$47,882.40	Regionally Significant and Consistent

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-10	Rev. Kirk Zaremba	United Cerebral Palsy of SWFL, Inc.	Hendry County	United Cerebral Palsy of SWFL, Inc. - Section 5310 grant application - Program vehicle replacement purchase.	FTA	$47,822.40	Regionally Significant and Consistent

Review in Progress

SWFRPC #	First Name	Last Name	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-05			Charlotte County	EPA - State Revolving Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program."			Review in Progress

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Financial Statement for February 28, 2014

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2014 Workplan & Budget Financial Snapshot - February 2014

Revenues
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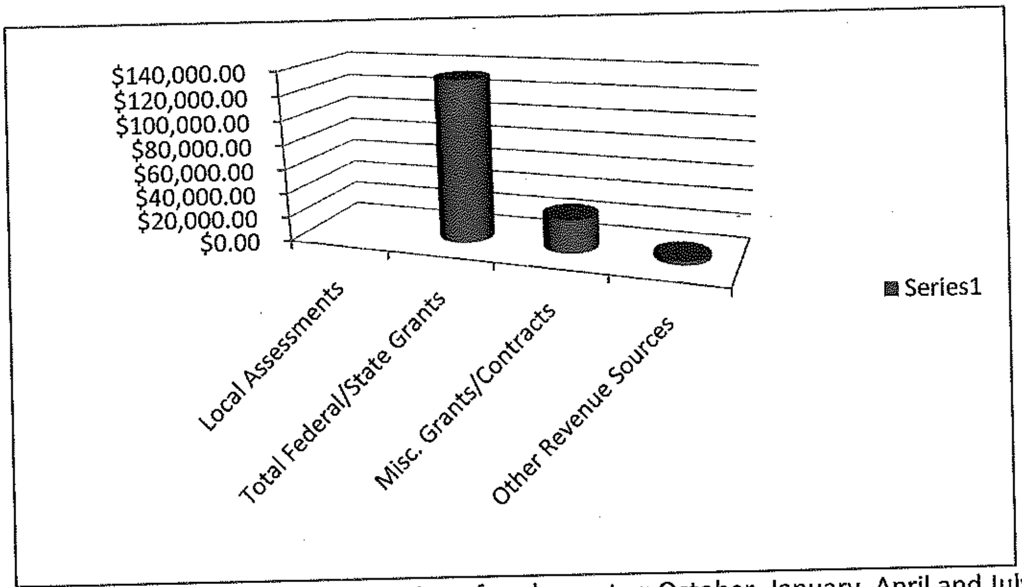
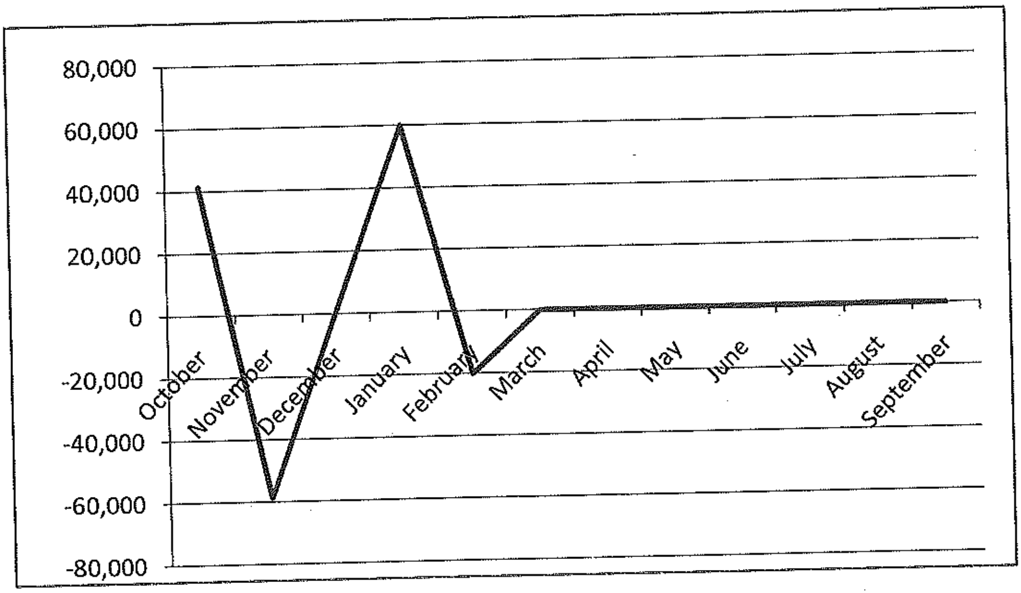
Misc. Grants/Contracts
Other Revenue Sources



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
Federal Grants (EPA) billed monthly: EPA: CHNEP; FAMWQ; and CE
State/Federal Grants billed quarterly: LEPC, HMEP, TD, Lee Tran, and ED
Misc. Grants/contracts billed quarterly: Visit Florida
Misc. Grants/Contracts billed by deliverable: SQG, CHNEP Local/Grants
Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income $ 51,698 (Unaudited)

SWFRPC
BALANCE SHEET
FEBRUARY 28, 2014

ASSETS

CURRENT ASSETS			
FUND BALANCE	$	753,286	
ACCOUNTS RECEIVABLE		145,062	
TOTAL CURRENT ASSETS			898,348
PROPERTY AND EQUIPMENT			
PROPERTY, FURNITURE & EQUIP		2,040,983	
ACCUMULATED DEPRECIATION		(561,679)	
TOTAL PROPERTY AND EQUIPMENT			1,479,304
OTHER ASSETS			
AMOUNT T.B.P. FOR L.T.L.-LEAVE		55,640	
FSA DEPOSIT		2,494	
AMT T.B.P. FOR L.T.DEBT-OPEP		59,864	
AMOUNT T.B.P. FOR L.T.DEBT		996,818	
TOTAL OTHER ASSETS			1,114,816
TOTAL ASSETS			$ 3,492,468

LIABILITIES AND CAPITAL

CURRENT LIABILITIES			
ACCOUNTS PAYABLE	$	0	
RETAINAGE PAYABLE		5,089	
DEFERRED INCOME		135,272	
FICA TAXES PAYABLE		(110)	
FEDERAL W/H TAX PAYABLE		(157)	
UNITED WAY PAYABLE		148	
FSA PAYABLE		108	
LEPC CONTINGENCY FUND		305	
TOTAL CURRENT LIABILITIES			140,655
LONG-TERM LIABILITIES			
ACCRUED ANNUAL LEAVE		55,640	
LONG TERM DEBT - OPEB		59,864	
LONG TERM DEBT - BANK OF AM.		996,818	
TOTAL LONG-TERM LIABILITIES			1,112,322
TOTAL LIABILITIES			1,252,977
CAPITAL			
FUND BALANCE-UNASSIGNED		194,487	
FUND BALANCE-ASSIGNED		514,000	
FB-NON-SPENDABLE/FIXED ASSETS		1,479,303	
NET INCOME		51,701	
TOTAL CAPITAL			2,239,491
TOTAL LIABILITIES & CAPITAL			$ 3,492,468

UNAUDITED - FOR MANAGEMENT PURPOSES ONLY

Detail of Fund Balance

Total Fund Balance $ 542,977

Investments:

Iberia Bank CD	$316,665.00
Local government Surplus Trust Fund Investment Pool (Fund A)	179,657
Local government Surplus Trust Fund (Fund B)	4,904
Total Investments	$501,226.00
Petty Cash	$ 200.00
Bank of America Operating Funds	$41,551.00
Total Fund Balance	$542,977.00

SWFRPC
BALANCE SHEET
FEBRUARY 28, 2014

FUND BALANCE DETAIL

CASH - BANK OF AMERICA OPER.	$	251,870
CASH - IBERIA CDS		316,655
CASH - FL LOCAL GOV'T POOL		179,657
CASH - FL GOV'T POOL-FUND B		4,904
PETTY CASH		200
FUND BALANCE	$	753,286

OPERATING CASH	$	251,870
INVESTMENTS		501,216
PETTY CASH		200
FUND BALANCE		753,286
DEFERRED -NEP CE954836611-1		(31,857)
DEFERRED INCOME NEP LOCAL		(32,626)
DEFERRED INCOME - FAMWQ		(45,828)
DEFERRED INC. DRI - FOUNTAINS		(8,706)
DEFERRED INC. PALMER RANCH XXI		(1)
DEFERRED INCOME LEE MEMORIAL		(9)
DEFFERED INCOME - SWFCF		(12,571)
DEFERRED PALMER IV		(532)
DEFERRED PALMER MDO		(824)
DEFERRED VILLAGES OF LAKEWOOD		(2,318)
NET AVAILABLE FOR RESERVE	$	618,014

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FIVE MONTHS ENDING FEBRUARY 28, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS				
CHARLOTTE COUNTY	$ 0	$ 24,504	$ 49,007	(24,503)
COLLIER COUNTY	0	49,477	98,955	(49,478)
GLADES COUNTY	0	1,901	3,801	(1,900)
HENDY COUNTY	0	5,450	11,440	(5,990)
LEE COUNTY	0	76,998	153,997	(76,999)
SARASOTA COUNTY	0	57,520	115,099	(57,579)
CITY OF FORT MYERS	0	10,025	20,050	(10,025)
TOWN OF FORT MYERS BEACH I	0	938	1,876	(938)
BONITA SPRINGS	0	6,769	13,539	(6,770)
CITY OF SANIBEL	0	973	1,947	(974)
TOTAL LOCAL ASSESSMENTS	0	234,555	469,711	(235,156)
FEDERAL / STATE GRANTS				
DEM TITLE III	0	14,845	40,909	(26,064)
HMEP-PLANNING & TRAINING	0	18,366	58,370	(40,004)
ECONOMIC DEV.-GRANT	0	13,938	12,500	1,438
GLADES HENDRY TD	0	15,455	38,637	(23,182)
LEE BOCC-VA STUDY	0	16,831	40,000	(23,169)
VISIT FLORIDA - 3174	0	0	5,000	(5,000)
CHNEP FEDERAL	0	0	567,309	(567,309)
EPA 6014	106,797	277,201	0	277,201
FDEP- 6014	4,645	18,915	0	18,915
SWFWMD - 6014	7,377	33,053	0	33,053
EPA FAMWQ	10,472	32,648	190,000	(157,352)
EPA-CONSERVATION	3,769	25,846	95,944	(70,098)
MARC - SOLAR READY	0	7,277	0	7,277
TOTAL FEDERAL / STATE GRAN	133,060	474,375	1,048,669	(574,294)
MISC. GRANTS / CONTRACTS				
GLADES SQG	0	0	3,900	(3,900)
TBRPC ENERGY GRANT	0	7,092	0	7,092
LEE COUNTY DEO	6,500	6,500	0	6,500
SWFCF - 3175	196	2,429	0	2,429
NEFRC PO # 900	5,250	5,250	0	5,250
THE NATURE CONSERVANCY	0	1,327	0	1,327
CHNEP LOCAL	0	0	427,308	(427,308)
NEP LOCAL	15,524	71,894	0	71,894
TOTAL MISC. GRANTS/CONTRA	27,470	94,492	431,208	(336,716)
OTHER REVENUE SOURCES				
DRI MONITORING FEES	250	2,250	10,000	(7,750)
RENTAL SPACE-SENATOR	0	6,250	15,000	(8,750)
RENTAL SPACE CHNEP	0	0	15,000	(15,000)
DRIS/NOPCS INCOME	3,666	9,765	35,000	(25,235)
MISC. INCOME	0	272	0	272
INTEREST INCOME	0	359	5,000	(4,641)
BUDGETED CARRY OVER FB	0	0	542,797	(542,797)

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FIVE MONTHS ENDING FEBRUARY 28, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
BUDGETED CARRY OVER OPER	0	0	83,679	(83,679)
TOTAL OTHER REVENUE SOURC	3,916	18,896	706,476	(687,580)
TOTAL REVENUES	164,446	822,318	2,656,064	(1,833,746)
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	75,428	382,063	663,042	(280,979)
SALARIES EXPENSE - NEP	0	0	292,510	(292,510)
FICA EXPENSE	5,574	26,614	73,100	(46,486)
RETIREMENT EXPENSE	7,348	30,269	94,535	(64,266)
HEALTH INSURANCE EXPENSE	11,847	58,673	138,190	(79,517)
WORKERS COMP. EXPENSE	(245)	1,235	3,696	(2,461)
TOTAL PERSONNEL EXPENSES	99,952	498,854	1,265,073	(766,219)
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	750	4,523	51,336	(46,813)
NEP-CONTRACTUAL	39,250	44,270	394,208	(349,938)
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	24,000	25,500	40,000	(14,500)
TRAVEL EXPENSE	2,500	22,113	21,870	243
TELEPHONE EXPENSE	301	2,468	6,540	(4,072)
POSTAGE / SHIPPING EXPENSE	45	640	4,100	(3,460)
EQUIPMENT RENTAL EXPENSE	168	2,475	8,750	(6,275)
INSURANCE EXPENSE	0	18,616	22,500	(3,884)
REPAIR/MAINT. EXPENSE	2,066	4,985	15,000	(10,015)
PRINTING/REPRODUCTION EXP	0	32,641	1,500	31,141
UTILITIES (ELEC, WATER, GAR)	1,612	9,486	22,000	(12,514)
ADVERTISING/LEGAL NOTICES	0	412	3,600	(3,188)
OTHER MISC. EXPENSE	0	1,443	4,500	(3,057)
BANK SERVICE CHARGES	0	1,037	2,280	(1,243)
OFFICE SUPPLIES EXPENSE	1,532	3,504	8,836	(5,332)
COMPUTER RELATED EXPENSE	0	22,841	38,500	(15,659)
DUES AND MEMBERSHIP	400	3,992	28,800	(24,808)
PUBLICATION EXPENSE	0	360	1,250	(890)
PROF. DEVELOP.	0	5,190	10,120	(4,930)
MEETINGS/EVENTS EXPENSE	146	8,740	3,000	5,740
CAPITAL OUTLAY EXPENSE	1,156	2,218	4,000	(1,782)
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	(11,418)
LONG TERM DEBT	10,646	53,230	128,000	(74,770)
RESERVE FOR OPERATIONS EXP	0	0	542,797	(542,797)
TOTAL OPERATIONAL EXP.	84,572	271,766	1,390,987	(1,119,221)
TOTAL CASH OUTLAY	184,524	770,620	2,656,060	(1,885,440)
NET INCOME (LOSS)	$ (20,078)	$ 51,698	$ 4	51,694

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FIVE MONTHS ENDING FEBRUARY 28, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS	0	234,555	469,711	(235,156)
FEDERAL / STATE GRANTS	133,060	474,375	1,047,569	(573,194)
MISC. GRANTS/CONTRACTS	15,524	80,313	432,308	(351,995)
OTHER REVENUE SOURCES	15,860	33,077	706,476	(673,399)
TOTAL REVENUES	164,444	822,320	2,656,064	(1,833,744)
EXPENSES				
PERSONNEL EXPENSES	99,952	498,854	1,265,073	(766,219)
OPERATIONAL EXPENSES	84,572	271,766	1,390,987	(1,119,221)
TOTAL CASH OUTLAY	184,524	770,620	2,656,060	(1,885,440)
NET INCOME (LOSS)	$ (20,080)	$ 51,700	$ 4	51,696

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

__________________Agenda
______________________Item

10

10

Regional Impact

10

10

________________Agenda
____________________Item

10a

10a

Lee County Comprehensive Plan Amendment (DEO 14-2ESR)

10a

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-2ESR/CPA 2013-07). A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance: Location	Magnitude	Character	Consistent
Wellfield and Irrigation Overlay (CPA 2013-07)	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

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

03/14

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

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

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

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

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

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

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

Attachment II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

LOCAL GOVERMENT:

Lee County

DATE AMENDMENT RECIEVED:

January 24, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

March 5, 2014

1. AMENDMENT NAME

Wellfield and Irrigation Overlay (CPA 2013-07)

2. DESCRIPTION OF AMENDMENT(S):

This request is a County initiated amendment to remove the two (2) provisions in the Lee Plan. First, based on a request from the South Florida Water Management District (SFWMD) in a letter dated October 16, 2013, the County is removing language in the Plan text that pertains to the permitting authority of the SFWMD. The SFWMD identified in its letter provisions of the Lee Plan that did not conform to Florida Statutes, in that the subject provisions intruded on the District's permitting of the use of water for irrigation purposes from the Lower Tamiami aquifer.

Secondly, the requested amendment updates the map in Lee Plan that identifies the Lee County Utility wells and their associated protection zones. These zones regulate land uses which may have the potential to contaminate the public water supply. Specifically, the changes include deleting the existing Map 13 and updating and renaming Map 8 to "Wellfield Protection Zones.

These text amendments will change Lee Plan Policy 1.7.10, Policy 2.4.2, and Policy 54.1.9 in order to be consistent with the SFWMD request.

The proposed Lee Plan text changes in this amendment request are as follows:

- **Policy 1.7.10**
  ~~The irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, base on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map). (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 02-02.)~~

- **Policy 2.4.2**
  All proposed changes to the Future Land Use Map in critical areas for future potable water supply (~~Bonita Springs as described in Policy 1.7.10;~~ Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02)

- **Policy 54.1.9**
  Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see ~~Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and~~ Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02)

The amendment proposed to delete Policy 1.7.10. This action will remove a conflict between the Lee Plan and the SFWMD in the Estero area and will bring the Lee Plan into conformance with Florida Statute 373.106(4)(a). Lee Plan Policies 1.7.11 through 1.5.15 will be renumbered. Lee Plan Policies 2.4.2 and 54.1.9 both contain references to Policy 1.7.10. The references will be deleted. Lee Plan Policies 2.4.3 and 2.4.4 will be renumbered.

Deleting Lee Plan Map 13 will remove an unnecessary provision of from the Lee Plan. Adoption of an updated Lee Plan Map 8 will keep groundwater protection policies current, will more accurately depict existing and new wells, and will depict ASR well protection zones.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes will update the Plan's groundwater protection policies. The proposed changes are important in order to provide consistency between State law and the Lee Plan. Based on the fact that the requested policy changes to the Lee Plan provides consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important because it addresses the use of significant groundwater resources of the region, but does not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

4. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

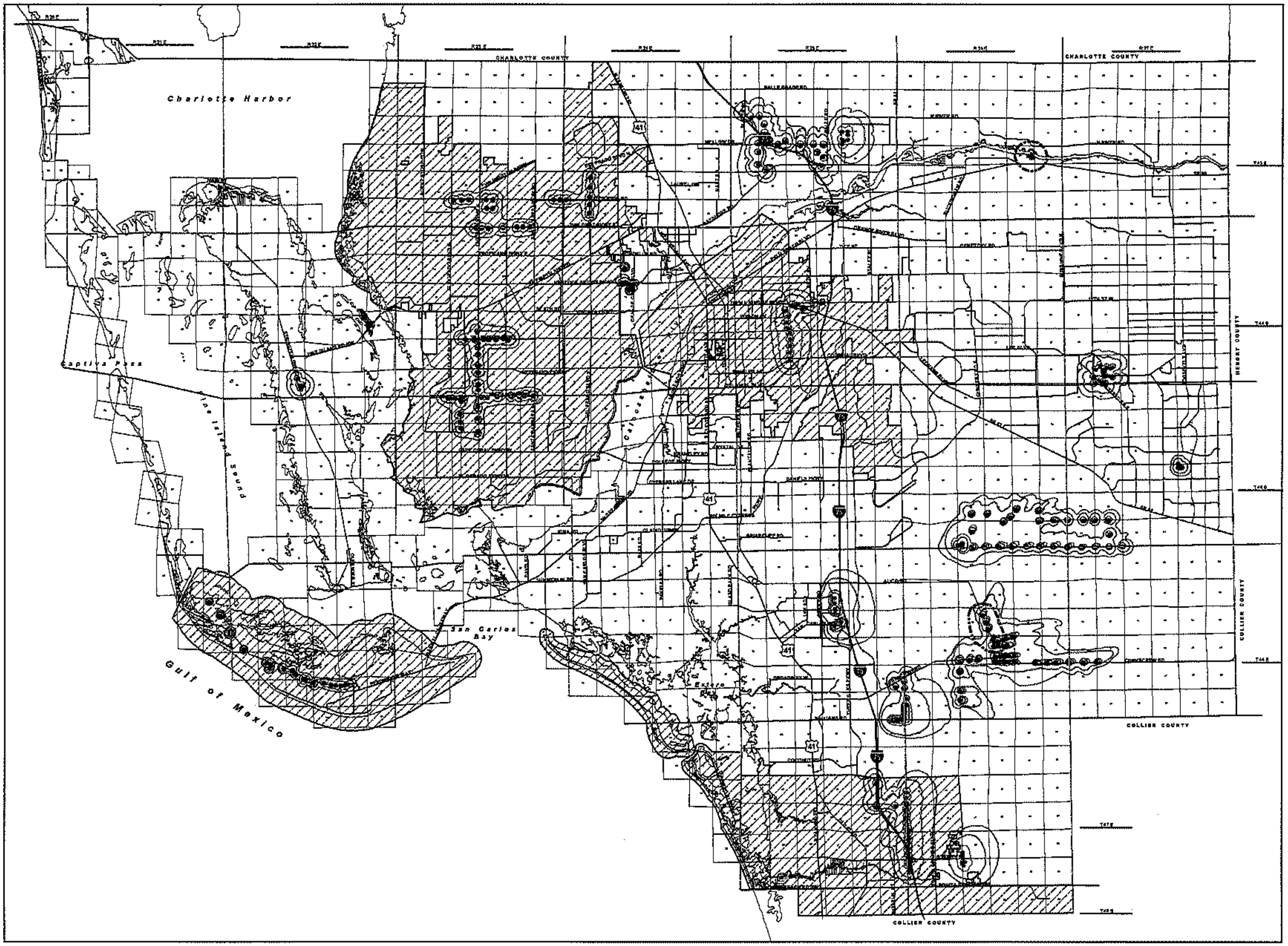
Request a copy of the adopted version of the amendment? _X_ Yes ___ No

Attachment III

Maps

Lee County
DEO 14-2ESR

Comprehensive Plan Amendments



Wellfield Protection Zones

COMPOSITE ISO-TRAVEL TIME MAP

Travel Time

- 6-MONTHS
- 1-YEAR
- 5-YEARS
- 10-YEARS
- ASR PROTECTION ZONE
- **Permitted Well**
- City Limits

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

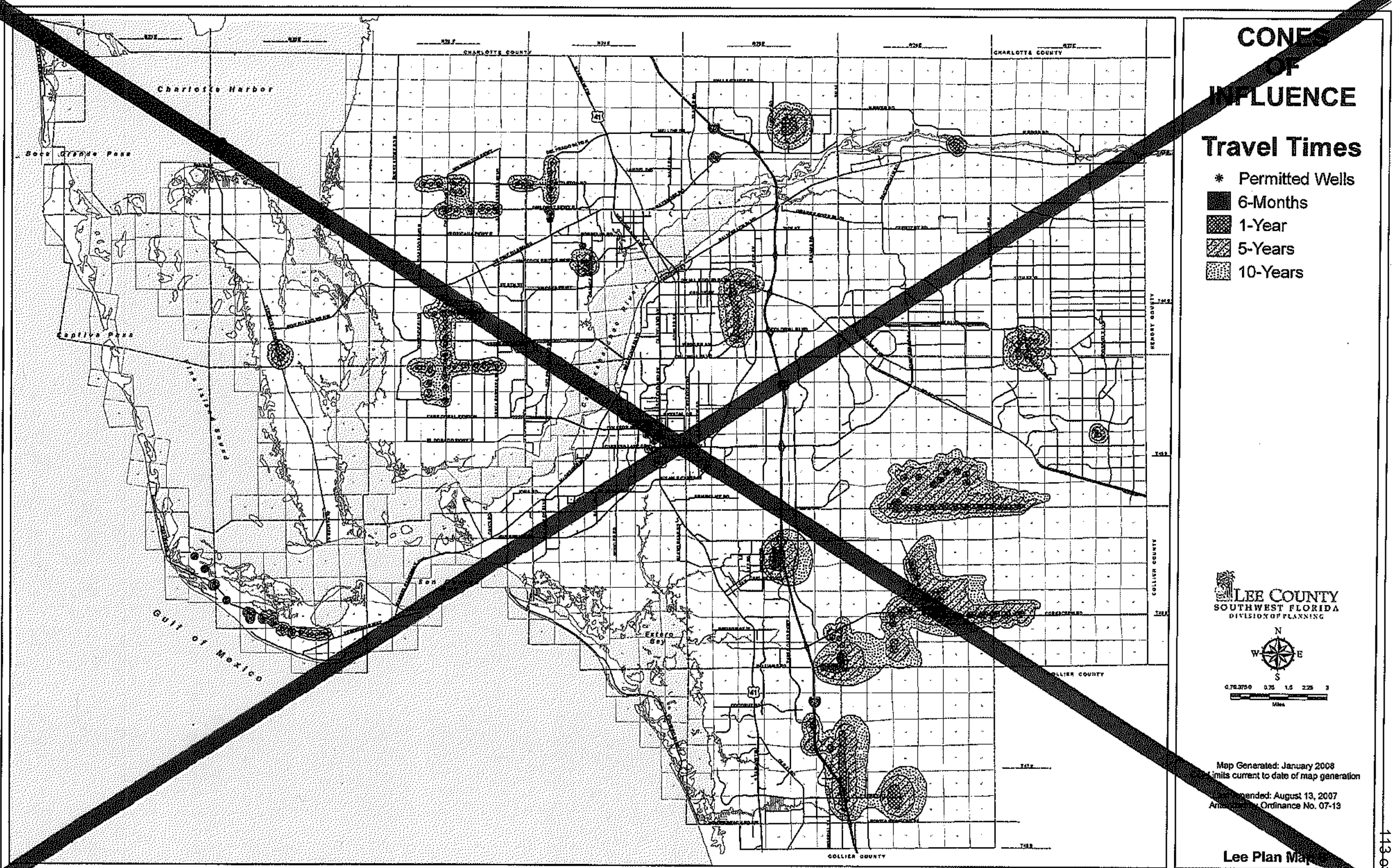
N W E S

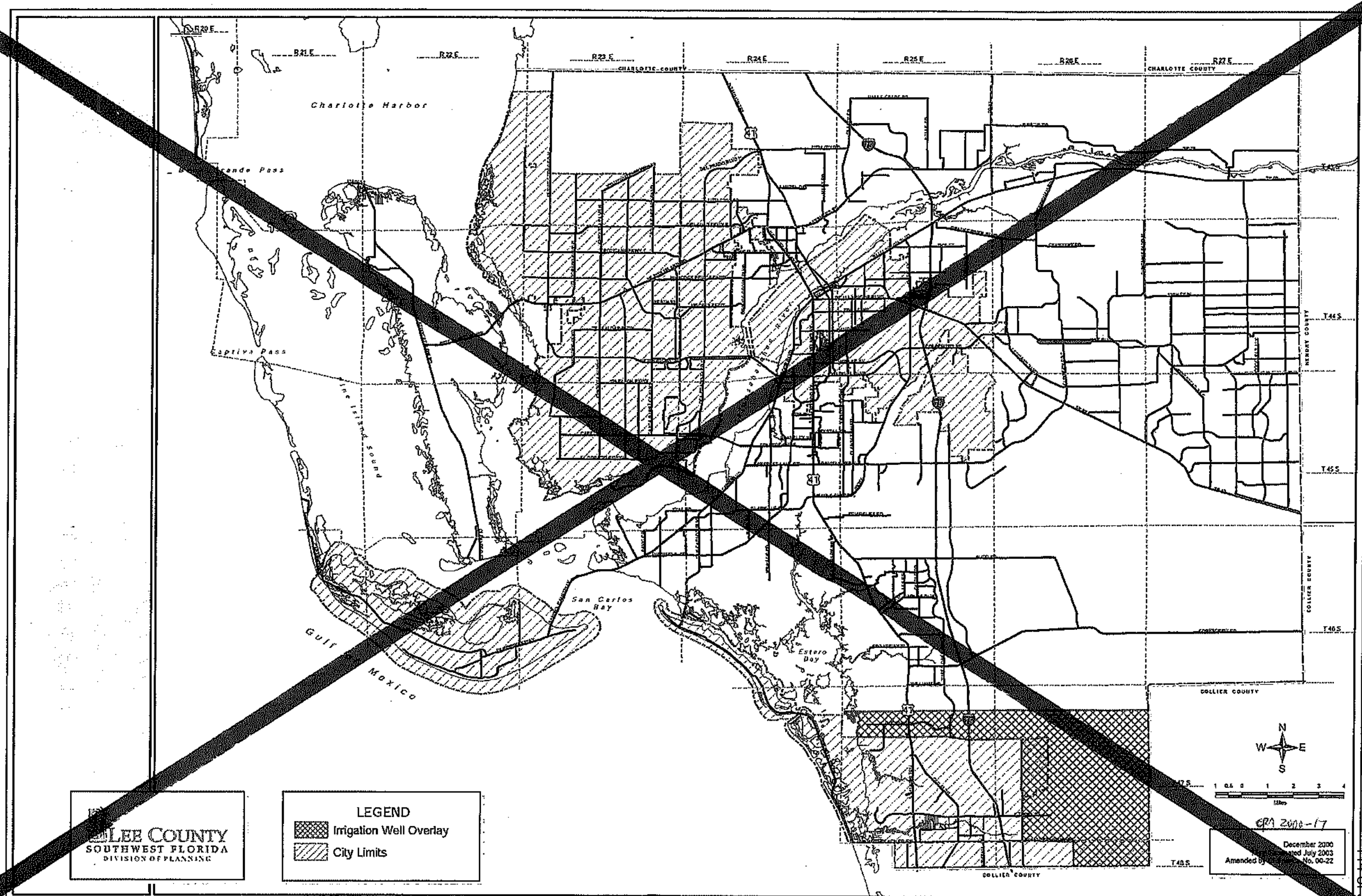
1 0.5 0 1 2 3 4
Miles

Map Generated: November 2013
City Limits current to date of map generation

Last Amended: August 13, 2007
Amended by Ordinance No. 07-13

Lee Plan Map 8


CONES OF INFLUENCE
Travel Times
* Permitted Wells
6-Months
1-Year
5-Years
10-Years
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
N
W
E
S
Miles
Map Generated: January 2008
Limits current to date of map generation
Amended: August 13, 2007
Ordinance No. 07-13
Lee Plan Map
Charlotte Harbor
Boca Grande Pass
Captiva Pass
Pine Island Sound
Gulf of Mexico
Estero Bay
CHARLOTTE COUNTY
HENDRY COUNTY
COLLIER COUNTY


R20 E
R21 E
R22 E
R23 E
R24 E
R25 E
R26 E
R27 E
CHARLOTTE COUNTY
Charlotte Harbor
Captiva Pass
Pine Island Sound
San Carlos Bay
Estero Bay
Gulf of Mexico
HENDRY COUNTY
COLLIER COUNTY
T44 S
T45 S
T46 S
T47 S
T48 S
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E
S
LEGEND
Irrigation Well Overlay
City Limits
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
CPA 2000-17
December 2000
Amended by
No. 00-22

________________Agenda ____________________Item

10b

10b

City of Venice Comprehensive Plan Amendment (DEO 14-1ESR)

10b

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF VENICE

The Council staff has reviewed proposed changes to the City of Venice Comprehensive Plan (DEO 14-1ESR). A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance Location	Magnitude	Character	Consistency
DEO 14-1ESR (Petition 2013-1CP)	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and City of Venice.

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

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

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

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

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

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

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

Attachment II

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01**

LOCAL GOVERMENT:

City of Venice

DATE AMENDMENT RECIEVED:

February 28, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

March 4, 2014

1. Amendment Name

Petition 2013-1CP

DESCRIPTION OF AMENDMENT(S):

The amendment is a City initiated Comprehensive Plan amendment. The request is to delete Section B.1 of Policy 16.6 of the Future Land Use and Design Element of the Land Use and Development Chapter of the City of Venice Comprehensive Plan. The change removes the following section:

~~1. Southern Gateway Corridor public lands shall not be developed for residential, commercial, office or industrial purposes.~~

2. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

The Venice Comprehensive Plan stated intent for the Gateway Corridor is to establish a welcoming "front door" to Venice by creating a pedestrian-oriented streetscape and mixed use corridor. The Plan for that area of the City supports existing residential uses, promotes redevelopment of underutilized office and commercial properties, and establishes new infill redevelopments that support the corridor's purpose. Specifically, the stated plan for the corridor is to develop a mixed use area with medical facilities, professional and medical office space, multi-family residences, mixed use commercial areas, retail shops, entertainment, marine services, hotels, and restaurants. Auto-centric use would be discouraged in order to improve the corridor's pedestrian access, bikeability, and transit opportunities.

Council staff has reviewed the requested change to the City's Plan and agrees with the analysis of the City staff that Policy 16.6.B.1 limits the use of the publically-owned land in the Southern Gateway Corridor to public uses only. However, the intent of the corridor envisions a mixed use area that can be developed with a variety of uses as previously described. Council believes that Policy 16.6.B.1 is in conflict with the planning intent of the area because of publicly-owned land in the Southern Gateway Corridor is unable to be developed as stated in the Plan intent.

It is not clear exactly what type of development would be allowed on the publicly-owned land by the subject policy. Council staff agrees with the City staff that the public uses would be allowed if the Plan defined "public use", but it does not and therefore the Plan does not provide sufficient guidance on this issue. By deleting Policy 16.6.B.1, there would no longer be an ambiguity with regard to how publicly-owned lands in the corridor could be developed. The subject land would be developed in the future with mixed uses as identified in the intent for the area.

The subject policy also hinders implementation of other policies in the Plan. Policy 14.1.B of the Future Land Use and Design Element addresses redevelopment of the area; Policy 2.1 of the Future Land Use and Design Element addresses the City's unique image and character at the community's entrance; and Policy 4.4 of the Transportation Infrastructure and Service Standards Element addresses the airport's fee and rental structure that makes the airport area financially self-sustaining. All of these Plan policies are limited due to the subject Policy 16.6.B.1 which limits development of the corridor to undefined uses as currently written.

Council staff has reviewed the requested amendment and because the request will correct a conflict in the Plan and make the Plan clearer in intent, the request is found to be procedural. In addition, Council finds that because the requested change will not produce a project that is Development of Regional Impact (DRI) size and because the corridor is not part of an existing DRI, Council staff finds that the resulting request is not regionally significant. Council staff also finds that the proposed elimination of Policy 16.6.b.1 is consistent with the Goals of the Strategic Regional Policy Plan (SRPP) because it will increase opportunities for mixed use development and redevelopment within the City; provide for increased use of transportation alternatives; and provide for improvements to job creation in the region. Finally, Council staff finds that the proposed amendments do not significantly adversely affect any regional resources or facilities that are identified in the SRPP.

3. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendment with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendment does not negatively impact and is not inconsistent with adjacent local governmental Comprehensive Plans.

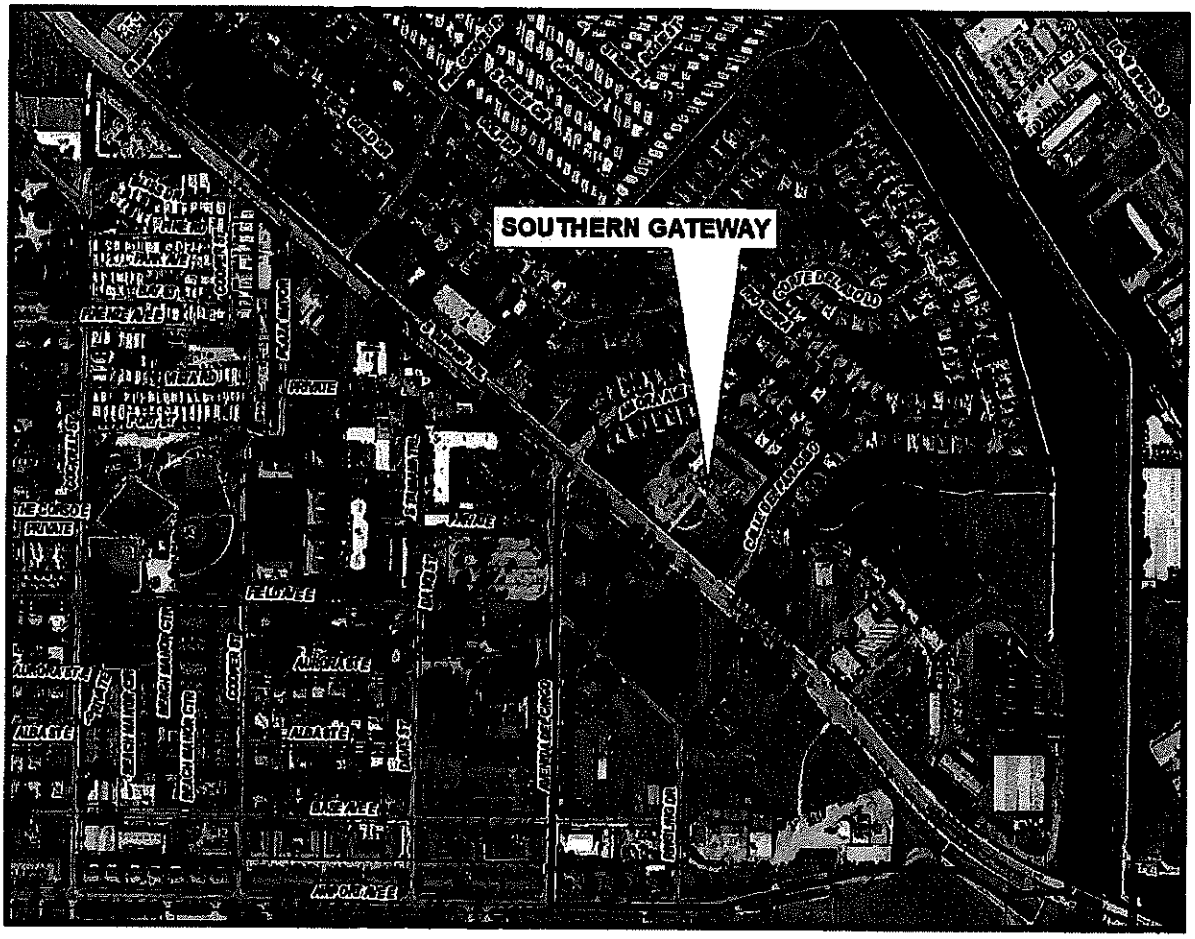
Request a copy of the adopted version of the amendment? _X_ Yes ___ No

Attachment III

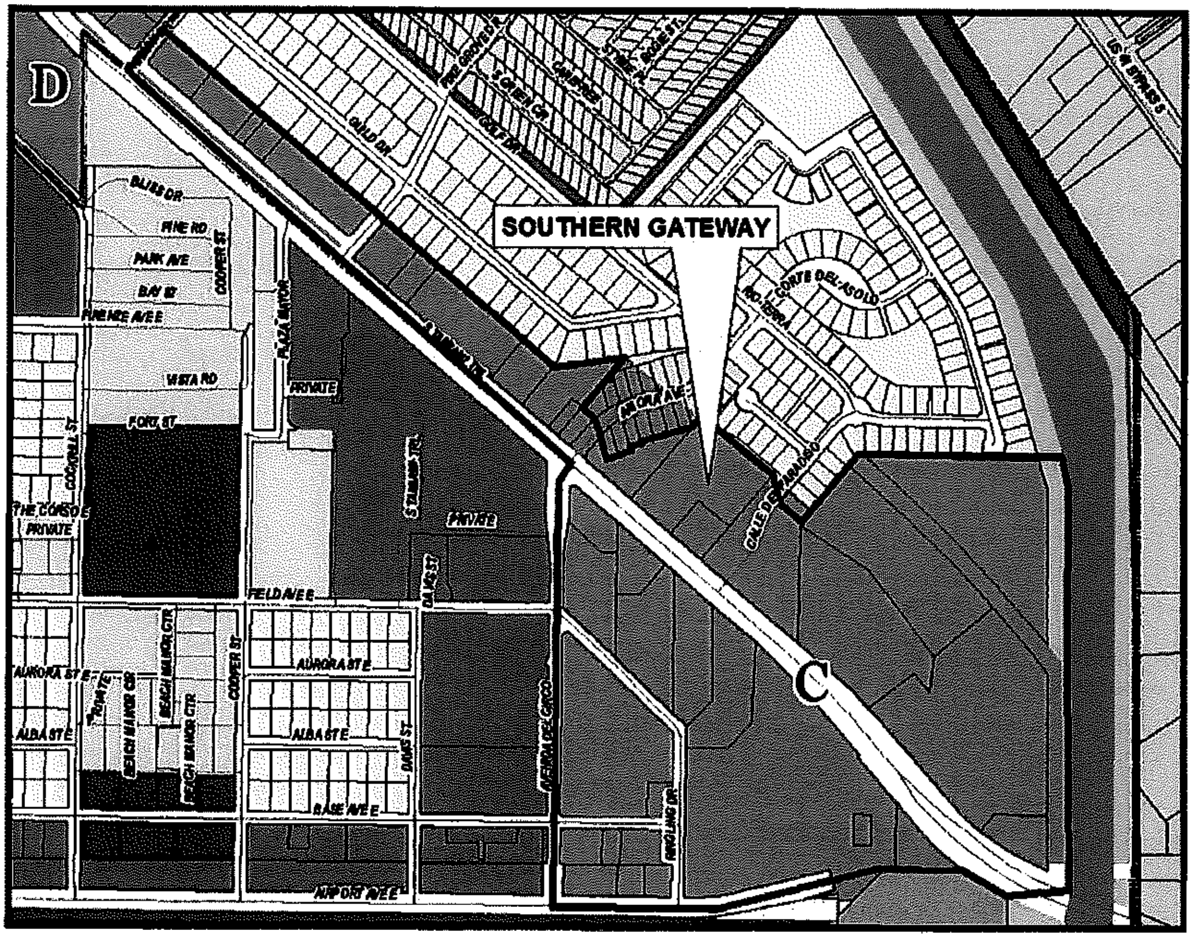
Maps

City of Venice
DEO 14-1ESR

Aerial Photo of Southern Gateway Corridor



Future Land Use Map of Southern Gateway Corridor



Boundaries & Features

- CITY OF VENICE LIMITS, 2010
- POTENTIAL VOLUNTARY ANNEXATION AREAS
- POTENTIAL COORDINATION AREAS
- PARCEL BOUNDARIES
- MAJOR ROADS
- PLANNING AREAS

Future Land Use

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- MIXED USE RESIDENTIAL
- COMMERCIAL
- INSTITUTIONAL-PROFESSIONAL
- AIRPORT OPERATIONS
- INDUSTRIAL
- INDUSTRIAL- COMMERCIAL
- GOVERNMENT USE
- RECREATION & OPEN SPACE
- CONSERVATION
- MARINE PARK
- GREENWAY/RIVER BUFFER
- WATERWAYS

____________________Agenda ____________________Item

10c

10c

Charlotte County Comprehensive Plan Amendment (DEO 14-1ESR)

10c

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CHARLOTTE COUNTY

The Council staff has reviewed proposed amendment to the Charlotte County Comprehensive Plan (DEO 14-1ESR). The amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Maps are proved in Attachment III.

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

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than 100% of the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed	Factors of Regional Significance			
Amendment	Location	Magnitude	Character	Consistency
DEO 14-1ESR (PA-13-10-12-LS)	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP

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

03/14

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
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Glades County, Moore Haven
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Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

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Attachment II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01

LOCAL GOVERMENT:

Charlotte County

DATE AMENDMENT RECIEVED:

February 26, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

March 4, 2014

1. **Amendment Name**

   PA-13-10-12-LS

   DESCRIPTION OF AMENDMENT(S):

   The amendment is a County initiated Comprehensive Plan amendment. The request is to change the subject site's Future Land Use Map (FLUM) land use designation from Development of Regional Impact DRI Mixed Use (DRI) to Low Density Residential (LDR) with an annotation that allows a maximum of 234 residential dwelling units to be constructed on the property. The site is located on the south side of Kings Highway approximately halfway between US 41 and I-75. The property is currently owned by the Charlotte County School Board and contains approximately 50 ± acres.

   The subject site was originally a part of the Victoria Estates DRI when the project was approved on July 11, 1989, but later was excluded from the DRI in 2002 per County Resolution 2002-109. Despite the removal of the property from the DRI, the FLUM designation was not removed to reflect the change in the DRI. Additionally, in 1999, the Charlotte County Board of Zoning Appeals approved a Special Exception on the site with

Petition #SE-99-12, which allowed a high school and other educational facilities of the public school system in the Mobil Home Park (MHP) zoning district for the subject site.

The existing FLUM land use designation of DRI is only appropriate for a parcel of land actually located within a DRI. Therefore on August 12, 2013 County staff met with the School Board staff to discuss the possibility of correcting the FLUM designation on the property. The School Board staff stated via a letter that if is in the best interest of the school district to retain the residential zoning on the subject property. County staff therefore initiated this amendment as requested by the County School Board. If approved, the property will retain the maximum development rights of 234 units, which was granted through the Victoria Estates DRI. The proposed change will make the FLUM land use designation consistent with the existing MHP zoning and the approved Special Exception land uses.

2. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the requested FLUM change and agrees with the County staff that the existing surrounding land uses are compatible with the proposed change, that the is within the Charlotte County Utilities certified area and the utility has adequate capacity to accommodate the proposed residential uses, and that the proposed changes will not cause a Level-of-Service change below adopted levels on the County roadways system.

Because the proposed change is the result of a correction to the existing Comprehensive Plan FLUM, Council staff finds that the request is procedural. In addition, because the size of this project is below the DRI residential threshold for Charlotte County and because it is not part of an existing DRI, Council staff finds that the resulting project is not regionally significant. Council staff also finds that the proposed amendment is consistent with the Goals of the Strategic Regional Policy Plan (SRPP) because it will increase opportunities for economic development in the development area of Charlotte County and provide for improvements to the job creation in the region. Finally, Council staff finds that the proposed amendments do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

3. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendment with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendment does not negatively impact and is not inconsistent with adjacent local governmental Comprehensive Plans.

Request a copy of the adopted version of the amendment? _X_ Yes ___ No

Attachment III

Maps

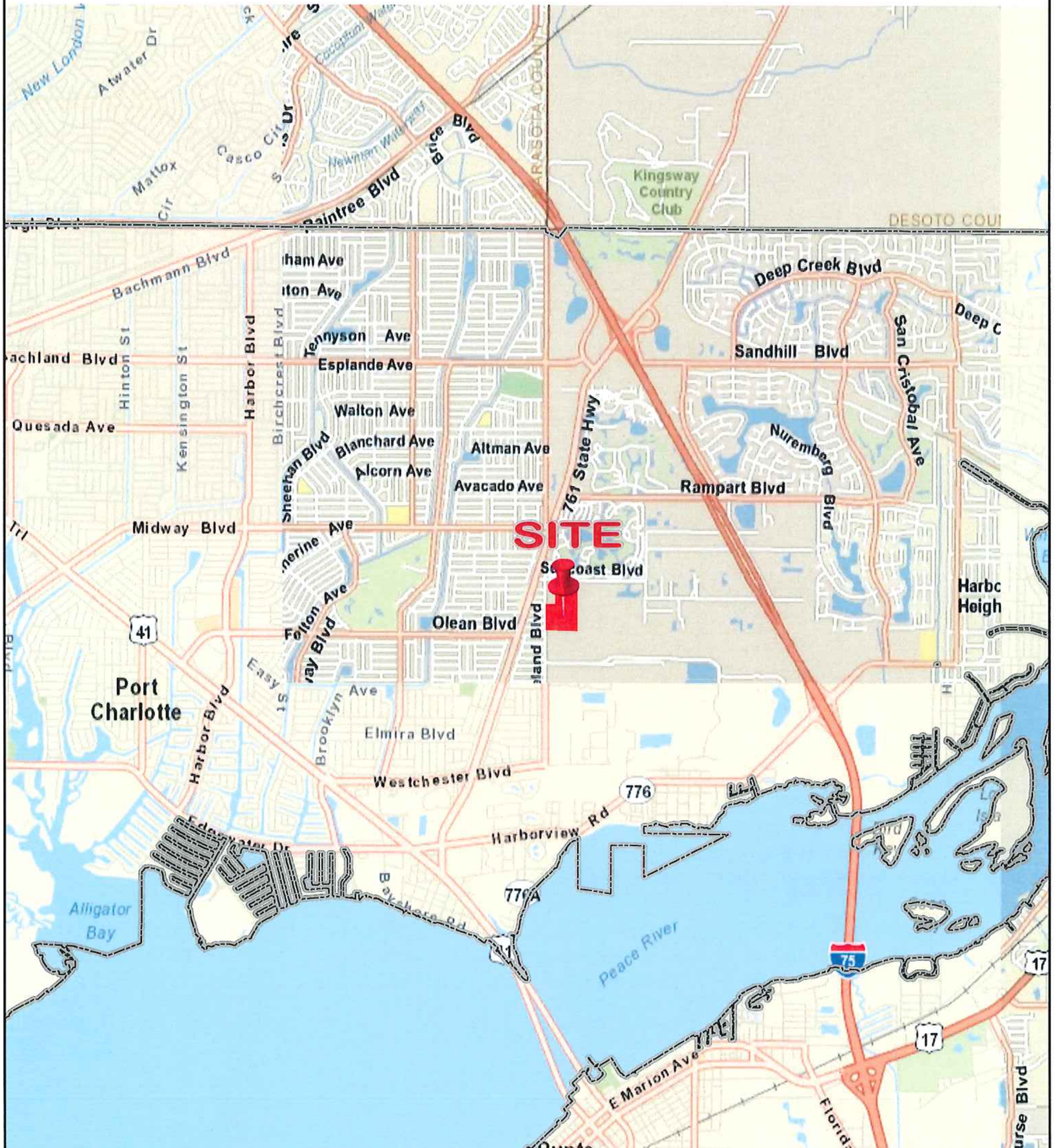
Charlotte County
DEO 14-1ESR

Charlotte County Government
"To exceed expectations in the delivery of public services."
www.CharlotteCountyFL.com

Community Development

CHARLOTTE COUNTY

Location Map for PA-13-10-12-LS



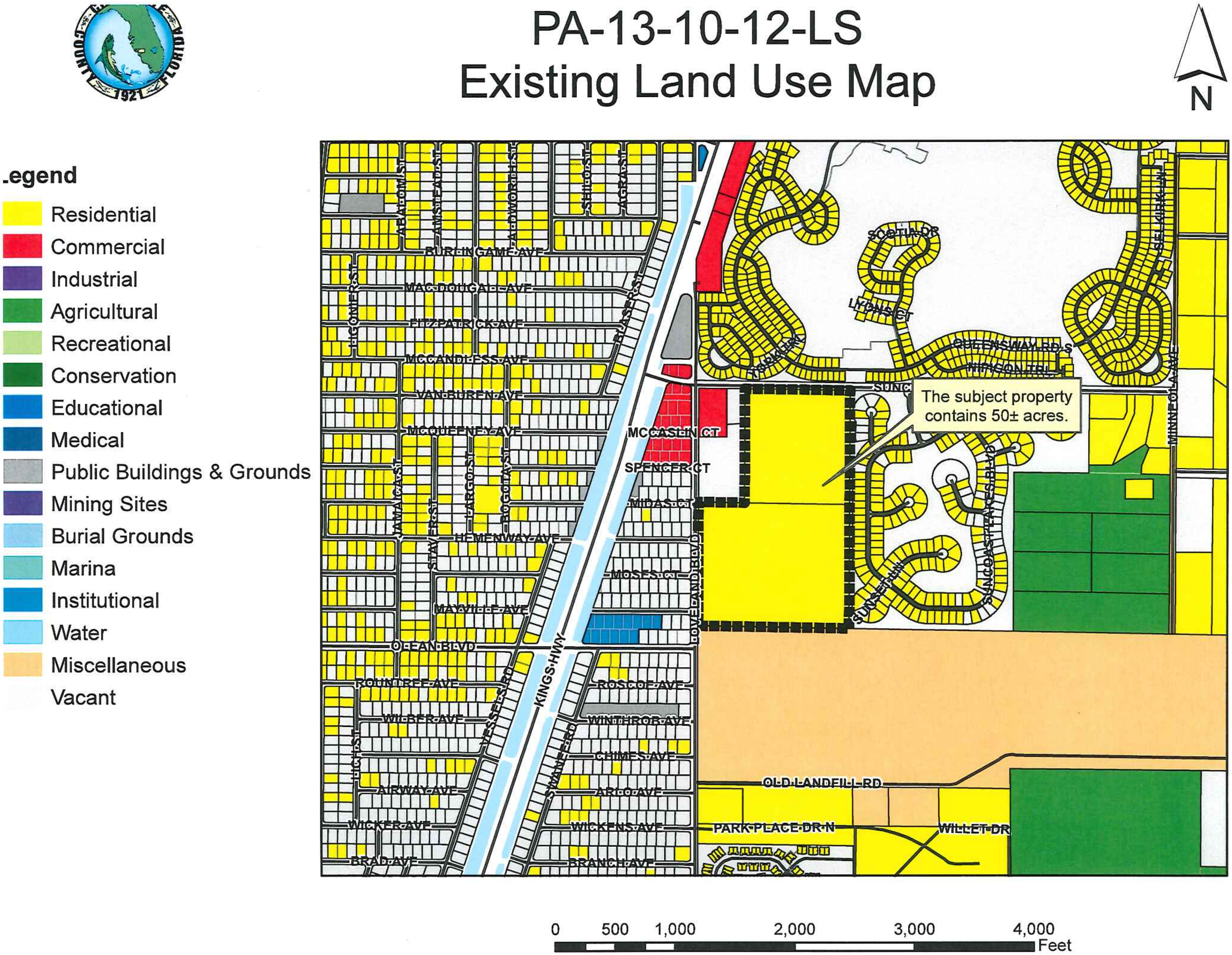
18/40/23 Mid County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--J. Shao Date Saved: 11/12/2013 4:26:41 PM

Path: M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2013\PlanAmendments\PA-13-10-12-LS\PCKT_Location_PA131012LS.mxd

NOT TO SCALE

PA-13-10-12-LS
Existing Land Use Map

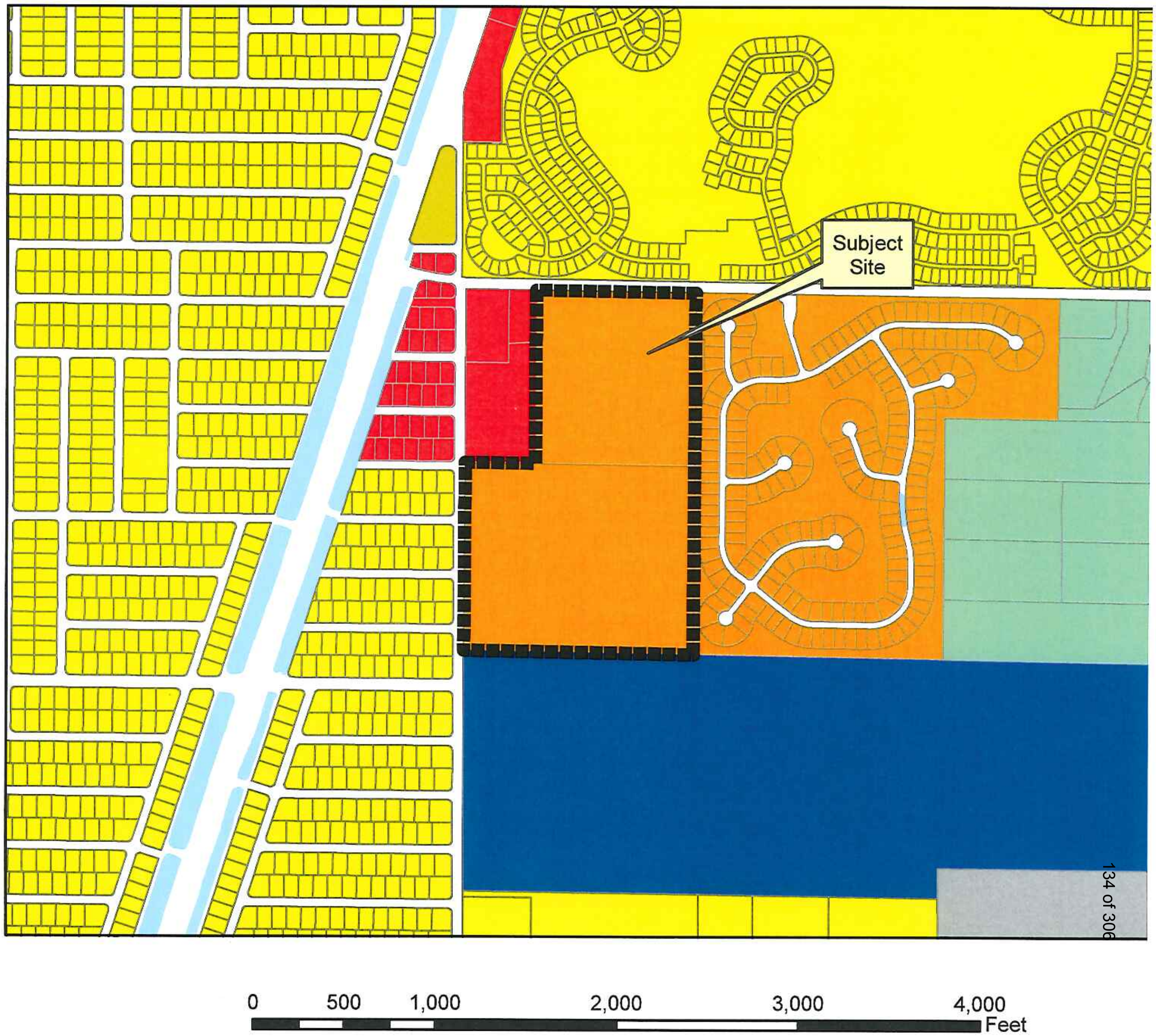


PA-13-10-12-LS
Existing 2030 FLUM

N

Legend

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



PA-13-10-12-LS
Proposed 2030 FLUM

N

Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
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- Public Lands & Facilities
- Resource Conservation
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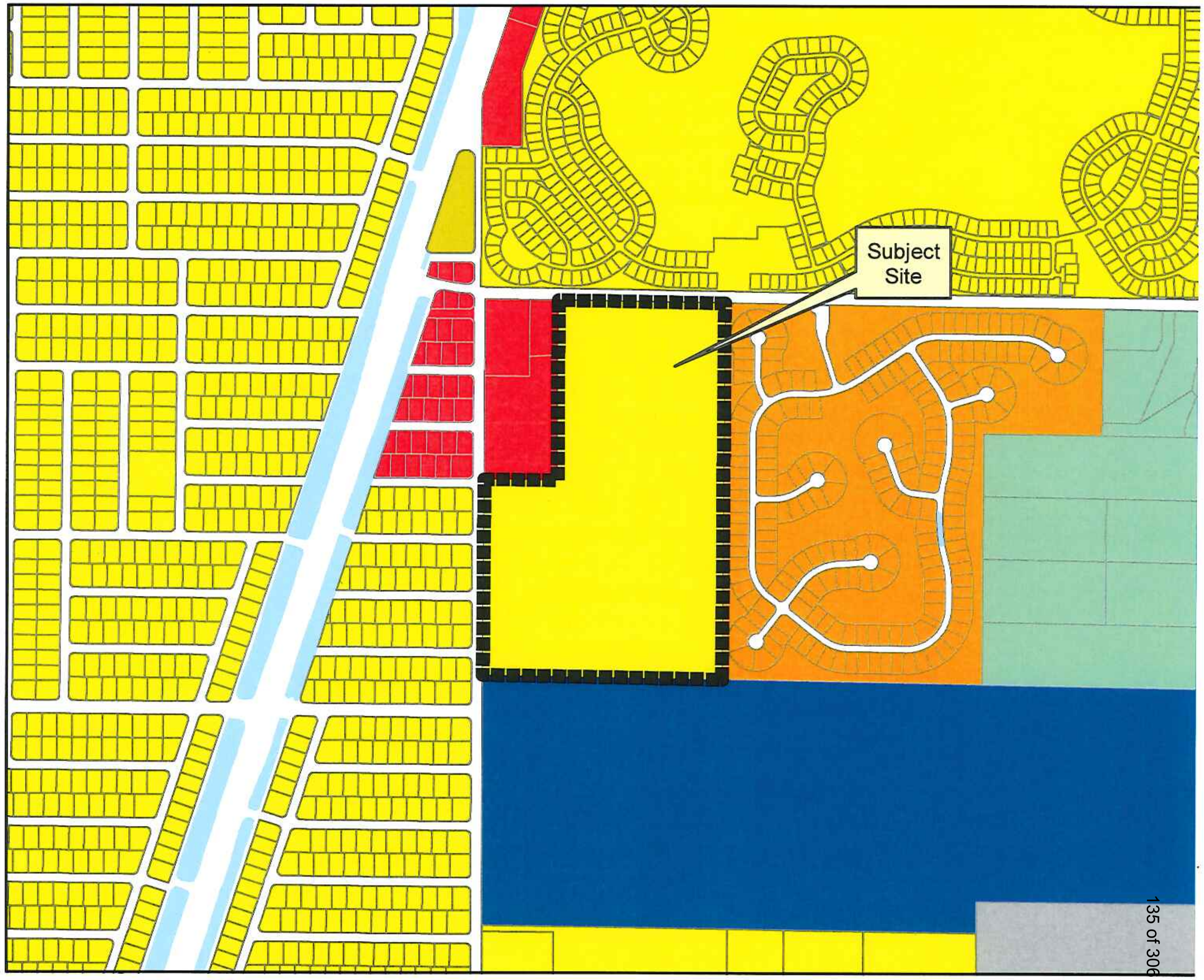
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (Inactivated)
- Rural Estate Residential (inactivated)



0 500 1,000 2,000 3,000 4,000 Feet

________________Agenda
____________________Item

10d

10d

Palmer Ranch Increment IV DRI - NOPC

10d

10d

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

PALMER RANCH DRI
 # 08-8283-032
INCREMENT IV
NOTICE OF PROPOSED CHANGE

BACKGROUND

The Palmer Ranch Development of Regional Impact (DRI) is an approved mixed-use master-planned development located in central Sarasota County, Florida. The DRI is generally bounded on the east by I-75, on the west by Beneva Road and U.S. 41, on the north by Clark Road, and on the south by Preymore Street. The original Master Development Order (MDO) document was approved by the Sarasota Board of County Commissioners on December 18, 1984. The MDO, including the Conceptual Master Development Plan (Map H-2) for the Palmer Ranch DRI, is being implemented pursuant to the terms and conditions of the amended and restated Master Development Order (Resolution No. 91-170, as amended), which was first adopted on July 12, 1991 by the Sarasota Board of County Commissioners. The amended and restated MDO calls for the planning and development of the 5,307.5± acre Palmer Ranch DRI in incremental developments.

The approved Application for Master Development Order (AMDO) review process requires that Applications for Incremental Development Approval (AIDA) be submitted in order to approve specific land uses in the development. To date, 20 Incremental Development Orders (IDO) have been approved within the Palmer Ranch DRI.

The existing Palmer Ranch development is approved for 11,550 residential dwelling units; 99± acres of internal commercial, plus additional square footage of commercial/office approved/planned in designated Activity Centers; and 1.75 million square feet of industrial development.

On June 20, 1989, the Sarasota Board of County Commissioners approved the Palmer Ranch Increment IV by issuing the Incremental Development Order (DO) (Resolution No. 89-205) for an approximate 239.5 ± acre area located south of Clark Road and east and west of McIntosh Road in Sarasota County, Florida. Increment IV was approved for 1,756,000 square feet of office, light industrial, and warehousing square footage.

As originally approved on June 20, 1989, the Palmer Ranch Increment IV predates the requirement that a build-out date be specified.

PREVIOUS CHANGES

Only one change has been approved for Increment IV in the Palmer Ranch DRI. On March 11, 1997, the Sarasota Board of County Commissioners approved an amendment to Increment IV, which added 21 ± acres (Parcels A-8 and A-8) (Sarasota County Ordinance

No. 97-026). No additional office, light industrial and warehousing uses were added to the increment at that time.

PROPOSED CHANGES

On December 12, 2013, the SWFRPC staff received a Notice of Proposed Change (NOPC) to the Development Order for the Palmer Ranch Increment IV. The proposed change is to allow for the development of 180 single family dwelling units on 68.4± acres known as Parcels A2 and A6 within the Palmer Park of Commerce (see attached map) instead of the approved office and light industrial uses.

The total number of units approved for the Palmer Ranch Master Development is 11,550 residential units and will not change as a result of this change. No additional units are being requested as a result of the NOPC to Increment IV. The Conceptual Master Development Plan (Map H-2) is being revised, as necessary, to correctly reflect the proposed change to Increment IV and is part of the NOPC to the amended and restated Master Development Order for the Palmer Ranch DRI (Resolution No. 91-170, as amended).

The proposed revisions identified in the application to the DO conditions for Increment IV relate to updates to existing local land development regulations and conditions that have already been met or are no longer applicable to the subject parcels.

The application for this NOPC demonstrates that the requested 180 single-family dwelling units on this 68 ± acre area is estimated to produce 574 less trips than the approved 310,000 square feet of industrial and 277,784 square feet of office development. The current Transportation Reanalysis for the Palmer Ranch MDO (approved by the Board of County Commissioners in 2009) demonstrates that trips are available for the proposed project.

STAFF ANALYSIS

Regional staff finds that all the proposed changes appear to be subject to three of the criteria contained in Chapter 380.06: Section 380.06(19)(b)3 Section 380.06(19)(b)4 and 380.06(19)(b)10, Florida Statutes, states the following:

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

10. A percent increase in the number of external vehicle trips generated by the

development above that which was projected during the original development-of-regional-impact review.

Section 380.06(19)(e)1, Florida Statutes, states the following:

1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5.

Bases on the information provided in the NOPC application for this change, Council staff finds that the presumption of a substantial deviation has been successfully rebutted. No additional residential units are being added to the Palmer Ranch DRI. This NOPC proposes allocating 180 residential units, approved as part of the Palmer Ranch Master Development Order, within Increment IV and the reduction of industrial acreage on these two parcels will not result in additional regional impacts that have not been previously reviewed. Council staff finds that this internal adjustment of land uses is reflective of current market conditions and is similar to like changes that have been previously implemented in the past.

Council staff believes changes listed above meet these statute criteria in Section 380.06(19)(e)2, Florida Statutes and are presumed not to be a Substantial Deviation.

CHARACTER, MAGNITUDE, LOCATION

The proposed change will not affect the character, magnitude or location of the DRI, because no new development is being proposed beyond what is approved in the MDO.

REGIONAL RESOURCES AND FACILITIES IMPACT

The proposed change will not create additional impacts on regional resources or facilities since no additional units are proposed and there will be fewer trips on the surrounding regional transportation network. The five year update traffic reanalysis process required under the MDO has already addressed traffic impacts for the overall development. Other regional issues such as storm water management will be incorporated in the existing Storm Water Management Plan for the Palmer Ranch DRI. As indicated above no change to utilities capacity will be necessary. The Environmental Review document submitted with the NOPC does not propose any regionally significant environmental impacts on site and no endangered species were found on the subject parcels.

MULTI-JURISDICTIONAL ISSUES

The Palmer Ranch DRI is located in central Sarasota County and because of its location the proposed changes to the DRI do not create additional significant regional impacts that were not previously reviewed by the Council, there are no impacts to other jurisdictions in the

Region and therefore there are no multi-jurisdictional impacts created by the proposed changes.

NEED FOR REASSESSMENT OF THE DRI

The proposed changes do not require the DRI to be reassessed because no additional regional impacts not previously review and mitigated in the DRI were identified. Council staff finds that the presumption of a substantial deviation has been successfully rebutted by the information provided in the NOPC application.

ACCEPTANCE OF PROPOSED D.O. LANGUAGE

The NOPC included proposed Increment IV amendments to the Master Development Concept Plan. Council finds that the proposed language adequately addresses the proposed changes to the DRI.

STAFF CONCLUSIONS

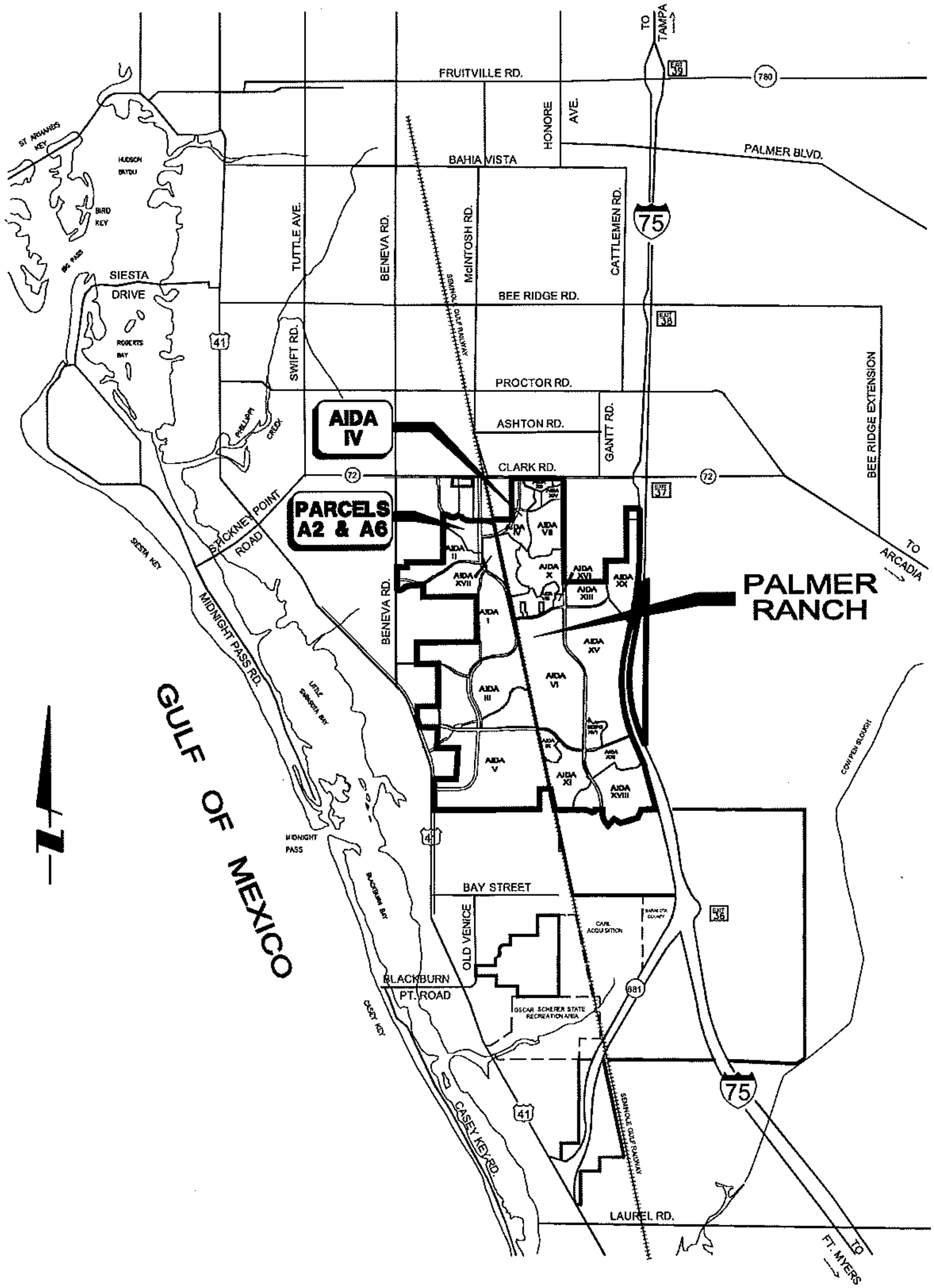
The SWFRPC role in coordinating the review process of NOPCs is to determine under the authority of Chapter 380.06(19)(a) F.S. if "any proposed change to a previously approved development creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency."

It is Council staff's recommendation that no additional regional impacts will occur from the proposed change that were not previously reviewed by the SWFRPC and as such do not object to any of the change. Furthermore, the applicant rebutted the presumption of a substantial deviation with the information provided in the NOPCs.

A companion Comprehensive Plan Amendment has been concurrently filed with this NOPC application. The proposed land use changes on Parcels A2 and A6 within Increment IV cannot be found consistent with the County's Comprehensive Plan until the amendment is reviewed and approved by the County, the SWFRPC, and the Florida Department of Economic Opportunity. This amendment includes: 1) an amendment to Sarasota County's Future Land Use Map to change the future land use designation on the 68 ± acres from Major Employment Center to Moderate Density Residential, and 2) an amendment to the County's 2025 Future Thoroughfare Plan to remove Sawyer Loop Road West from the County's Future Thoroughfare Plan. This amendment will be subsequently heard by the SWFRPC following its transmittal by Sarasota County. Because of the Comprehensive Plan Amendment, Council staff recommends that the Council find this request for Increment IV be conditionally approved until such time that the Comprehensive Plan is approved by the State of Florida.

RECOMMENDED ACTIONS: 1. Notify Sarasota County, the Florida Department of Economic Opportunity (DEO) and the applicant that SWFRPC staff recommends conditionally approval of the change and that Council staff finds that the request is not a substantial deviation and does not create any additional regional impacts not previously reviewed by the SWFRPC.

2. Request that Sarasota County provide SWFRPC staff with copies of any development order amendments related to the proposed changes not contained in the NOPC, as well as any additional information requested of the applicant by DEO or the County.



PROJECT:	PALMER RANCH – NOPC–MDO (PARCELS A–2 & A–6)
CLIENT:	TAYLOR MORRISON OF FLORIDA, INC.

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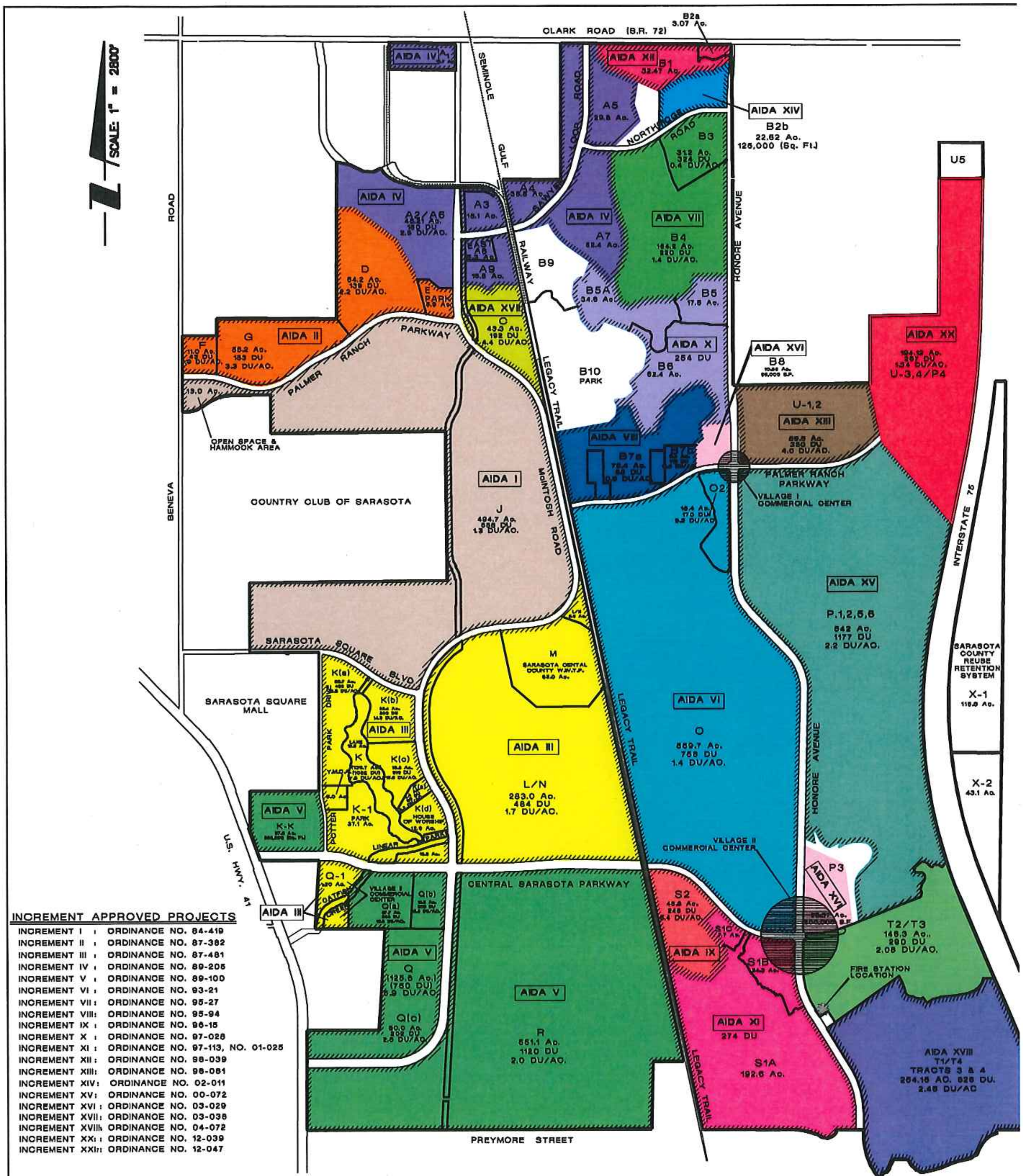
SITE LOCATION PLAN

SCALE: AS NOTED	DATE: NOVEMBER 2013
SEC: 14&15 TWP: 37S RGE: 18E	REV NO:
PROJECT NO. 215611794	INDEX NO:
DRWN BY/EMP NO. CLL/96591	SHEET NO: 1



PROJECT: PALMER RANCH DEVELOPMENT OF REGIONAL IMPACT

CLIENT: PALMER RANCH HOLDINGS

Stantec

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MASTER DEVELOPMENT ORDER
CONCEPTUAL MASTER DEVELOPMENT F

SCALE: AS NOTED	DATE: NOVEMBER :
SEC: 14&15 TWP: 37S RGE: 18E	REV NO:
PROJECT NO. 215611562	INDEX NO:
DRWN BY/EMP NO. CLL/96591	SHEET NO: H-2

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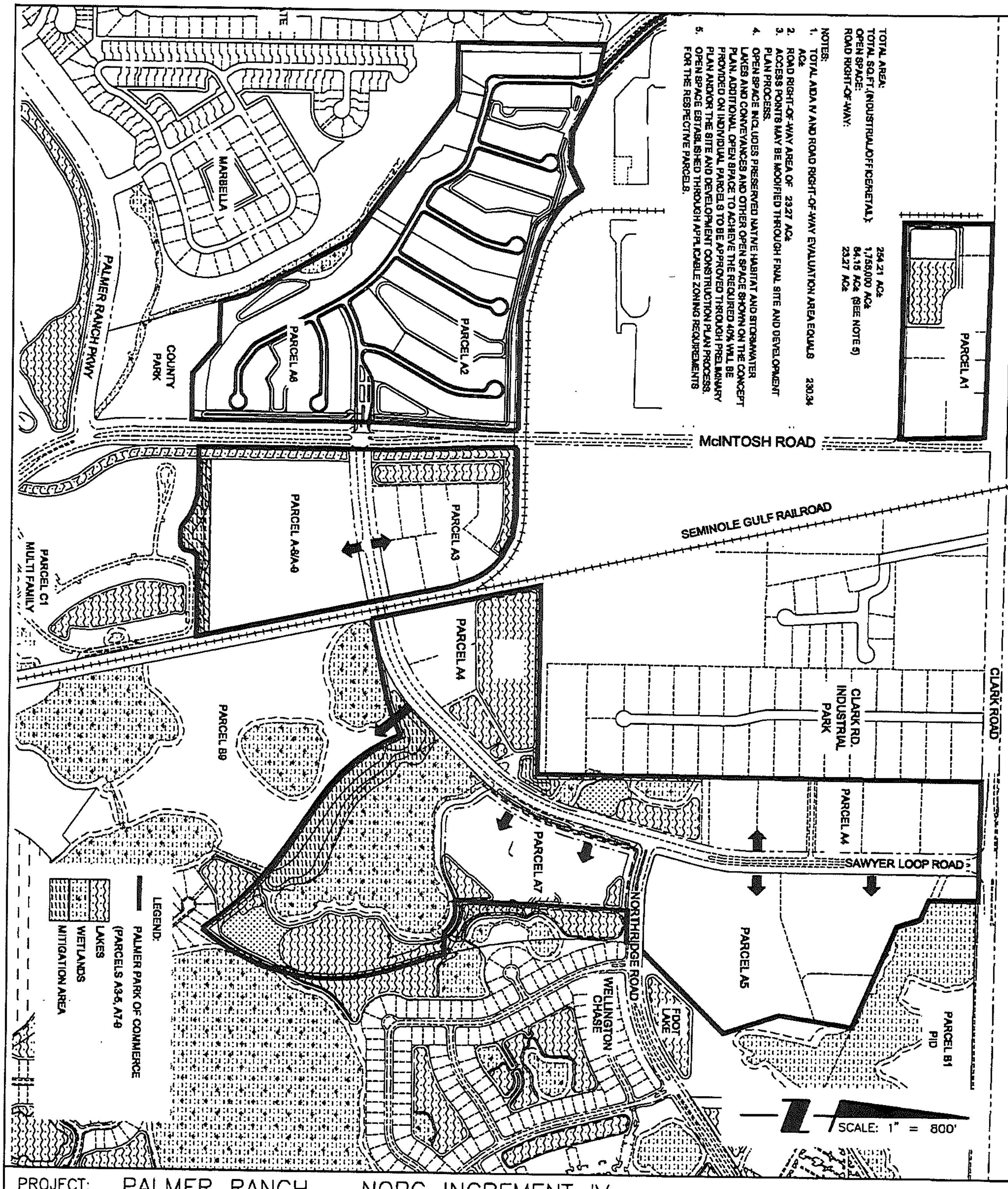

PROJECT: PALMER RANCH – NOPC INCREMENT IV

CLIENT: PALMER RANCH HOLDINGS

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MASTER DEVELOPMENT PLAN

SCALE: AS NOTED	DATE: NOVEMBER 2013
SEC: 14&15 TWP: 37S RGE: 18E	REV NO:
PROJECT NO. 215611794	INDEX NO:
DRWN BY/EMP NO. CLL/96591	SHEET NO: C-3

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______________Agenda
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Palmer Ranch DRI MDO- NOPC

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

PALMER RANCH
DRI MASTER DEVELOPMENT ORDER
08-8283-032
NOTICE OF PROPOSED CHANGE

Background

The Palmer Ranch Development of Regional Impact (DRI) is an approved mixed-use master-planned development located in central Sarasota County, Florida. The DRI is generally bounded to the east by I-75, Beneva Road and U.S. 41 on the west, Clark Road to the north, and Preymore Street to the south. The original Master Development Order (MDO) document was approved by the Sarasota Board of County Commissioners on December 18, 1984. The MDO, including the Conceptual Master Development Plan (Map H-2) for the Palmer Ranch DRI is presently being implemented pursuant to the terms and conditions of the amended and restated MDO (Resolution No. 91-170, as amended). The amended and restated MDO which was first adopted on July 12, 1991 by the Sarasota Board of County Commissioners. The amended and restated MDO calls for planning and developing the 5,198-acre Palmer Ranch DRI in incremental developments.

The existing Palmer Ranch development is approved for 11,150 residential dwelling units; 99± acres of internal commercial, plus additional square footage of commercial/office in designated Activity Centers and 1.75 million square feet of industrial development. To date, 20 Incremental Development Orders (IDO) have been approved within the Palmer Ranch DRI.

Previous Changes

On December 18, 1984, the Sarasota Board of County Commissioners adopted Resolution No. 84-418, which approved the Palmer Ranch DRI (#08-8283-032) Master Development Order (MDO). Since that time, the Palmer Ranch MDO has been amended fourteen (14) times. The previous amendments involved the following:

1. Resolution No. 86-203, adopted by the Sarasota Board of County Commissioners on May 13, 1986, to reflect changes to Land Use/Housing conditions;
2. Resolution No. 89-98, adopted by the Sarasota Board of County Commissioners on March 21, 1989, to formally adopt the Transportation Reanalysis that provided supplemental traffic impacts and transportation conditions to address compliance with projected 1995 levels of development of the Palmer Ranch DRI.
3. Resolution No. 89-99, adopted by the Sarasota Board of County Commissioners on March 21, 1989, to formally establish the Affordable Housing Program within the Palmer Ranch Master Development and map identifying areas for the provision of required low and moderate income housing within the Palmer Ranch DRI.
4. Resolution No. 91-170, adopted by the Sarasota Board of County Commissioners on July 9, 1991, to formally adopt the "Eastside Environmental System Analysis," add 127.2 ± acres northeast of the original boundary and amend the Master Development Order

supplement necessary to provide detailed information concerning issues including native habitats, rare and endangered species, drainage, water quality, floodplains, and historical and archaeological resources. It also included modifications relating to the park locations, internal commercial areas, and the legal description.

5. Resolution No. 99-179, adopted by the Sarasota Board of County Commissioners on July 14, 1999, to provide impact fee credits and reimbursements for certain road, park, and utility improvements made by the development, and the addition of 1.5 ± acres to Parcel S. This resolution is consistent with the Stipulation of Settlement agreed to in conjunction with the lawsuit filed by Palmer Ranch against Sarasota County.
6. Resolution No. 2000-095, adopted by the Sarasota Board of County Commissioners on April 26, 2000, provided for the relocation of a designated school site from Parcel Q-1 to Parcel U-3 and the redesignation of Parcel Q-1a from "institutional (school)" to "internal commercial."
7. Resolution No. 2000-216, adopted by the Sarasota Board of County Commissioners on September 26, 2000, adopted an Updated Transportation Reanalysis identifying the roadway improvements necessary to balance and/or mitigate off-site traffic impacts associated with further development in the Palmer Ranch DRI.
8. Resolution No. 2004-077, adopted by the Sarasota Board of County Commissioners on April 14, 2004, amended the legal description to add 38.6 acres ± to the southernmost boundary and changed the reporting requirements from annual to biennial reports.
9. Ordinance No. 2006-024, adopted by the Sarasota Board of County Commissioners on March 22, 2006, "memorialized" the process that Palmer Ranch has utilized to reallocate un-built dwelling units from previously approved Increments to other areas within Palmer Ranch. This amendment revised the Master Development Plan to reflect the correct number of dwelling units within each built-out increment.
10. Resolution No. 2008-098, adopted by the Sarasota Board of County Commissioners on June 10, 2008, re-designated Parcel Q-1a, within Increment III, from Institutional to Commercial and re-designated Parcel Q-1b, also within Increment III, from Residential to Commercial.
11. Resolution No. 2011-226, adopted by the Sarasota Board of County Commissioners on December 7, 2011, amended the legal description to add 38.4 acres ± to the southeastern-most boundary of the Palmer Ranch Master Development.
12. Resolution No. 2012-223, adopted by the Sarasota Board of County Commissioners on November 7, 2012, updated the Conceptual Master Development Plan (Map H-2) to show Increment XX.
13. Resolution No. 2012-253, adopted by the Sarasota Board of County Commissioners on December 12, 2012, updated the Conceptual Master Development Plan (Map H-2) to show Increment XXI.
14. Resolution No. 2013-196, adopted by the Sarasota Board of County Commissioners on November 20, 2013, increased the total number of residential units allowed in the Palmer Ranch DRI by 10%, from 10,500 to 11,550 dwelling units.

Proposed Changes

On December 12, 2013, the Southwest Florida Regional Planning Council staff received an application for a Notice of Proposed Change (NOPC) for the Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) from Taylor Morrison of Florida, Inc. The applicant seeks to: 1) revise Transportation Condition A.2 removing Sawyer Loop Road West from the list of roads which Palmer Ranch must construct as a collector road; and 2) revise the Conceptual Master Development Plan (Map H-2) to redesignate 68.4± acres known as Parcels A2 and A6 within Increment IV, from commercial/office and industrial to residential uses for the development of 180 single family residential dwelling units.

The requested revisions to the Conceptual Master Development Plan (Map H-2) are required to allow residential uses to be placed on Parcels A-2 and A-6, within Increment IV. In addition, the revision to Transportation Condition A.2 will allow the applicant to construct Sawyer Loop Road West as a local road instead of a collector road. The Master Pedestrian and Circulation Plan (Map I-2/MPCP), and the Conceptual Master Development Plan (Map H-2) have been revised to reflect the proposed change.

The total number of units approved for the Palmer Ranch Master Development Order (11,550 residential units) will not change as a result of this NOPC. No additional residential units have been added to the Palmer Ranch DRI. This NOPC proposes allocating 180 residential units, which have been approved as part of the Palmer Ranch Master Development Order, within Increment IV and the reduction of industrial acreage on these two parcels. This internal land use adjustment is reflective of market conditions.

The Transportation Impact Statement submitted by the applicant for this NOPC demonstrates that the requested 180 single-family dwelling units on the 68± acre area is estimated to produce 574 less trips than the approved 310,000 square feet of industrial and 277,784 square feet of office development. The Sawyer Loop Road West is not on the Sarasota/Manatee Metropolitan Planning Organization's 2035 Long Range Transportation Plan and its removal of from the County's Future Thoroughfare Plan will have no significant impact as this roadway segment or the regional transportation network.

A companion Comprehensive Plan Amendment is being processed with this request and will: 1) change the designation of Sawyer Loop Road West from a 2-lane minor collector to a local road; and 2) to change the designation of Parcels A2 and A6 from Major Employment Center to Moderate Density Residential (≤2 DU/acre and > 5 DU/Acre) on the Sarasota County the Future Land Use Map. In addition, a companion NOPC to Increment IV is also being processed to allow residential uses on Parcels A-2 and A-6 and to allow Taylor Morrison to construct Sawyer Loop Road West as a local road. The previously approved industrial and office uses on Parcels A-2 and A-6 will be reallocated elsewhere within the Palmer Ranch DRI.

Regional Staff Analysis

Regional staff finds that all the proposed changes appear to be subject to three (3) of the criteria contained in Chapter 380.06: Section 380.06(19)(b)3; Section 380.06(19)(b)4; and 380.06(19)(b)10, Florida Statutes.

Council staff finds that the proposed changes requested in this NOPC do not exceed statute criteria because the proposed amendments to the Palmer Ranch MDO will not affect any of the following:

a. The type of land uses permitted by the original approvals;
b. The buildout date, phasing dates, open space areas, or areas for preservation;
c. The commencement dates (the development is substantially buildout);
d. The termination date;
e. The date until which the DRI shall not be subject to down-zoning, unit reduction or intensity reduction; or
f. The number of external trips produced by the subject development.

Character, Magnitude, Location

The proposed changes will not substantially change the character, magnitude or location of the DRI and reflect an internal adjustment of approved uses in response to market demand.

Regional Goals, Resources and Facilities

Because there will not be an increase in development levels, there are no additional impacts to regional resources or facilities that were not previously reviewed and mitigated. Because there are no additional impacts caused by the proposed changes, the proposed changes are consistent with the regional goals found in the Strategic Regional Policy Plan.

Potential Multi-Jurisdictional Issues

The Palmer Ranch DRI is located in central Sarasota County, and is generally bounded on the east by I-75, on the west by Beneva Road and U.S. 41, on the north by Clark Road, and on the south by Preymore Street. Because of its location and because the proposed changes to the DRI do not create additional significant regional impacts that were not previously reviewed by the Council, there are no impacts to other jurisdictions in the Region and therefore there are no multi-jurisdictional impacts created by the proposed changes.

Need For Reassessment of the DRI

There is no need to reassess the DRI.

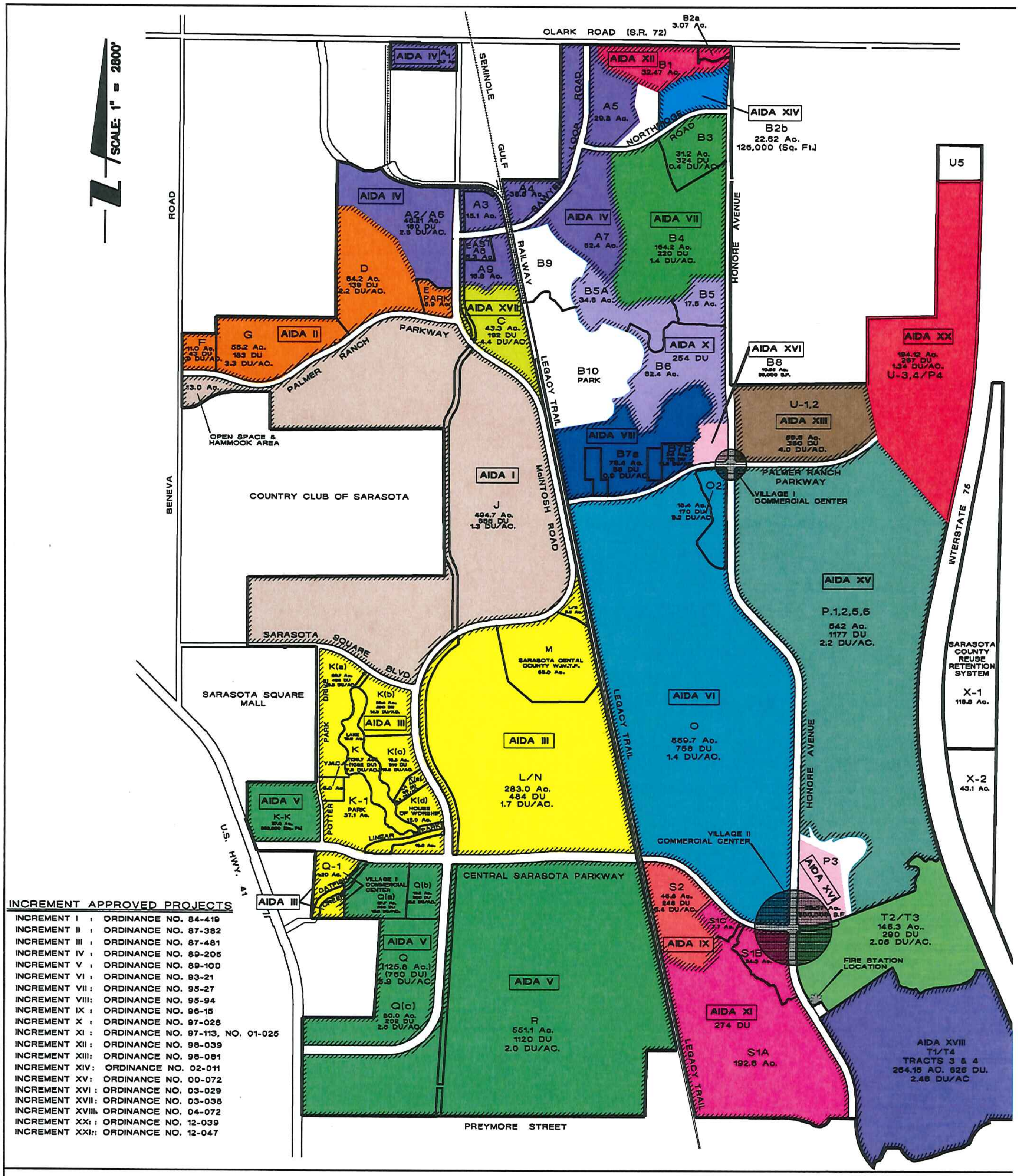
Acceptance of Proposed MDO Amendment Language

The proposed MDO amendment language is conditionally acceptable, if the companion Comprehensive Plan Amendment and the Increment IV NOPC is approved by the Southwest Florida Regional Planning Council and the Sarasota County Board of County Commissioners.

RECOMMENDED ACTIONS: 1. Notify Sarasota County, the Florida Department of

Economic Opportunity that the Council conditionally accepts the MDO amendment language; and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.

2. Request that Sarasota County provide a copy of the proposed MDO amendment, and any related materials, to the Council in order to ensure that the amendment is consistent with the Notice of Proposed Change.



INCREMENT APPROVED PROJECTS

INCREMENT I	:	ORDINANCE NO. 84-419
INCREMENT II	:	ORDINANCE NO. 87-382
INCREMENT III	:	ORDINANCE NO. 87-481
INCREMENT IV	:	ORDINANCE NO. 89-205
INCREMENT V	:	ORDINANCE NO. 89-100
INCREMENT VI	:	ORDINANCE NO. 93-21
INCREMENT VII	:	ORDINANCE NO. 95-27
INCREMENT VIII	:	ORDINANCE NO. 95-94
INCREMENT IX	:	ORDINANCE NO. 96-15
INCREMENT X	:	ORDINANCE NO. 97-026
INCREMENT XI	:	ORDINANCE NO. 97-113, NO. 01-025
INCREMENT XII	:	ORDINANCE NO. 98-039
INCREMENT XIII	:	ORDINANCE NO. 98-081
INCREMENT XIV	:	ORDINANCE NO. 02-011
INCREMENT XV	:	ORDINANCE NO. 00-072
INCREMENT XVI	:	ORDINANCE NO. 03-029
INCREMENT XVII	:	ORDINANCE NO. 03-038
INCREMENT XVIII	:	ORDINANCE NO. 04-072
INCREMENT XX	:	ORDINANCE NO. 12-039
INCREMENT XXI	:	ORDINANCE NO. 12-047

PROJECT: PALMER RANCH DEVELOPMENT OF REGIONAL IMPACT

CLIENT: PALMER RANCH HOLDINGS

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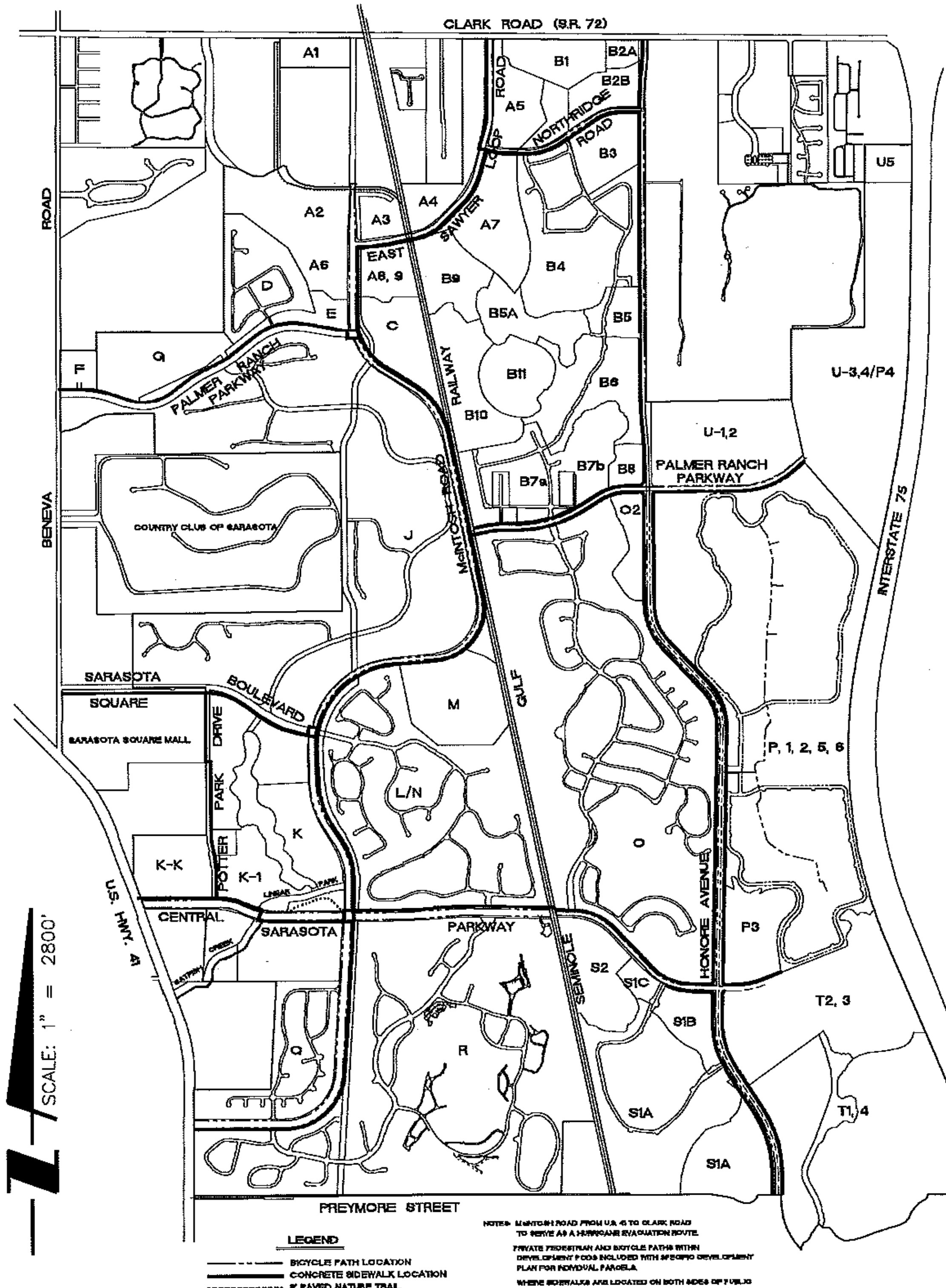
MASTER DEVELOPMENT ORDER
CONCEPTUAL MASTER DEVELOPMENT F

SCALE: AS NOTED	DATE: NOVEMBER :
SEC: 14&15 TWP: 37S RGE: 18E	REV NO:
PROJECT NO. 215611562	INDEX NO:
DRWN BY/EMP NO. CLL/96591	SHEET NO: H-2



LEGEND

- BICYCLE PATH LOCATION
- CONCRETE SIDEWALK LOCATION
- 8' PAVED NATURE TRAIL
- 6' NATURE TRAIL (SOFT SURFACE OR PAVED)

NOTES: McINTOSH ROAD FROM U.S. 41 TO CLARK ROAD TO SERVE AS A HURRICANE EVACUATION ROUTE.

PRIVATE PEDESTRIAN AND BICYCLE PATHS WITHIN DEVELOPMENT PODS INCLUDED WITH SPECIFIC DEVELOPMENT PLAN FOR INDIVIDUAL PARCELS.

WHERE SIDEWALKS ARE LOCATED ON BOTH SIDES OF PUBLIC THOROUGHFARES, EACH SIDEWALK SHALL BE CONSTRUCTED CONCURRENT WITH ADJACENT DEVELOPMENT ABUTTING SAID SIDEWALK.

PROJECT: PALMER RANCH – NOPC–MDO (PARCELS A–2 & A–6)

CLIENT: TAYLOR MORRISON OF FLORIDA, INC.

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MASTER PEDESTRIAN CIRCULATION PLAN

SCALE: AS NOTED	DATE: NOVEMBER 2013
SEC: 14&15 TWP: 37S RGE: 18E	REV NO:
PROJECT NO. 215611794	INDEX NO:
DRWN BY/EMP NO. CLL/96591	SHEET NO: I-2/MPCP

________________Agenda ____________________Item

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11

Administrative Issues

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________________Agenda ____________________Item

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FY 2012/13 Annual Audit

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ANNUAL AUDIT FY 2012-2013

The annual audit of the Council's accounts for the Fiscal Year 2013 has been completed and will be presented to Council by Mr. Jeffrey Tuscan from the firm of Tuscan & Company, PA.

The audit states that the Southwest Florida Regional Planning Council complied, in all material respects with the requirements that are applicable to its major federal and state projects. It noted no matters involving the internal control over compliance and its operation that would be considered a material weakness.

RECOMMENDED ACTION: Approve the FY 2012-2013 Independent Auditor's Report

03/14

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

BASIC FINANCIAL STATEMENTS TOGETHER WITH REPORTS OF INDEPENDENT AUDITOR

YEAR ENDED SEPTEMBER 30, 2013

TABLE OF CONTENTS

TABLE OF CONTENTS (CONTINUED)

INDEPENDENT AUDITOR'S REPORT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Report on the Financial Statements

We have audited the accompanying financial statements of governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council"), as of and for the year ended September 30, 2013, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Southwest Florida Regional Planning council as of September 30, 2013, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note A to the basic financial statements, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 63, "Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position", effective July 1, 2012. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis ("MD&A") on pages I - ______ be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information - management's discussion and analysis (MD&A) in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the required supplementary information - management's discussion and analysis (MD&A) because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information
Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Southwest Florida Regional Planning Council's basic financial statements.

The required supplementary information other than the MD&A - budgetary comparison information is presented for purposes of additional analysis and is not a required part of the basic financial statements. The required supplementary information other than the MD&A - budgetary comparison information is the responsibility of management as was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the required supplementary information other than MD&A - budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Our audit was conducted for the purpose of forming an opinion on the financial statements of Southwest Florida Regional Planning Council that collectively comprise the Southwest Florida Regional Planning Council's basic financial statements. The accompanying Schedule of Expenditures of Federal Awards for the year ended September 30, 2013 and the Notes thereto as required by the U.S. Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the accompanying Schedule of Expenditures of Federal Awards for the year ended September 30, 2013 and the Notes thereto are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Council's basic financial statements. The Exhibit - Management's Response to Independent Auditor's Report to Management is not a required part of the basic financial statements but is required by Government Auditing Standards. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Executive Committee and Council Members
Southwest Florida Regional Planning Council
Page 4

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated February 20, 2014 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contract and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control over financial reporting and compliance.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
February 20, 2014

MANAGEMENT'S DISCUSSION AND ANALYSIS (MD&A)

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis
(unaudited)

This discussion and analysis of the Southwest Florida Regional Planning Council (the "Council") financial statements is designed to introduce the basic financial statements and provide an analytical overview of the Council's financial activities for the fiscal year ended September 30, 2013. The basic financial statements are comprised of the government-wide financial statements, governmental fund financial statements, and footnotes. We hope this will assist readers in identifying significant financial issues and changes in the Council's financial position.

Council Financial Highlights for the year ended September 30, 2013:

- At the close of fiscal year 2013 the Council's assets exceeded its liabilities, resulting in a net position of $1,036,995.
- The Council's total net position increased $208,979 or 25.2 percent.
- The Council had $708,484 in fund balance of which $701,086 can be used to meet the Council's ongoing obligations. That total of $701,086, $664,016 represents 3 months of operating reserves.
- Total revenues decreased $ 55,970 or 2.3 percent, in comparison to the prior fiscal year.
- Total expenses decreased $ 191,414 or 8.0% percent, in comparison to the prior fiscal year.

Government-Wide Financial Statements

Government-wide financial statements (statement of net position and statement of activities found on pages 5 and 6, respectively) are intended to allow a reader to assess a government's operational accountability. Operational accountability is defined as the extent to which the government has met it's operating objectives efficiently and effectively, using all resources available for that purpose, and whether it can continue to meet it's objectives for the foreseeable future. Government-wide financial statements concentrate on the Council as a whole and do not emphasize fund types.

The *Statement of Net Position* (page 5) presents information on all of the Council's assets and liabilities, with the difference between the two reported as net position. The Council's capital assets (land, building, equipment, furniture and fixtures, and vehicles) are included in this statement and reported net of their accumulated depreciation.

The Statement of Activities (page 6) presents revenue and expense information showing how the Council's net assets changed during the fiscal year. Both statements are measured and reported using the economic resource measurement focus (revenues and expenses) and the accrual basis of accounting (revenue recognized when earned and expense is recognized when a liability is incurred).

Governmental Fund Financial Statements

The accounts of the Council are organized on the basis of governmental funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for which a separate set of self- balancing accounts that comprise it's assets, liabilities, fund equity, revenues, and expenditures. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled.

Governmental fund financial statements (found on pages 7 and 9) are prepared on the modified accrual basis using the current financial resources measurement focus. Under the modified accrual basis of accounting, revenues are recognized when they become measurable and available as net current assets.

Notes to the Financial Statements

The notes to the financial statements explain in detail some of the data contained in the preceding statements and are on pages 11 through 37. These notes are essential to a full understanding of the data provided in the government-wide and fund financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis
(unaudited)

Government-Wide Financial Analysis

The government-wide financial statements were designed so that the user could determine if the Council is in a better or worse financial condition from the prior year.

The following table reflects a Summary of Net Position for fiscal years 2012 and 2013:

Southwest Florida Regional Planning Council
Summary of Net Position
Years ended September 30

Assets:	2012	2013	Change	% Change
Current assets	$ 1,280,913	$ 1,131,975	$ (148,938)	-11.63%
Capital assets, net	1,498,548	1,479,302	(19,246)	-1.28%
Total assets	$ 2,779,461	$ 2,611,277	$ (168,184)	-6.05%
Liabilities:				
Current liabilities	$ 805,317	$ 494,800	$ (310,517)	-38.56%
Noncurrent liabilities	1,146,128	1,079,482	(66,646)	-5.81%
Total liabilities	1,951,445	1,574,282	(377,163)	-19.33%
Net Position:				
Net Investment in capital assets	405,127	453,262	48,135	11.88%
Restricted	-	112,880	112,880	100.00%
Unrestricted	422,889	470,853	47,964	11.34%
Total net position	828,016	1,036,995	208,979	25.24%
Total liabilities and net position	$ 2,779,461	$ 2,611,277	$ 168,184	6.05%

For the fiscal year 2013, current assets are comprised of cash and cash equivalents of $446,765, investments of $477,751, grants receivables of $ 103,112, contract and other receivables of $101,853, and deposits of $ 2,494.

For the fiscal year 2013, current liabilities are comprised of accounts payable and accrued expenses of $104,437, retainage payable of $1,209, unearned contract, grant and DRI/NOPC revenue of $317,846 and the current portion of long-term liabilities of $71,309.

The net investment in capital assets represents 50 percent of net position and is comprised of land, building, equipment, furniture and fixtures, and vehicles, net of accumulated depreciation and the outstanding related debt used to acquire the assets. The unrestricted net asset balance of $ 470,853 increased $ 47,964 or 11.34 percent. The unrestricted net asset balance represents resources available for spending.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis
(unaudited)

The following schedule reports the revenues, expenses, and changes in net position for the Council for the current and previous fiscal year:

Southwest Florida Regional Planning Council
Summary of Changes in Net Position
Years Ended September 30

Revenues:	2012	2013	Change	% Change
Program Revenues				
Charges for services - dues & fees	$ 553,063	$ 504,843	$ (48,220)	-8.72%
Contracts, grants and contributions	1,888,881	1,836,663	(52,218)	-2.76%
General Revenues				
Rental Income	-	28,750	28,750	100.00%
Increase - fair value of investments	2,314	-	(2,314)	-100.00%
Interest and miscellaneous	9,153	27,185	18,032	197.01%
Total revenues	2,453,411	2,397,441	(55,970)	-2.28%
Expenses:				
Project Planning				
Personnel services	1,432,140	1,277,068	155,072	12.14%
Operating expenses	828,322	795,801	32,521	4.09%
Depreciation	55,331	55,223	108	0.20%
Interest and fiscal charges	64,083	60,370	3,713	6.15%
Total expenses	2,379,876	2,188,462	191,414	8.75%
Change in net position	73,535	208,979	135,444	
Net Position - Beginning	754,481	828,016		
Net Position - Ending	$ 828,016	$ 1,036,995		

Budgetary Highlights

Budget versus actual comparisons are presented in the required supplementary information other than the Management's Discussion and Analysis. The significant budget variations versus actual results were due to the Council budgeted its reserves carryforward and did not have to use them.

Original to Final Budget Variances

The Council Members approved one budget amendment during the fiscal year ended September 30, 2013. The amendment was between various revenue and expenditure line items but did change (increase) the total budgeted revenues and expenditures in the general fund by $ 23,289

Final Budget to Actual Variances

No financially significant final budget versus actual line item variances were noted in the General Fund for either revenues or expenditures (before indirect expenditure allocations).

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis
(unaudited)

Capital Assets

Non-depreciable capital assets include land. Depreciable capital assets include building, equipment, furniture and fixtures, and vehicles. The following is a schedule of the Council's capital assets as of September 30, 2013.

Southwest Florida Regional Planning Council
Capital Assets
Years Ended September 30

	2012	2013	Change
Non-Depreciable Capital Assets			
Land	$ 375,565	$ 375,565	$ -
Depreciable Capital Assets			
Total depreciable capital assets	1,629,440	1,665,417	35,977
Less Accumulated Depreciation			
Total depreciable capital assets	(506,457)	(561,680)	(55,223)
Depreciable capital assets, net	1,122,983	1,103,737	(19,246)
Capital Assets, net	$ 1,498,548	$ 1,479,302	$ (19,246)

Debt Administration

At September 30, 2013, the Council had $1,150,791 of outstanding debt, which is comprised as noted below. The following is a detailed schedule of the Council's outstanding debt as of September 30, 2013.

Southwest Florida Regional Planning Council
Outstanding Debt
Years Ended September 30, 2013

	2012	2013	Change
Note Payable	$ 1,093,421	$ 1,026,040	$ (67,381)
Compensated Absences	64,341	64,887	546
OPEB Obligation	55,747	59,864	4,117
Total Outstanding Debt	$ 1,213,509	$ 1,150,791	$ (62,718)
Less current portion	$ (67,381)	$ (71,309)	
	$ 1,146,128	$ 1,279,874	

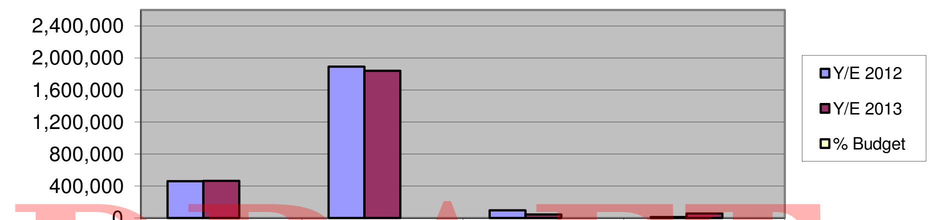
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis
(unaudited)

The note payable for the office building has a monthly payment of $10,646, including interest, with a final payment of $826,523 due June 1, 2016. The amount reported as compensated absences represents the total amount the Council had due at the termination of all employees' employment. The net OPEB obligation is the actuarially determined cost to offer retiree's health, dental, and vision coverage.

Other Known Facts, Decisions, or Conditions

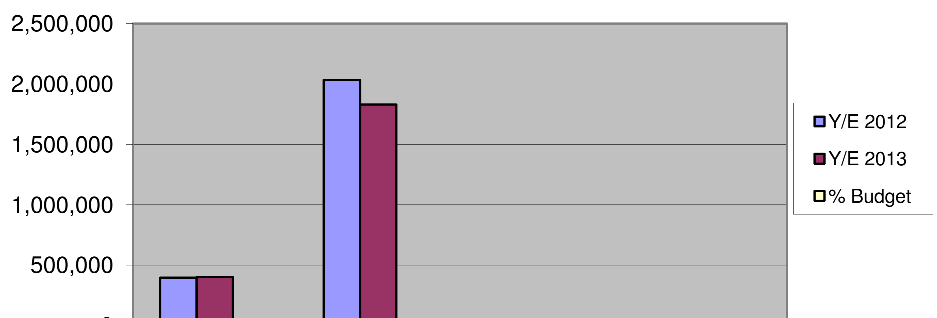
Member assessments, DRI and NOPC fees, and grants and contracts provide the majority of revenues for the Council and provide the basis for the operating expenses. Grant and contracts provided 76.61%, DRI and NOPC fees provided 1.78%, assessments provided 19.28% of fiscal year 2013 revenues. Interest and miscellaneous income provided 2.33% of fiscal year 2013 revenues.

Revenues - Fund Basis (All Funds)



	Dues	Grants/Cont	DRI/NOPC	Int/Misc/Rental
Y/E 2012	459,517	1,888,881	93,546	10,101
Y/E 2013	462,218	1,836,663	42,625	55,935
% Budget	19.28%	76.61%	1.78%	2.33%

Expenditures - Fund Basis (All Funds)



	General Fund	Special Revenue		
Y/E 2012	395,480	2,034,822		
Y/E 2013	400,799	1,831,135		
% Budget	17.96%	82.04%		

Request for Information

This financial report is designed to provide the reader an overview of the Council. Questions regarding any information provided in this report should be directed to: the Southwest Florida Regional Planning Council,1926 Victoria Avenue, Fort Myers, Florida 33901.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF NET POSITION
September 30, 2013

		Governmental Activities
ASSETS		
Current assets:		
Cash and cash equivalents (including restricted cash of $112,880)	$	446,765
Investments		477,751
Due from other governments - grants		103,112
Receivables - contracts and other		101,853
Deposits		2,494
Total current assets		1,131,975
Noncurrent assets:		
Capital assets:		
Land		375,565
Depreciable buildings, improvements, equipment and vehicles (net of $561,680 accumulated depreciation)		1,103,737
Total noncurrent assets		1,479,302
TOTAL ASSETS	$	2,611,277
LIABILITIES		
Current liabilities:		
Accounts payable and accrued expenses	$	104,437
Retainage payable		1,209
Unearned revenue - grants		253,420
Unearned revenue - contracts		52,270
Unearned revenue - DRI/NOPC		12,155
Current portion of long-term obligations		71,309
Total current liabilities		494,800
Noncurrent liabilities:		
Noncurrent portion of long-term obligations		1,079,482
Commitments and Contingencies		-
TOTAL LIABILITIES		1,574,282
NET POSITION		
Net investment in capital assets		453,262
Restricted		112,880
Unrestricted		470,853
TOTAL NET POSITION		1,036,995
TOTAL LIABILITIES AND NET POSITION	$	2,611,277

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF ACTIVITIES
Year Ended September 30, 2013

	Governmental Activities
EXPENSES	
Governmental Activities	
Project Planning:	
Personnel services	$ 1,277,068
Operating expenses	795,801
Depreciation	55,223
Interest and fiscal charges	60,370
TOTAL EXPENSES - GOVERNMENTAL ACTIVITIES	2,188,462
PROGRAM REVENUES	
Charges for services:	
Assessments and fees	504,843
Contracts and local grants	610,755
Operating grants and contributions	1,225,908
TOTAL PROGRAM REVENUES	2,341,506
NET PROGRAM REVENUES (EXPENSES)	153,044
GENERAL REVENUES (LOSS)	
Rental income	28,750
Interest and miscellaneous	27,185
TOTAL GENERAL REVENUES (LOSS)	55,935
INCREASE IN NET POSITION	208,979
NET POSITION - Beginning of the year	828,016
NET POSITION - End of the year	$ 1,036,995

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
BALANCE SHEET - GOVERNMENTAL FUNDS
September 30, 2013

	General Fund	Special Revenue Fund	Total Governmental Funds
ASSETS			
Cash and cash equivalents (restricted cash of $112,880)	$ 446,765	$ -	$ 446,765
Investments	477,751	-	477,751
Due from other governments - grants	-	103,112	103,112
Receivables - contracts and other	-	101,853	101,853
Deposits	2,494	-	2,494
Due from other funds	-	112,880	112,880
TOTAL ASSETS	$ 927,010	$ 317,845	$ 1,244,855
LIABILITIES AND FUND BALANCE			
LIABILITIES			
Accounts payable and accrued expenses	$ 104,437	$ -	$ 104,437
Retainage payable	1,209	-	1,209
Due to other funds	112,880	-	112,880
Unearned revenue - grants	-	253,420	253,420
Unearned revenue - contracts	-	52,270	52,270
Unearned revenue - DRI/NOPC	-	12,155	12,155
TOTAL LIABILITIES	218,526	317,845	536,371
FUND BALANCE			
Nonspendable	7,398	-	7,398
Restricted	-	-	-
Assigned	701,086	-	701,086
Unassigned	-	-	-
TOTAL FUND BALANCE	708,484	-	708,484
TOTAL LIABILITIES AND FUND BALANCE	$ 927,010	$ 317,845	$ 1,244,855

DRAFT

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS TO THE STATEMENT OF NET POSITION
September 30, 2013

		Amount
Total fund balance for governmental funds		$ 708,484
Amounts reported for governmental activities in the Statement of Net Position are different because:		
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds.		
Capital assets not being depreciated:		
Land	375,565	
		375,565
Capital assets being depreciated:		
Building, improvements, equipment and vehicles	1,665,417	
Less accumulated depreciation	(561,680)	
		1,103,737
Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds.		
Note payable	(1,026,040)	
Compensated absences	(64,887)	
Net OPEB obligation	(59,864)	
		(1,150,791)
Elimination of interfund amounts:		
Due from other funds		(112,880)
Due to other funds		112,880
Total net assets of governmental activities		$ 1,036,995

DRAFT

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS
Year Ended September 30, 2013

	General Fund	Special Revenue Fund	Total Governmental Funds
REVENUES			
Federal and state grants	$ -	$ 1,225,908	$ 1,225,908
Contracts and local grants	-	610,755	610,755
County and city assessments	462,218	-	462,218
NOPC & DRI fees	-	38,625	38,625
DRI monitoring fees	-	4,000	4,000
Increase in fair value of investments	-	-	-
Rental income	28,750	-	28,750
Interest and miscellaneous	27,185	-	27,185
TOTAL REVENUES	518,153	1,879,288	2,397,441
EXPENDITURES			
Current			
Personnel services	283,610	988,795	1,272,405
Operating expenditures	81,212	714,589	795,801
Capital outlay	35,977	-	35,977
Debt service	-	127,751	127,751
TOTAL EXPENDITURES	400,799	1,831,135	2,231,934
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	117,354	48,153	165,507
OTHER FINANCING SOURCES (USES)			
Operating transfers in	48,153	-	48,153
Operating transfers out	-	(48,153)	(48,153)
TOTAL OTHER FINANCING SOURCES (USES)	48,153	(48,153)	-
NET CHANGE IN FUND BALANCE	165,507	-	165,507
FUND BALANCE - Beginning of the year	542,977	-	542,977
FUND BALANCE - End of the year	$ 708,484	$ -	$ 708,484

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
Year Ended September 30, 2013

		Amount
Net change (revenues in excess of expenditures) in fund balance - total governmental funds		$ 165,507
The increase in net position reported for governmental activities in the Statement of Activities is different because:		
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.		
Expenditures for capital assets	35,977	
Less: current year depreciation	(55,223)	
		(19,246)
Repayment of debt principal is reported as an expenditure in the governmental funds and thus contributes to the change in fund balance. In the Statement of Net Position, however, repayments of debt principal reduces the liability.		67,381
Some expenses reported in the Statement of Activities do not require the use of current financial resources and therefore are not reported as expenditures in the governmental funds.		
Net increase in compensated absences		(546)
Increase in net OPEB obligation		(4,117)
Interfund transfers increase or decrease the fund balance of the respective funds; however, the transactions offset in the government-wide statements.		
General fund:		
Operating transfers in		48,153
Special revenue fund:		
Operating transfers out		(48,153)
Increase in net position of governmental activities		$ 208,979

The accompanying notes are an integral part of this statement.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Southwest Florida Regional Planning Council (the "Council") is a governmental agency, created on November 8, 1973 via interlocal agreements as provided by Florida Statute 163.01 and 163.02, as amended, to assist other governmental and private agencies in the planning of projects in the Southwest Florida area under Florida Statute 186.504. The Council acts as a regional planning agency and exercises its rights and duties pursuant to Florida Statutes Chapters 23, 160, 163, 186 and 380. The Council's principal members consist of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties. The Council's Board Members are appointed per statutory requirement. The Council is funded through statutory member assessments, various fees, and multiple federal, state, and local grants and contracts.

Specifically, the Council's mission is:

1. To make the most efficient use of its powers to promote cooperation for mutual advantage in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources, and other factors influencing the needs and development of local communities within its six county region;
2. To serve as a regional coordinator for the local governmental units comprising the region;
3. To exchange information on and review programs of regional concerns;
4. To promote communication between the local governments for the conservation and compatible development of the Southwest region;
5. To cooperate with Federal, State, and local government and non-government agencies to accomplish regional objectives; and
6. To do all things authorized for a Regional Planning Agency under Chapter 163, 186 and 380 of the Florida Statutes and other applicable Florida, Federal, State, and local laws, rules, and regulations.

Summary of Significant Accounting Policies

The following is a summary of the significant accounting policies used in the preparation of these basic financial statements.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Summary of Significant Accounting Policies, continued

The basic financial statements of the Council are comprised of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the financial statements

Reporting Entity

The Council has adopted Governmental Accounting Standards Board (GASB) Statement Number 14, "Financial Reporting Entity" (GASB 14), as amended by GASB Statement Number 39, "Determining Whether Certain Organizations Are Component Units" and GASB Statement Number 61, "the Financial Reporting Entity: Omnibus - An Amendment of GASB Statements No. 14 and No. 34. These Statements require the financial statements of the Council (the primary government) to include its component units, if any. A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Based on the criteria established in GASB Statement 14, as amended, there are no potential component units included or required to be included in the Council's financial statements.

The Council assisted in the creation and establishment of Southwest Florida Resource Conservation and Development Council, Inc. ("Conservation"), an independent Florida not-for-profit corporation. Conservation's mission is to develop a resource conservation plan for its service area, as well as to act as a clearinghouse for other conservation groups and efforts.

The Council provides no direct support to Conservation and does not have authority to exercise economic control over Conservation. The Council, however, provides Conservation with bookkeeping services free of charge. The Council cannot appoint or remove the Board members of Conservation. Therefore, Conservation is not considered a component unit of the Council, and its financial activity is not included within these financial statements.

The Council is the host (sponsoring agency) of the Charlotte Harbor National Estuary Program (NEP). The NEP operates as a functioning entity, and has a separate Board

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Reporting Entity, continued

of Directors and budget. The NEP operates pursuant to authority granted by federal and state law. The NEP is a program not a legal entity and is funded through federal and/or state grants and local contributions. In accordance with the standards noted above, the entity, however, is considered a legally separate or independent entity, except as previously noted. The Council remains responsible to report the financial activity for the NEP. As such, all the financial activity and assets of the NEP are accounted for by the Council and reflected in the accompanying financial statements.

The NEP is a program that protects the estuaries of Southwest Florida from Venice to Estero Bay. This program gives citizens, elected officials, resource managers, and commercial and recreational resource users in the 4,400-square-mile study area a voice to address diverse resource management concerns, including fish and wildlife habitat loss, water quality degradation, and water flow. The program addresses these concerns through public education, research, restoration, and legislation. The watershed in the program area includes Lee, Charlotte, Hardee, and DeSoto counties and parts of Sarasota, Manatee, and Polk counties.

The NEP established a 501(c)(3) Not-for-Profit corporation named "Friends of Charlotte Harbor Estuary, Inc. ("Friends"), to fundraise and support the mission of the NEP. Friends was formed in 2000. For the year ended September 30, 2013, Friends had revenue (unaudited) of approximately $40,936 and expenses (unaudited) of approximately $43,209. It held assets in the form of cash (unaudited) of approximately $22,307. When Friends directly supports NEP it would be reported herein as local support. As such, the financial activity of Friends is not included in these financial statements.

Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Council and do not emphasize fund types. These governmental activities comprise the primary government. General governmental and intergovernmental revenues support the governmental activities. The purpose of the government-wide financial statements is to allow the user to be able to determine if the Council is in a better or worse financial

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-wide Financial Statements, continued

position than the prior year. The effect of all interfund activity between governmental funds has been removed from the government-wide financial statements.

Government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement 33, "Accounting and Financial Reporting for Nonexchange Transactions."

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as liabilities in the government-wide financial statements, rather than as other financing sources. Amounts paid to reduce long-term indebtedness of the reporting government are reported as a reduction of the related liability in the government-wide financial statements, rather than as expenditures.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operational or capital improvements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Program revenues are considered to be revenues generated by services performed and/or by fees charged such as dues, assessments, fees, and operating grants and contracts.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Fund Financial Statements

The Council adheres to GASB Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.

The accounts of the Council are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity or retained earnings, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. Fund financial statements for the Council's governmental funds are presented after the government-wide financial statements. These statements display information about major funds individually and nonmajor funds in aggregate for governmental funds.

Governmental Funds

When both restricted and unrestricted resources are combined in a fund, expenditures are considered to be paid first from restricted resources, as appropriate, and then from unrestricted resources. Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period.

The Council's major funds are presented in separate columns on the governmental fund financial statements. The definition of a major fund is one that meets certain criteria set forth in GASB Statement Number 34, "Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments". The funds that do not meet the criteria of a major fund are considered non-major funds and are combined into a single column on the governmental fund financial statements.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported in separate columns on the fund financial statements.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Measurement Focus and Basis of Accounting

Basis of accounting refers to when revenues and expenditures, or expenses, are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period and soon enough thereafter to pay liabilities of the current period. For this purpose, the Council considers tax revenues to be available if they are collected within sixty days of the end of the current fiscal period.

Revenues susceptible to accrual are interest on investments and intergovernmental revenues. Interest on invested funds is recognized when earned. Intergovernmental revenues that are reimbursements for specific purposes or projects are recognized when all eligibility requirements are met.

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this general rule include: (1) principal and interest on the long-term debt, if any, which is recognized when due; and (2) expenditures are generally not divided between years by the recording of prepaid expenditures.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Non-current Government Assets/Liabilities

GASB 34 requires non-current governmental assets, such as land and buildings, and non-current governmental liabilities, such as notes payable and capital leases to be reported in the governmental activities column in the government-wide Statement of Net Position.

Change in Accounting Principles

Effective July 1, 2012 the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 63, "Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position" (Statement No. 63). This implementation required the Council to present a Statement of Net Position, replacing previously presented Statement of Net Assets, in the Council's basic financial statements.

Major Funds

The Council reports the following major governmental funds:

The General Fund is the Council's primary operating fund. It accounts for all financial resources of the Council, except those required to be accounted for in another fund.

The Special Revenue Fund is used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. The Council accounts for grant proceeds received and grant expenditures incurred in its Special Revenue Fund as well as all contract and other special purpose revenue such as NOPC and DRI fees.

Budgetary Information

The Council has elected to report budgetary comparison of major funds as required supplementary information (RSI).

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Investments

The Council adheres to the requirements of Governmental Accounting Standards Board (GASB) Statement Number 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools," in which all investments are reported at fair value, with the exception of the Local Government Surplus Funds Investment Pool Trust Fund (State Board of Administration), an external 2a7-like investment pool. The Local Government Surplus Funds Investment Pool Trust Fund's shares are stated at amortized cost (otherwise known as fluctuating net asset value or "NAV"), which approximates fair value.

Investments, including restricted investments (if any), consist of the State of Florida Local Government Surplus Funds Trust Fund and Certificates of Deposit held at local depositories.

Capital Assets

Capital assets, which include land, buildings, furniture and fixtures, equipment, and vehicles, are reported in the government-wide financial statements in the Statement of Net Position.

The Council follows a capitalization policy which calls for capitalization of all fixed assets that have a cost or donated value of $1,000 or more and have a useful life in excess of one year.

All capital assets are valued at historical cost, or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Public domain (infrastructure) capital assets consisting of certain improvements other than building, including curbs, gutters, and drainage systems, are not capitalized, as the Council generally does not acquire such assets. No debt-related interest expense is capitalized as part of capital assets in accordance with GASB Statement Number 34.

Maintenance, repairs, and minor renovations are not capitalized. The acquisition of land and construction projects utilizing resources received from Federal and State agencies are capitalized when the related expenditure is incurred.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Capital Assets, continued

Expenditures that materially increase values, change capacities, or extend useful lives are capitalized. Upon sale or retirement, the cost is eliminated from the respective accounts.

Expenditures for capital assets are recorded in the fund statements as current expenditures. However, such expenditures are not reflected as expenditures in the government-wide statements, but rather are capitalized and depreciated.

Depreciable capital assets are depreciated using the straight-line method over the following estimated useful lives:

Asset	Years
Buildings	45
Improvements Other Than Buildings	7-15
Furniture & Fixtures	7
Equipment	3-10
Vehicles	3

Budgets and Budgetary Accounting

The Council has adopted annual budgets for the General Fund and the Special Revenue Fund.

The Council follows these procedures in establishing budgetary data for the General Fund and Special Revenue Fund.

1. During the summer of each year, Council management submits to the Board a proposed operating budget for the fiscal year commencing on October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain public comments.
3. The budget is adopted by approval of the Board Members.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Budgets and Budgetary Accounting, continued

4. Budgets for the General and Special Revenue Funds are adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget transfers can be made throughout the year between expenditure accounts by approval of the Board Members. The level of control for appropriations is exercised at the fund level.
6. Budget amounts, as shown in these basic financial statements, are as originally adopted or as amended by the Board Members.
7. Appropriations lapse at year-end.
8. The Board Members approved several budget amendments, in both funds, during the fiscal year ended September 30, 2013. The budget amendments increased total budgeted expenditures by $166,067 in the General Fund and increased total budgeted expenditures by $701,812 in the Special Revenue Fund.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed by the Council because it is at present not necessary to assure effective budgetary control or to facilitate effective cash planning and control.

Compensated Absences

The Council's employees accumulate leave based on various criteria including the number of years of continuous service and job classification.

Leave which is requested and approved prior to the day in which it is taken by the employee (vacation) shall be considered to be scheduled leave. At September 30, any scheduled leave accrued above 160 hours shall be used or forfeited except for the Executive Director which is limited to 200 hours. Any employee who is separated from the Council staff by layoff, resignation, death, disability, or other cause shall be paid for the number of working hours of unused scheduled (vacation) leave accrued, not to exceed 160 hours.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Compensated Absences, continued

Leave not requested/approved prior to the day it is taken (sick time) shall be considered unscheduled. Unscheduled leave may be accumulated to a total of 200 hours. There is no reimbursement for unscheduled leave accrual at the time of an employee's termination from the Council.

Due From Other Governments

No allowances for losses on uncollectible accounts has been recorded since the Council considers all amounts to be fully collectible.

Management Estimates

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires the Council to make estimates and assumptions that affect the reported amounts of assets, liabilities, fund equity, and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Net Assets

In the governmental fund financial statements no net assets have been identified as restricted. Restricted net assets are those net assets that have constraints as to their use externally imposed by creditors, through debt covenants, by grantors, or by law.

Fund Balances

The governmental fund financial statements the Council maintains include nonspendable, assigned, and unassigned fund balances. Nonspendable balances are those that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Criteria include items that are not expected to be converted into cash, for example prepaid expenses, "Fund B" SBA funds and deposits.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Fund Balances, continued

The Council's assigned balances are a result of the Council's Board approval of actions prior to October 1, 2012. The Council's intent and policy is to maintain a minimum assigned fund balance level between four (4) to six (6) months of prior year total expenditures. This assigned fund balance will serve as the Council's operational and capital reserve as well as its disaster reserve. At September 30, 2013, the entire fund balance is classified as assigned since the balance is less than the Council's minimum target fund balance. Any use of the fund balance requires the Council's Board approval.

Interfund Transactions

The Council considers interfund receivables (due from other funds) and interfund liabilities (due to other funds) to be loan transactions to and from other funds to cover temporary (three months or less) cash needs. Transactions that constitute reimbursements to a fund for expenditures/expenses initially made from it that are properly applicable to another fund are recorded as expenditures/expenses in the reimbursing funds and as reduction of expenditures/expenses in the fund that is reimbursed.

Subsequent Events

Subsequent events have been evaluated through February 20, 2014, which is the date the financial statements were available to be issued.

NOTE B - CASH AND CASH EQUIVALENTS

Cash was $446,765, including cash on hand of $200 and restricted cash of $112,880 (due to the special revenue fund) at September 30, 2013.

Deposits

The Council's deposit policy allows deposits to be held in demand deposits and money market accounts. All Council depositories are institutions designated as qualified depositories by the State Treasurer at September 30, 2013.

NOTE B - CASH AND CASH EQUIVALENTS, CONTINUED

Deposits, continued

The Council's deposits consist of the following at September 30, 2013:

	Bank Balance	Carrying Amount
Depository Accounts	$ 572,905	$ 446,565

These deposits were entirely covered by federal depository insurance or by collateral pursuant to the Public Depository Security Act (Florida Statute 280) of the State of Florida. Bank balances approximate market value. Depository accounts are fully insured and/or collateralized.

NOTE C - INVESTMENTS

Florida Statutes and the Council's investment policy authorize investments in the Local Government Surplus Funds Trust Fund (SBA) administered by the State Board of Administration, and certificates of deposit held in financial institutions. The Council held one (1) Certificate of Deposit (CD) at September 30, 2013. The CD is fully insured by Federal Depository Insurance or by collateral pursuant to the Public Depository Security Act of the State of Florida (Florida Statute 280).

At September 30, 2013, the Council's investments consist of the following:

	Maturity	Interest Rate	Cost Basis	Fair Value (NAV)/ Carrying Amount
General Fund				
Local Government Surplus Trust Fund (SBA)				
Fund "A" (Florida PRIME)			$ 156,548	$ 156,547
Fund "B"			4,330	4,904
Certificates of Deposit				
Financial Institution	6/7/2015 *	1.98%	316,300	316,300
Total investments			$ 477,178	$ 477,751

* The CD renewed on December 7, 2012.

NOTE C - INVESTMENTS, CONTINUED

The Local Government Surplus Funds Trust Fund (Florida PRIME (formerly Fund "A")) is an external 2a7-like investment pool, administered by the Florida State Board of Administration. The Local Government Surplus Funds Investment Pool Trust Fund is not categorized as it is not evidenced by securities that exist in physical or book entry form. The Local Government Surplus Trust Funds Investment Pool's shares are stated at amortized cost (NAV), which approximates fair value. These investments are subject to the risk that the market value of an investment, collateral protecting a deposit or securities underlying a repurchase agreements, will decline. The Council's investment in the Fund represented less than 1% of the Fund's total investments. Investments held in the Fund include, but are not limited to, short-term federal agency obligations, treasury bills, repurchase agreements and commercial paper. These short-term investments are stated at cost, which approximates market. Investment income is recognized as earned and is allocated to participants of the Fund based on their equity participation.

At September 30, 2013, the Council reported SBA investments of $156,548 fair value/cost for amounts held in Florida PRIME. Florida PRIME carried a credit rating of AAAm by Standard and Poors and had a weighted average days to maturity (WAM) of 44 days at September 30, 2013.

At September 30, 2013, the Council reported investments of $4,904 (NAV) for amounts held in Fund "B" Surplus Funds Trust Fund administered by the State Board of Administration (SBA) pursuant to Section 218.405, Florida Statutes. The SBA does not believe Fund "B" meets the requirements of a SEC 2a7-like investment pool; therefore SBA is providing a fair value factor (i.e.: total net asset value of Fund "B" divided by total participant balance of Fund "B" at September 30, 2013 as a means of determining the net asset value (NAV). The fair value factor for September 30, 2013 (the latest valuation available) is 1.13262284. The District's investments in the Fund "B" investment pool are similar to money market funds in which shares are owned in the fund rather than the underlying investments and as such, use fluctuating net asset value. Specifically, the Fund "B" uses fluctuating NAV for valuation of Fund "B". The SBA has taken the position that participants in the Fund "B" investment pool should disclose information related to interest rate risk and credit risk. Fund "B" was not rated by a nationally recognized statistical rating agency as of September 30, 2013. The weighted average life (WAL) of Fund "B" at September 30, 2013, was 4.04 years. A portfolio's WAL is the dollar weighted average length of time until

NOTE C - INVESTMENTS, CONTINUED

securities held reach maturity is based on legal final maturity dates for Fund "B" as of September 30, 2013. WAL measures the sensitivity of Fund "B" to interest rate changes. Fund "B" did not participate in a securities-lending program during the fiscal year ended September 30, 2013.

It is the belief of the SBA that the remaining balance may, in whole or in part, be recovered. However, it may not be available for up to one year. At September 30, 2013, the SBA has determined the market value of the Fund "B" shares to be in excess of the cost in the General Fund in total. The gain, although technically unrealized, is recorded as a current year gain in keeping with the District's policy to reflect investments at market value.

NOTE D - DUE FROM OTHER GOVERNMENTS - GRANTS

Grants receivable consisted of the following at September 30, 2013:

	Amount
Federal	
Hazardous Materials Emergency Preparedness - Planning & Training 2012-2013 (CFDA 20.703)	$ 35,844
Hazardous Materials Emergency Preparedness - Planning & Training 2013-2014 (CFDA 20.703)	14,593
Economic Development (CFDA 11.302) Planning, Section 203	2,312
Economic Adjustment Assistance (CFDA 11.307)	23,504
Total due from other governments - federal grants	76,253
State	
Department of Emergency Management - LEPC 2012-2013 (CSFA 31.067)	511
Department of Emergency Management - LEPC 2013-2014 (CSFA 31.067)	19,007
Glades/Hendry - TD (CSFA 55.002)	7,341
Total due from other governments - state grants	26,859
Total due from other governments - grants	$ 103,112

The grants receivable balances as of September 30, 2013, are considered by management to be fully collectible.

NOTE E - CAPITAL ASSETS ACTIVITY

The following is a summary of changes in capital assets activity for the year ended September 30, 2013:

	Balance October 1 2012	Increases/ Additions	Decreases/ Deletions	Adjustments/ Reclassifications	Balance September 30 2013
Capital Assets Not Being Depreciated:					
Land	$ 375,565	$ -	$ -	$ -	$ 375,565
Total Capital Assets Not Being Depreciated	375,565	-	-	-	375,565
Capital Assets Being Depreciated:					
Building & improvements	1,368,297	8,185	-	-	1,376,482
Furniture & fixtures	21,550	22,580	-	-	44,130
Equipment	217,806	5,212	-	-	223,018
Vehicles	21,787	-	-	-	21,787
Total Capital Assets Being Depreciated	1,629,440	35,977	-	-	1,665,417
Less Accumulated Depreciation:					
Building & improvements	(282,636)	(37,959)	-	-	(320,595)
Furniture & fixtures	(21,550)	(538)	-	-	(22,088)
Equipment	(185,569)	(12,369)	-	-	(197,938)
Vehicles	(16,702)	(4,357)	-	-	(21,059)
Total Accumulated Depreciation	(506,457)	(55,223)	-	-	(561,680)
Total Capital Assets Being Depreciated, Net	1,122,983	(19,246)	-	-	1,103,737
Capital Assets, Net	$ 1,498,548	$ (19,246)	$ -	$ -	1,479,302
				Related debt	(1,026,040)
				Net assets invested in capital assets, net of related debt	$ 453,262

NOTE E - CAPITAL ASSETS ACTIVITY, CONTINUED

Depreciation expense was charged to the following functions during the year ended September 30, 2013:

	Amount
General Government	$ 55,223
Total Depreciation Expense	$ 55,223

NOTE F - DUE TO/FROM OTHER FUNDS

Interfund receivables and payables at September 30, 2013, are as follows:

Fund	Due from other funds	Due to other funds
General Fund:		
Special Revenue Fund	$ -	$ 112,880
Total General Fund	-	112,880
Special Revenue Fund:		
General Fund	112,880	-
Total Special Revenue Fund	112,880	-
Total	$ 112,880	$ 112,880

Interfund receivables and payables were eliminated for presentation purposes in the Statement of Net Assets at September 30, 2013.

NOTE G - UNEARNED REVENUE

Unearned revenue (by type) consisted of the following at September 30, 2013:

	Amount
Grants - Federal	
National Estuary Program (CFDA 66.456)	$ 181,058
Regional Wetlands Program Dev- FAMWQ (CFDA 66.461)	72,362
	$ 253,420
Contracts	
NEP - Local	$ 52,270
	$ 52,270
Other	
DRI - Fountains	$ 8,707
NOPC - Palmer XXI	948
Lee Memorial	2,500
	$ 12,155

NOTE H - LONG-TERM LIABILITIES

The following is a summary of changes in long-term liabilities for the year ended September 30, 2013:

	Balance October 1 2012	Additions	Retirements / Adjustments	Balance September 30 2013	Amounts Due Within One Year
Note payable	$ 1,093,421	$ -	$ (67,381)	$ 1,026,040	$ 71,309
Compensated absences	64,341	546	-	64,887	-
Net OPEB obligation	55,747	4,117	-	59,864	-
	$ 1,213,509	$ 4,663	$ (67,381)	$ 1,150,791	$ 71,309

The following is a summary of the long-term liabilities at September 30, 2013:

	Amount
$1,525,000 note payable monthly to financial institution in the amount of $10,646 including interest at 5.68% to finance the purchase of an office building. The note is uncollateralized except for available general revenue and includes prepayment penalties. Final principal payment of $826,523 due June 1, 2016.	$ 1,026,040
Non-current portion of compensated absences. Employees of the Council are entitled to paid scheduled (vacation) leave based on length of service and job classification.	64,887
Net OPEB obligation. Cumulative difference between annual OPEB cost and Council's projected payments toward the cost of post employment benefits other than pensions since GASB no. 45 transition date (October 1, 2009)	59,864
	$ 1,150,791

The annual debt service requirements at September 30, 2013, were as follows:

Year Ending September 30	Total Principal	Total Interest	Total
Note payable:			
2014	$ 71,309	$ 56,442	$ 127,751
2015	75,467	52,284	127,751
2016	879,264	36,339	915,603
Total Note Payable	1,026,040	145,065	1,171,105
Accrued compensated absences	64,887	-	64,887
Net OPEB obligation	59,864	-	59,864
Total Long-Term Debt	$ 1,150,791	$ 145,065	$ 1,295,856

NOTE H - LONG-TERM LIABILITIES, CONTINUED

Interest expense related to the note payable for the year ended September 30, 2013 was $60,370.

The Council's outstanding note payable contains several covenants that require the Council to ensure compliance, including a debt service ratio as well as facilities maintenance, insurance and reporting requirements.

NOTE I - PENSION PLAN - FLORIDA RETIREMENT SYSTEM (FRS)

Plan Description and Provisions

Substantially all Council employees are participants in the statewide Florida Retirement System (FRS) under the authority of Article X, Section 14 of the State Constitution and Florida Statutes, Chapters 112 and 121. The FRS was noncontributory prior to July 1, 2011. Beginning July 1, 2011, FRS requires a 3% of eligible compensation employee contribution for all classes of employees except those enrolled in the DROP program, which requires no employee contribution. The FRS is totally administered by the State of Florida. The Council contributed 100% of the required contributions. Pension costs for the Council ranged between 5.18 % and 18.31% of gross wages for the year ended September 30, 2013. The Council's contributions to the plan were $63,019, $60,395, and $170,332 for the fiscal years ended September 30, 2013, 2012, and 2011, respectively. The Council's covered payroll for the years ended September 30, 2013, 2012, and 2011 was $963,317, $1,169,610, and $1,705,751, respectively.

Employees enrolled prior to July 1, 2011, who retire at or after age 62 with 6 years of creditable service, 6 years of senior management service and age 62, 6 years of special risk service and age 55, or 30 years of service (25 years for special risk) regardless of age, are entitled to a retirement benefit, payable monthly for life, equal to 1.6% to 3.0% per year of creditable service, depending on the class of employee (regular, special risk, etc.) based on average final compensation of the five (5) highest fiscal years' compensation. Benefit cannot exceed 100% of average final compensation.

Employees enrolled on or after July 1, 2011, who retire at or after age 65 with 8 years of creditable service, 8 years of senior management service and age 65, 8 years of special risk service and age 60, or 33 years of service (30 years for special risk)

NOTE I - PENSION PLAN - FLORIDA RETIREMENT SYSTEM (FRS), CONTINUED

Plan Description and Provisions, continued

regardless of age, are entitled to a retirement benefit, payable monthly for life, equal to 1.6% to 3.0% per year of creditable service, depending on the class of employee (regular, special risk, etc.) based on average final compensation of the eight (8) highest fiscal years' compensation. Benefit cannot exceed 100% of average final compensation.

Benefits vest after six (6) years of credited service for those employees enrolled prior to July 1, 2011 and after eight (8) years for those enrolled on or after July 1, 2011. Vested employees may retire anytime after vesting and incur a 5% benefit reduction for each year prior to normal retirement age.

Early retirement, disability, death, and survivor benefits are also offered. Benefits are established by State Statute. The plan provides for a constant 3% cost-of-living adjustment for retirees.

The Plan also provides several other plan and/or investment options that may be elected by the employee. Each offers specific contribution and benefit options. The Plan documents should be referenced for complete detail.

Description of Funding Policy

This is a cost sharing, multi-employer defined benefit plan available to governmental units within the state, and actuarial information with respect to an individual participating entity is not available. Participating employers are required, by Statute, to pay monthly contributions at actuarially determined rates that, expressed as percentages of annual covered payroll, are adequate to accumulate sufficient assets to pay benefits when due.

Plan Information

A copy of the FRS's June 30, 2013 annual report can be obtained by writing to the Florida Division of Retirement, Cedars Executive Center, 2639-C North Monroe Street, Tallahassee, Florida 32399-1560, or by calling (850) 488-5706.

NOTE I - PENSION PLAN - FLORIDA RETIREMENT SYSTEM (FRS), CONTINUED

Other Post Employment Benefits

The Council provides post retirement health care benefits to eligible employees. Upon retirement from the Council and becoming a recipient of monies from the State of Florida Retirement Trust Fund (FRS), eligible retired employees are qualified for continued health insurance benefits. Eligible retired employees have their medical insurance premiums paid by the Council, but are required to reimburse the Council for 100% of the premiums paid by the Council on their behalf.

NOTE J - COMMITMENTS/CONTINGENCIES

Grants

The Council is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency. The grantor agency may at times disallow expenditure amounts associated with a contract based on the outcome of an audit. These amounts would constitute a contingent liability of the Council. The Council has not, as of September 30, 2013, been notified of any existing contingent liabilities related to prior grants or the grants currently in process. The Council has not had any special compliance audits conducted by grantor agencies or any disallowed costs during the year ended September 30, 2013. The management of the Council does not believe contingent liabilities, if any exist, to be material.

NOTE K - OPERATING LEASE COMMITMENTS

The Council leases certain copiers and equipment under agreements classified as operating leases.

Future minimum lease payments under the operating leases are as follows:

Years Ending September 30	Amount
2014	$ 5,708
2015	5,040
2016	5,040
2017	5,040
2018	3,780
	$ 24,608

For the year ended September 30, 2013, total rent expense was $ 7,016.

NOTE L - INDIRECT EXPENDITURES

Indirect expenditures (including indirect and fringe benefit costs) based upon a fixed preapproved rate allocated to the Special Revenue Fund during the year ended September 30, 2013, consist of the following:

		Amount
Personnel services:		
Salaries and fringe benefits	$	423,333
Operating expenditures		161,172
Debt service		127,751
Total indirect expenditures	$	712,256

NOTE M - ECONOMIC DEPENDENCE

The Council's operations are substantially dependent on the receipt of revenue from grantor and contract agencies. Loss of these funds and/or large decreases in this type of funding would have a material effect on the financial position of the Council and a negative impact on overall operations. For the fiscal year ended September 30, 2013, approximately 77% of total revenue is attributable to funds received from grantor and contract agencies.

NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB)

The Council's defined benefit OPEB Plan provides the opportunity to obtain insurance (health, dental, and vision) benefits to its retired employees. The year ended September 30, 2010, was the Council's transition year. As such, the Council implemented GASB No. 45 on a prospective basis. All retired full-time employees are eligible for OPEB benefits if actively employed by the Council immediately before retirement. As of September 30, 2013, there were zero (0) retirees receiving these benefits. The benefits are provided both with and without contractual agreements. The Council's OPEB policy provides the opportunity for qualified retirees (pre-medicare qualified retirees) the opportunity to purchase health, dental, and vision insurance coverage similar to active full-time employees. As such, the qualified retiree is responsible for 100% of the cost of coverage selected. The Council simply acts as agent for the retiree and submits the premiums paid by the retiree. The

NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Council pays for no portion of the retiree insurance coverage. The Council finances the benefits on a pay-as-you-go basis and recognizes retiree reimbursement of premiums as revenue and the offsetting expenditures at the time the premiums are due.

Funding Policy

The Council's OPEB benefits are unfunded. The Council has not determined if a separate trust fund or equivalent arrangement will be established into which the Council would make contributions to advance-fund the obligation. Therefore, no separate financial statement is issued. All required disclosures are presented herein. The Council obtained an actuarial valuation for OPEB Plan to measure the current year's subsidies and project these subsidies into the future, making an allocation of that cost to different years. The following schedule of funding progress presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

Schedule of Funding Progress

(1) Actuarial Valuation Date	Actuarial Value of Assets (AVA) (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Annual Covered Payroll (c)	UAAL as a Percentage of Covered Payroll (b-a)/c
10/01/10	$ -	$ 149,984	$ 149,984	0.0%	$1,667,142	9.0%
10/01/11	$ -	$ 141,788	$ 141,788	0.0%	$1,679,472	8.4%
10/01/12	$ -	$ 50,030	$ 50,030	0.0%	$ 899,507	5.6%

(1) - Initial actuarial valuation dated 10/1/09 (transition year)

NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Schedule of Contributions from Employer

Year Ended	Annual OPEB Cost	Projected Cash Payment*	Percentage of Annual OPEB Cost	Net OPEB Obligation	Actual Cash Payment
9/30/11	$ 25,202	$ 9,158	36.3%	$ 41,351	$ -
9/30/12	$ 24,236	$ 9,840	40.6%	$ 55,747	$ -
9/30/13	$ 10,275	$ 6,158	59.9%	$ 59,864	$ -

*The Council did not make the expected cash payments of $ 9,158, $9,840 or $6,158 during the years ended September 30, 2011, 2012 and 2013, respectively because the Council had no retiree participants. Therefore, the actual Net OPEB obligation was $41,351, $55,747 and $59,864 at September 30, 2011, 2012 and 2013, respectively.

Annual OPEB Cost and Net OPEB Obligation

The annual OPEB cost is the amount that was expensed in the current year. Since the Council's plan is unfunded, the offset to that expense comes from subsidies paid on behalf of the current retirees and their dependents for the current year. This offset is called the expected cash payment. The cumulative difference between the annual OPEB cost for the year and the expected cash payment is called the net OPEB obligation (NOO). The net OPEB obligation is reflected as a liability in the Statement of Net Assets. The following table shows the components of the Council's annual OPEB cost for the year and the net OPEB obligation.

NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Fiscal year ended September 30, 2013	Amount
Annual required contribution (ARC)	$ 9,393
Less NOO amortization	(1,905)
Plus interest on NOO	2,787
Annual OPEB cost	10,275
Expected cash payment (projected)*	(6,158)
Yearly change in OPEB obligation	4,117
Net OPEB obligation - beginning of year	55,747
Net OPEB obligation - end of year	$ 59,864

*The Council did not make the expected cash payment of $6,158 during the year ended September 30, 2013 since the Council had no retiree participants. Therefore, the actual Net OPEB obligation is $ 59,864.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and healthcare cost trend. Amounts determined regarding the funding status of a plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Actuarial Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of the valuation and the historical pattern of sharing of benefit costs between the employer and plan members. The actual methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial valuation of assets, consistent with the long-term perspective of the calculations.

In the October 1, 2011 actuarial valuation, the entry age normal (level % of pay) actuarial cost method with linear pro-ration to assumed benefit commencement was used. The actuarial assumptions included a 5.0 percent investment rate of

NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Actuarial Methods and Assumptions, continued

return. Since there are no invested plan assets held in trust to finance the OPEB obligations, the investment return discount rate is the long-term expectation of investment return on assets held in Council funds pursuant to its investment policy (5%). The assumptions also included an annual healthcare cost inflation rate trend of 8% (pre and post medicare) in 2009 trending to 8.5% (pre-medicare) in 2013, 7.5% in 2014 and 4.5% in 2018. The unfunded actuarial accrued liability, as calculated, is being amortized over a closed amortization period of 30 years as a level percent of payroll. The assumed rate of payroll growth is 0.0 percent. The assumed rate of inflation is 0.0 percent.

NOTE O - FUND BALANCE/NET ASSETS

Fund balance was classified for the following purposes at September 30, 2013:

Nonspendable fund balance - General Fund	Amount
Deposits	$ 2,494
SBA - Fund "B"	4,904
	$ 7,398

Assigned fund balance - General Fund	Amount
Operating reserves	$ 701,086
	$ 701,086

Net assets of $112,880 are restricted for use in specific projects.

REQUIRED SUPPLEMENTARY INFORMATION OTHER THAN MD&A

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND - SUMMARY STATEMENT
Year Ended September 30, 2013

	General Fund			
REVENUES	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Federal and state grants	$ -	$ -	$ -	$ -
Contracts and local grants	-	-	-	-
County and city assessments	462,779	462,779	462,218	(561)
DRI fees	-	-	-	-
DRI monitoring fees	-	-	-	-
Increase in fair value of investments	-	-	-	-
Rental income	15,000	15,000	28,750	13,750
Interest and miscellaneous	7,000	7,000	27,185	20,185
Fund balance carryforward	519,688	542,977	-	(542,977)
TOTAL REVENUES	1,004,467	1,027,756	518,153	(509,603)
EXPENDITURES				
Current				
Personnel services	679,442	701,671	283,610	418,061
Operating expenditures	779,735	891,073	81,212	809,861
Capital outlay	13,000	45,500	35,977	9,523
Debt service	-	-	-	-
TOTAL EXPENDITURES	1,472,177	1,638,244	400,799	1,237,445
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(467,710)	(610,488)	117,354	727,842
OTHER FINANCING SOURCES (USES)				
Operating transfers in	467,710	610,488	48,153	(562,335)
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	467,710	610,488	48,153	(562,335)
NET CHANGE IN FUND BALANCE	$ -	$ -	165,507	$ 165,507
FUND BALANCE, October 1, 2012			542,977	
FUND BALANCE, September 30, 2013			$ 708,484	

DRAFT

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND - DETAILED STATEMENT
Year Ended September 30, 2013

DRAFT

	General Fund			
REVENUES	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Federal and state grants	$ -	$ -	$ -	$ -
Contracts and local grants	-	-	-	-
County and city assessments	462,779	462,779	462,218	(561)
DRI fees	-	-	-	-
DRI monitoring fees	-	-	-	-
Increase in fair value of investments	-	-	-	-
Rental income	15,000	15,000	28,750	13,750
Interest and miscellaneous	7,000	7,000	27,185	20,185
Fund balance carryforward	519,688	542,977	-	(542,977)
TOTAL REVENUES	1,004,467	1,027,756	518,153	(509,603)
EXPENDITURES				
Current				
Personnel services				
Salaries	428,299	437,084	441,377	(4,293)
Fringe benefits:				
FICA	75,377	76,821	73,725	3,096
Retirement	48,326	48,326	63,019	(14,693)
Health insurance	109,490	121,490	118,764	2,726
Severance	-	-	-	-
Workers compensation/unemployment	17,950	17,950	10,058	7,892
Allocation of indirect expenditures	-	-	(423,333)	423,333
Total personnel services	679,442	701,671	283,610	418,061
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	10,000	10,000	20,011	(10,011)
Audit fees	40,000	42,000	43,543	(1,543)
Telephone, rent, supplies, etc:				
Office supplies	21,007	20,807	10,672	10,135
Equipment rental	11,000	11,000	7,016	3,984
Storage unit rental				-
Repairs and maintenance	15,000	15,000	17,497	(2,497)
Telephone	5,650	5,650	8,077	(2,427)
Miscellaneous and insurance:				
Insurance	22,500	22,500	24,493	(1,993)
Other miscellaneous	4,000	4,000	5,360	(1,360)
Computer supplies and graphics	45,000	45,000	34,266	10,734
Professional development/meetings:				
Professional development/dues	33,170	33,170	25,543	7,627
Meetings/events	5,500	5,500	1,684	3,816

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND - DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2013

	General Fund			
Operating expenditures (continued)	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Travel	12,450	12,450	5,237	7,213
Postage	3,670	3,670	4,040	(370)
Printing/reproduction	1,400	1,400	11,904	(10,504)
Utilities	22,520	22,520	22,226	294
Advertising/legal notices	5,750	5,750	667	5,083
Publications	1,250	1,250	148	1,102
NEP grant expenses	-	-	-	-
MPO grant expenses	-	-	-	-
Amout to be reserved for ED/PR	-	-	-	-
Amount to be reserved for A/C	-	-	-	-
Reserves - operations	519,868	629,406	-	629,406
Allocation of indirect expenditures	-	-	(161,172)	161,172
Total operating expenditures	779,735	891,073	81,212	809,861
Capital outlay				
Capital purchases	13,000	45,500	35,977	9,523
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	13,000	45,500	35,977	9,523
Debt service				
Principal retirement	-	-	67,381	(67,381)
Interest and fiscal charges	-	-	60,370	(60,370)
Allocation of indirect expenditures	-	-	(127,751)	127,751
Total debt service	-	-	-	-
TOTAL EXPENDITURES	1,472,177	1,638,244	400,799	1,237,445
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(467,710)	(610,488)	117,354	727,842
OTHER FINANCING SOURCES (USES)				
Operating transfers in	467,710	610,488	48,153	(562,335)
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	467,710	610,488	48,153	(562,335)
NET CHANGE IN FUND BALANCE	$ -	$ -	165,507	$ 165,507
FUND BALANCE, October 1, 2012			542,977	
FUND BALANCE, September 30, 2013			$ 708,484	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - SUMMARY STATEMENT
Year Ended September 30, 2013

	Special Revenue Fund			
REVENUES	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Federal and state grants	$ 1,074,561	$ 1,619,095	$ 1,225,908	$ (393,187)
Contracts and local grants	579,427	593,927	610,755	16,828
County and city assessments	-	-	-	-
DRI fees	50,000	50,000	38,625	(11,375)
DRI monitoring fees	-	-	4,000	4,000
Interest and miscellaneous	-	-	-	-
Fund balance carryforward	-	-	-	-
TOTAL REVENUES	1,703,988	2,263,022	1,879,288	(383,734)
EXPENDITURES				
Current				
Personnel services	549,211	559,291	988,795	(429,504)
Operating expenditures	555,067	965,243	714,589	250,654
Capital outlay	4,000	-	-	-
Debt service	128,000	128,000	127,751	249
TOTAL EXPENDITURES	1,236,278	1,652,534	1,831,135	(178,601)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	467,710	610,488	48,153	(562,335)
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	(467,710)	(610,488)	(48,153)	562,335
TOTAL OTHER FINANCING SOURCES (USES)	(467,710)	(610,488)	(48,153)	562,335
NET CHANGE IN FUND BALANCE	$ -	$ -	-	$ -
FUND BALANCE, October 1, 2012			-	
FUND BALANCE, September 30, 2013			$ -	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - DETAILED STATEMENT
Year Ended September 30, 2013

	Special Revenue Fund			
REVENUES	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Federal and state grants	$ 1,074,561	$ 1,619,095	$ 1,225,908	$ (393,187)
Contracts and local grants	579,427	593,927	610,755	16,828
County and city assessments	-	-	-	-
DRI fees	50,000	50,000	38,625	(11,375)
DRI monitoring fees	-	-	4,000	4,000
Interest and miscellaneous	-	-	-	-
Fund balance carryforward	-	-	-	-
TOTAL REVENUES	1,703,988	2,263,022	1,879,288	(383,734)
EXPENDITURES				
Current				
Personnel services				
Salaries	549,211	559,291	565,462	(6,171)
Fringe benefits:				
FICA	-	-	-	-
Retirement	-	-	-	-
Health insurance	-	-	-	-
Workers compensation/unemployment	-	-	-	-
Allocation of indirect expenditures	-	-	423,333	(423,333)
Total personnel services	549,211	559,291	988,795	(429,504)
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	62,547	107,147	67,003	40,144
Audit fees	-	-	-	-
Telephone, rent, supplies, etc:				
Office supplies	-	-	5,943	(5,943)
Equipment rental	-	-	-	-
Storage unit rental	-	-	-	-
Repairs and maintenance	-	-	-	-
Telephone	-	-	148	(148)
Miscellaneous and insurance:				
Insurance	-	-	598	(598)
Other miscellaneous	-	-	55	(55)
Computer supplies and graphics	-	-	5,746	(5,746)
Professional development/meetings:				
Professional development/dues	11,080	11,080	10,341	739
Meetings/events	27,000	27,000	18,896	8,104
Travel	35,300	35,300	37,132	(1,832)

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2013

	Special Revenue Fund			
Operating expenditures (continued)	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Postage	22,430	22,430	15,883	6,547
Printing/reproduction	102,100	102,100	62,050	40,050
Utilities	-	-	-	-
Advertising	-	-	2,551	(2,551)
Publications	-	-	78	(78)
NEP grant expenses	294,610	660,186	326,993	333,193
MPO grant expenses	-	-	-	-
Reserves - operations	-	-	-	-
Allocation of indirect expenditures	-	-	161,172	(161,172)
Total operating expenditures	555,067	965,243	714,589	250,654
Capital outlay				
Capital purchases	4,000	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	4,000	-	-	-
Debt service				
Principal retirement	128,000	128,000	-	128,000
Interest and fiscal charges	-	-	-	-
Allocation of indirect expenditures	-	-	127,751	(127,751)
Total debt service	128,000	128,000	127,751	249
TOTAL EXPENDITURES	1,236,278	1,652,534	1,831,135	(178,601)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	467,710	610,488	48,153	(562,335)
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	(467,710)	(610,488)	(48,153)	562,335
TOTAL OTHER FINANCING SOURCES (USES)	(467,710)	(610,488)	(48,153)	562,335
NET CHANGE IN FUND BALANCE	-	-	-	-
FUND BALANCE, October 1, 2012			-	
FUND BALANCE, September 30, 2013			-	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
Year ended September 30, 2013

Grantor Agency/Program Title	Federal CFDA/ Number	Grantor's Number	Program or Award Amount	Receipts/ Revenue		Disbursements/ Expense
FEDERAL AGENCY						
Environmental Protection Agency (EPA)						
TYPE A -MAJOR						
National Estuary Program - Charlotte Harbor2 - CHNEP	66.456	CE-96457406-7	$ 3,009,350	$ -		$ -
National Estuary Program - Charlotte Harbor2 - CHNEP	66.456	CE-95483611-1	1,195,967	724,738	(6)	724,738
			4,205,317	724,738		724,738
TYPE B - NONMAJOR						
Regional Wetlands Program Development Grant - FAMWQ	66.461	CD-95488111-0	359,378	125,970	(1)	125,970
			4,564,695	850,708		850,708
TYPE B - NONMAJOR						
Federal Highway Administration/US DOT						
Passed through Florida Department of Community Affairs/ Division of Emergency Management						
Hazardous Materials Emergency Preparedness Planning & Training	20.703	13DTB5130021167	58,370	43,777	(2)	43,777
Hazardous Materials Emergency Preparedness Planning & Training	20.703	14DT75130021186	58,370	14,593	(3)	14,593
			116,740	58,370		58,370
U.S. Department of Commerce						
Economic Development Planning, Section 203, 1/1/11 to 12/31/13	11.302	04-83-06492	189,000	51,062	(4)	51,062
Passed through Tampa Bay Regional Planning Council						
Economic Development						
Economic Adjustment Assistance	11.307	04-69-06568	89,045	62,828	(5)	62,828
			278,045	113,890		113,890
U.S. Department of Energy						
Passed through the Florida Department of Agriculture and Consumer Services						
Passed through Tampa Bay Regional Planning Council						
ARRA - Florida Energy Assurance/Energy Resiliency	81.122		32,194	32,194		32,194
		TOTAL FEDERAL AWARDS	$ 4,991,674	$ 1,055,162		$ 1,055,162

(1) Does not include unearned revenue of $72,362
(2) Includes receivable of $35,844
(3) Includes receivable of $14,593
(4) Includes receivable of $2,312
n/a - Not Available
(5) Includes receivable of $23,504
(6) Does not include unearned revenue of $181,058

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
September 30, 2013

NOTE A - BASIS OF PRESENTATION

The Schedule of Expenditures of Federal Awards has been prepared on an accrual basis of accounting in conformity with accounting principles generally accepted in the United States of America and is in accordance with the provisions of OMB Circular A-133.

Expenditures reported on the Schedule (Schedule) of Expenditures of Federal Awards include cash disbursements, whether capitalized or expensed, during the fiscal year as well as grant related amounts recorded as payable at year end. Revenues reported on the Schedule of Expenditures of Federal Awards include accrual basis revenue, including amounts recognized as well as grant receivables recorded at year end. Revenue that is deferred/unearned is not reflected but rather footnoted.

NOTE B - INDIRECT COSTS

The Council did routinely allocate costs to Federal Awards. Costs charged to such programs were direct costs unless specifically incurred for the program and allowed and indicated as such. Indirect costs are allocated to the functions and programs based upon various methods which reflect appropriate cost, usage and/or benefit by the function and program.

NOTE C - MATCH/PARTICIPATION REQUIREMENTS

The Council received financial assistance under a type A major grant requiring local match/participation in the form of cash. A maximum match/participation amount is established at the time the financial assistance is awarded. However, revenue is earned on the reimbursement basis and can only be recognized to the extent of applicable eligible and allowable disbursement. The match/participation requirement is therefore based on a contracted portion of allowable disbursements.

For the fiscal year ended September 30, 2013, the Council had met its match/participation requirements for its Type A grant.

ADDITIONAL REPORTS OF INDEPENDENT AUDITOR

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, the basic financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2013, and the related notes to the financial statements which collectively comprise the Council's basic financial statements as listed in the table of contents and have issued our report thereon dated February 20, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the basic financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined previously. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Southwest Florida Regional Planning Council's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
February 20, 2014

Independent Auditor's Report on Compliance with Requirements That Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Report on Compliance for Each Major Federal Program
We have audited Southwest Florida Regional Planning Council's compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement that could have a direct and material effect on each of Southwest Florida Regional Planning Council's major federal programs for the year ended September 30, 2013. Southwest Florida Regional Planning Council's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility
Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility
Our responsibility is to express an opinion on compliance for each of Southwest Florida Regional Planning Council's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America; and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance

with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about Southwest Florida Regional Planning Council's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of Southwest Florida Regional Planning Council's compliance.

Opinion on Each Major Federal Program
In our opinion, Southwest Florida Regional Planning Council complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended September 30, 2013.

Report on Internal Control Over Compliance
Management of Southwest Florida Regional Planning Council is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered Southwest Florida Regional Planning Council's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Southwest Florida Regional Planning Council's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Purpose of the Report

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
February 20, 2014

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS - FEDERAL AWARDS
Year ended September 30, 2013

Section I – Summary of Auditor's Results

Financial Statements

Type of auditor's report issued:	Unmodified	
Internal control over financial reporting:		
Control deficiency(ies) identified?	______ Yes	X No
Significant deficiency(ies) identified?	______ Yes	X No
Material weakness(es) identified?	______ Yes	X None reported
Noncompliance material to financial statements noted?	______ Yes	X No

Federal Awards

Internal control over major programs:		
Control deficiency(ies) identified?	______ Yes	X No
Significant deficiency(ies) identified?	______ Yes	X No
Material weakness(es) identified?	______ Yes	X None reported
Type of auditors report issued on compliance for major programs:	Unmodified	
Any audit findings disclosed that are required to be reported in accordance with Circular A-133, Section 510(a)?	______ Yes	X No

Identification of major programs:

CFDA Number(s)	Type	Name of Federal Program or Cluster
66.456	A	National Estuary Program - Charlotte Harbor

Dollar threshold used to distinguish between Type A and Type B programs	Threshold used was $300,000	
Auditee qualified as low-risk auditee?	______ Yes	X No
Listing of Subrecipients and amounts passed-through:	There were no subgrantees.	

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS - FEDERAL AWARDS, CONTINUED
Year ended September 30, 2013

Section II- Financial Statement Findings

There were no significant deficiencies, material weaknesses, or instances of material noncompliance related to the financial statements.

Section III- Federal Award Findings and Questioned Costs

There were no audit findings related to federal awards required to be reported by OMB Circular A-133, Section 510(a).

Status of Federal Prior Year Findings

Prior year audit findings 2012-1 and 2012-2 appear to have been resolved by the Council.

INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

We have audited the accompanying basic financial statements of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2013 and have issued our report thereon dated February 20, 2014.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America. We have issued our Report on Internal Control over Financial Reporting and Compliance and Other Matters. Disclosures in that report, which is dated February 20, 2014, should be considered in conjunction with this report to management.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter included the following information, which is not included in the aforementioned auditor's report:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. The prior year comments appear to have been resolved.

- Section 10.554(1)(i)2., Rules of the Auditor General, requires our audit to include a review of the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Council complied with Section 218.415(17), Florida Statutes.

- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. No Such recommendations were noted to improve financial management.

- Section 10.554(1)(i)4., Rules of the Auditor General, requires that we address violations of provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did note no such findings.

- Section 10.554(1)(i)5., Rule of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit if the reporting entity be disclosed in the management letter, unless disclosed in the notes to the financial statements. The Council discloses this information in the notes to the financial statements.

- Section 10.554(1)(i)6.a., Rules of the Auditor General, requires a statement be included as to whether or not the local government entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that this item is not applicable to the Council.

- Section 10.554(1)(i)6.b., Rules of the Auditor General, requires that we determine whether the annual financial report for the Council for the fiscal year ended September 30, 2013, filed with the Florida Department of Financial Services pursuant to Section 218.32(1)(a) Florida Statutes, is in agreement with the annual financial audit report for the fiscal year ended September 30, 2013. In connection with our audit, we determined that these two reports were in agreement.

- Pursuant to Sections 10.554(1)(i)6.c. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the Council's financial condition. However, we determined this item is not applicable to the Council.

- Pursuant to Section 10.554(1)(i)6.e., Rules of the Auditor General, related to funds received or expended related to the Deep Water Horizon oil spill; no such funds were received or expended for the year ended September 30, 2013.

PRIOR YEAR COMMENTS:

The prior year comments appear to have been resolved.

CURRENT YEAR COMMENTS:

No financially significant comments noted.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the Executive Committee, Council members, management, the Auditor General of the State of Florida, federal and state awarding agencies, pass-through entities and other federal and state audit agencies. However, this report is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
February 20, 2014

EXHIBIT

_________________Agenda
_____________________Item

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Estero Bay Agency on Bay Management Committee

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Estero Bay Agency on Bay Management

The regular meeting of the Estero Bay Agency on Bay Management was held on March 10, 2014 in the SWFRPC's 1st Floor Conference Room in Fort Myers, Florida.

The approved minutes of the February 10, 2014 meeting are attached.

Mr. Don Schrotenenboer, Charles Basinait, Carl Barraco, Ken Passerella, and Kirk Martin presented on The Centerplace Development AKA Alico West located northeast of FGCU with a new entrance road to the university (presenter's handout attached). The project was discussed in relation to water quality, habitats, coordinated transportation with FGCU, and aspects for design improvements.

Mr. Dave Crawford with the SWFRPC presented on why the Centerplace development is not a DRI.

Further discussions followed on contracting under-represented entities for EBABM participation, and the planning for the Cela Tega 2015.

Next Meeting Time and Place, for EBABM is Monday, April 14, 2014 – 9:30 A.M, at the SWFRPC and for the IAS is Monday, March 31, 2014 – 1:30 P.M at FGCU.

Recommended Action: Information Only

Minutes

ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, February 10, 2014 – 9:30 a.m.

SWFRPC Offices
1926 Victoria Avenue
Fort Myers, Florida

1. Call to Order – Dr. Demers called the meeting to order at 9:35 AM.

2. Attendance- As usual attendance was taken from the sign in sheet:

NAME	ORGANIZATION
Tom Babcock	Fort Myers Beach Civic Association
Lisa Beever	CHNEP
Karen Bickford	Lee Co Div of Natural Resources
Brenda Brooks	CREW
Cheryl Clark	Estero Bay Aquatic Preserve
Brad Cornell	Audubon of Florida
Wayne Daltry	Audubon of SWF
Nora Demers	Responsible Growth Management Coalition
Win Everham	FGCU
Brian Hamman	Lee County Commission
Renee Kwiat	Lee County Port Authority
Christopher Lienhardt	FGCU Student
Pete Quasius	Snook Foundation
Martha Simons	City of Bonita Springs
Roger Strelow	ECCL

Staff in Attendance: Jim Beever
Guests: Steve Boutelle, Lee County, Ross Wherry

Approval of January 13, 2014 minutes. Motion to approve the January 13, 2014 minutes as written was made by Ms. Simons and seconded by Dr. Demers. The motion carried with no discussion and no objections.

Agenda – No Additions, Deletions or Corrections. Motion to approve the agenda as written was made by Ms. Simons and seconded by Dr. Demers.

Election of Officers - Dr. Lisa Beever was elected chair for 2014. Dr. Nora Demers was elected vice chair for 2014. Mr. Wayne Daltry was elected secretary for 2104. Motion to approve full slate by Mr. Quasius, second by Ms. Simons. All voted aye except Dr. Demers who abstained.

The EBABM draft work plan for 2014 (attached) was reviewed and approved. Motion by Dr. Everham, second by Mr. Daltry. Unanimous approval.

A review of membership in the EBABM for the Bonita Springs Lion's Club was made. Lions Club international has “green teams’ that take on projects and do environmental advocacy. (Adopted climate change in ’72) The Bonita Springs Green Team just formed with Ms. Simons as President. Patty Whitehead Cullum as Vice President. The Bonita Springs Lions club is most busy in the country. EBABM membership for the Bonita Springs Lion's Club was unanimously approved.

Mr. Steve Boutelle with Lee County presented on the proposed dredging of New Pass to remove shoaling. Lee County Natural Resources Division filed application planning to put the dredged sand out on the beach system. It is estimated to remove 30,000 cubic yards of material from confluence of the Pass. The Spoil is identified as “beach compatible sand’. The tip of Big Hickory Island has gone into the Gulf of Mexico as an ebb tidal shoal. There is now a public safety issue by users of waterway with some running aground on the sand shoal. Study indicates there are no sea grasses in area proposed to be dredged. Depth of dredging will be about 6.3 feet deep at Mean Low Water. The depth was chosen based on the controlling depth condition in the upstream channel. The application is in process.
Questions concerning the project followed:

Dr. Beever- What will be the mechanism to move the sand? Hydraulic using a pipe to the spoil area. It is unlikely to use a mechanical dredge because of pass currents. Initial dredging occurred after 1956- likely in the mid 1960’s

Dr. Everham -As far as they know there has never been a documented maintenance dredging of this place? No, not since the initial channel dredge.

What is the relation to No Engine Zone (NGP) and General Permit for Maintenance Dredging for Estero Bay? They always try to put beach compatible sand on the beach. The NGP does not include the area to be dredged.

Do you anticipate that this dredging will be ongoing? Will put into monitoring of the area to see how the new dredging persists. This shoaling problem has arisen pretty dramatically in recent years, associated with the Pelican Landing installed beach groins at Big Hickory Island.

Are you looking at additional hardening? The County does not intend to do any hardening. There are concerns about Pelican Landing’s hardening of their area.

We would draft comment at IAS- is that soon enough? Yes, he thinks so for Army Corp permit, but FDEP is often acting very quickly on this.

Mr. Babcock- What are hydro dynamics of system? Study at Fort Myers Beach has helped us understand dynamics of system. There is no intent to hydrodynamics before dredging- this is an immediate problem that needs to be addressed. He is sure there are plenty of coastal engineers that would give us a model. Unless you are prepared to take another step what is the point?

Is the project funded? The project is not even budgeted yet, because of time to progress to permit- Pelican Landing got an emergency permit to harden.

Ms. Simons – There is an area where there used to be roseate spoonbills that are not there anymore. How would time frame affect users? It is expected that boaters will have issues for a while.

Ms. Clarke- Is there documentation for initial dredging, aerials; in a permit? What about flow velocity changes and how it might impact sea grasses in NGP area N? He expects a decrease in velocity- there maybe scouring.

Mr. Babcock stated it seems like new pass and San Carlos Pass has been very active in last few years- seems to relate to Lover's Key renourishment. Ms. Simons stated you need to build renourishment and dredging into the regular budget. People also want Big Carlos Pass dredged too.

The Centerplace Development AKA Alico West is located northeast of FGCU with a new entrance road to the university was discussed, and plans to request a presentation for a future meeting were made.

Discussions followed on contacting under-represented entities for EBABM participation. EBABM did have WCI, Bonita Bay and others before the economic downturn. Those employees were lost, and withdrew since they did not have resources to do so. We tried a few years ago, EBABM has a list of old, but what about new? Hyatt was suggested. Win says we should reach out as individuals once the list has been generated. Chamber of Commerce's- too.

Recent Conservation 2020 projects in the CREW - Mr. Cornell said this issue is timely- Feb 13th CLASAC is meeting criteria and evaluation committee and full committee at 5:30 will be looking at proposal for nomination #515 Palm Tree Nursery (CREW). 20/20 CREW lands parcels 512 and 513 were voted down, in a recent meeting. Both sites were in-holdings of CREW. This issue may come up to Lee County BoCC on the 18th for consideration. CLASACs new members may not understand the relationship between 20/20 and CREW. A motion was made to write a letter to the Lee County Commission with copies to CLASAC in support of the acquisition of CREW 20/20 parcels. Motion by Ms. Simons, second by Ms. Brooks. Passed unanimously. Dr, Beever will draft and send letter (attached).

Beginning the planning for the Cela Tega 2015 - Committee of volunteers was formed including Dr. Demers, Mr. Quasius, Ms. Simons, and Dr. Everham. The EBABM will be polled for selection of 2015 Cela Tega themes. Mr. Quasius stated we should coordinate with AWRA- suggest partnering- water quality and policy issues too. The target audience for AWRA is different for the two organizations- maybe keep the meetings back to back. Maybe bring in the CWI.

Emerging Issues: DACS non-target impacts of mosquito control spraying in coastal areas; potential for fracking in the watershed; HB 157 Public disclosure of chemical used in fracking with problems of secrecy for proprietary reasons, and information is provided only after the use of the chemicals; Lee County LPA Land Use and Transportation Elements.

Announcements:

SFWMD governing board in Fort Myers will be meeting at Commissioner Chambers at 9 AM Thursday Jan 15

CREW TRUST silent auction coming up

City of Bonita Springs Task force will be meeting every other week

The next CHNEP Watershed Summit will be held March 25–27, 2014, at the Charlotte Harbor Event & Conference Center (75 Taylor St., Punta Gorda). The theme is "Our Vision in Action" with 60 presentations scheduled. Sessions will include:

- Tuesday morning: evaluating water quality.
- Tuesday afternoon: mapping and monitoring sea grass, assessing macroinvertebrates and birds, and a poster session.
- Wednesday morning: assessing fish communities.
- Wednesday afternoon: assessing shellfish and a poster session.
- Thursday morning: restoring water quality, habitats and watersheds.
- Thursday afternoon: enhancing stewardship and planning for the future.

Next Meeting, Time, Place, Agenda Items. The next full EBABM meeting will be Monday, March 10, 2014, at 9:30 a.m. at the SWFRPC Office. The date of the next IAS will be February 24, 2014.

Adjournment: Dr. Beever called the meeting to adjournment at 11:50 AM.

CenterPlace

FACT SHEET

PROJECT SUMMARY/OVERVIEW

Private Equity Group has applied to Lee County for zoning approval for **CenterPlace**, the first significant mixed-use development to be proposed utilizing the county's progressive Compact Communities Code. Planned on 886 acres south of Alico Road and east of Ben Hill Griffin Parkway, **CenterPlace** is the continuation of the Comprehensive Plan Amendment for a project then known as Alico West that was approved by Lee County and the State of Florida in 2010. The development is located on the last piece of developable land contiguous to Florida Gulf Coast University and includes a 40-acre parcel donated to the university for campus expansion. **CenterPlace** is ideally located for a regional hub of vibrant activity, only one mile east of I-75 and two miles south of Southwest Florida International Airport.

CenterPlace is about connections. FGCU faculty and students will have direct access from the main campus to the community's parks, shopping, restaurants and entertainment destinations via multi-modal paths, a potential water shuttle, and a new road on the south end of the development connecting **CenterPlace** to the east end of FGCU's campus. Residents from throughout Southwest Florida and regional tourists will visit the town center district and community parks for unique programs, activities and concerts. Paths within the development will connect residential neighborhoods with the waterfront promenade, town square and community beach.

CenterPlace will be the first mixed-used development of its kind in Southwest Florida. The community includes the following proposed uses:

- Primary and secondary homes for residents of all ages
- Graduate and student housing incorporating the latest design, technology and amenities
- 250-bed hotel and 30,000-square-foot conference center
- Marina and observation pier
- 68-acre central park for outdoor recreational programming and activities
- Retail, restaurant and entertainment outlets
- Lively town center with activities and attractions for residents and visitors throughout the region
- Office space
- Research & development park
- Extended classroom and event locations for FGCU faculty and students

CenterPlace

CENTERPLACE BY THE NUMBERS

Total acreage	886
Parks and open spaces	170 acres
Lake	352 acres
Residential units	1,950
Hotel rooms	250
Conference center	30,000 sq. ft.
Retail and entertainment	246,400 sq. ft.
Office	100,000 sq. ft.
R&D Park	300,000 sq. ft.
Land donation to FGCU	40 acres

Pending permits and approvals, land development to begin in mid-2015

BENEFITS TO LEE COUNTY

- Provides a stimulus of construction and development projects of almost $1 billion, including an average annual increase of 771 jobs per year during the development period (2016-2028)*
- Increases annual property tax collections from $1.5 million in 2017 to more than $12 million by 2028*
- Creates an average annual increase in labor income of $36.3 million from 2016 to 2028*
- Helps to complete the county's vision for the University Community land use designation
- Supports the county's goals and objectives in developing a Regional Research Area commonly referred to as the "Research Diamond"
- Through dedication, reserves a portion of the right-of-way needed for the widening of Alico Road, as well as assistance in providing necessary and appropriate water management facilities
- Through the payment of road impact fees, assists in providing proportionate funding for the widening of Alico Road

** Source: CenterPlace Economic Impact Study by Regional Economic Research Institute at FGCU under the direction of Dr. Gary Jackson.*

CenterPlace

BENEFITS TO FLORIDA GULF COAST UNIVERSITY

- Exponentially expands residential options for faculty, staff and students
- Creates a true University Village experience through direct pedestrian, bicycle and vehicular connections between the main campus and destinations for living, working, learning, shopping, recreating and entertaining
- Helps FGCU accommodate its anticipated increase in student enrollment
- Provides for an alternative entrance to FGCU from Alico Road via a new road to be constructed on the south end of the CenterPlace community leading into the east end of the main campus
- Completes a donation of 40 acres to FGCU for campus expansion

BENEFITS TO THE ENVIRONMENT

- Implements appropriate environmental restoration and reclamation of a prior mining site to today's standards
- Eliminates the unsightly and disturbed nature of the land
- Improves water recharge after development compared to current conditions, with no negative impacts to water supply

About the Company

Private Equity Group is headquartered in Fort Myers, Florida, where it has been directing equity investments in land, operating businesses, land development, commercial property and residential master-planned communities for 30 years. Private Equity Group has been involved in the acquisition of a number of large real estate portfolios and has been instrumental in developing more than 14,000 acres in Florida. The company has completed more than $2 billion in transactional business and built more than 8,000 residential homes and 16 shopping centers with more than one million square feet of leasing space. Led by Chief Executive Officer OJ Buigas, Private Equity Group operates a consolidated equity fund, focusing its investment activities in four strategic divisions: real estate, construction, business operations and asset management.

The company's successful developments include familiar projects in Southwest Florida:

- The Landings Yacht, Golf and Tennis Club, Fort Myers
- Meadowbrook, Bonita Springs
- Coral Point Shopping Center
- Shops at Santa Barbara
- Summerlin Commons Office Building
- Fernwalk, South Fort Myers
- Gulf Plaza Shopping Center, Cape Coral
- Eagle Lakes Estates, Fort Myers

Also among Private Equity Group's other diverse holdings is the Grand Cayman Marriott, a 295-room beachfront resort on Grand Cayman Island's renowned Seven Mile Beach.

For more information, visit PrivateEquityGroup.net.

Information

For more information about CenterPlace, call Don Schrotenboer, President-Real Estate at Private Equity Group, 239.590.9066 or Don@PEGFL.net.

Media inquiries should be directed to Tina Matte, PR Counsel with Gravina, Smith, Matte & Arnold Marketing and Public Relations, 239.275.5758 or Tina@GSMA.pro.

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Legislative Affairs Committee

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Southwest Florida Regional Planning Council

Legislative Affairs Committee

Legislative Priorities & Bills of Interest – 2014 Legislative Session

Sean McCabe, Regional Counsel

Last Updated: March 11, 2014

TABLE OF CONTENTS

Note: The table of contents is hyperlinked. For additional research beyond the information in this document, the Florida Association of Counties web site has an excellent legislative advocacy section, including a federal legislation section with resources on the Biggert-Waters Flood Insurance Reform Act and WRDA; *see also* the Florida League of Cities and the Florida Chapter of the American Planning Association legislative web pages.

General Overview

The 2014 Regular Session is the 116th Regular Session since Statehood in 1845. The **Senate** meeting schedule can be found here. The **House** meeting schedule can be found here. The 2014 session will convene on March 4 and end on May 2.

Legislative Calendar

- March 4, 2014: Regular Session Convenes
- March 27, 2014: Florida Association of Counties Legislative Action Day
- April 1-2, 2014: Florida League of Cities Legislative Action Days
- April 7-8, 2014: Everglades Action Day
- April 22, 2014: Last day for regularly scheduled committee meetings
- May 2, 2014: Last day of regular session

Regional Legislative Priorities

There has been legislative activity at both the federal and state level concerning several of the items selected for Council's 2014 Legislative Agenda[1], and on other issues of regional interest.

I. Federal Priorities

A. Water Policy

1. WATER RESOURCES DEVELOPMENT ACT (WRDA)

Fully support the next Water Resources Development Act (WRDA) bill, including authorization for the Caloosahatchee C-43 West Basin Reservoir Project, and appropriation of the necessary funds to implement the C-43 Reservoir Project. The reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.

Update: The House-Senate conference committee began work Nov. 20 on resolving the differences between the Water Resources Reform and Development Act (H.R. 3080) and the Senate's version of the water resources legislation, S. 601. There has not been any news concerning progress made by the conference committee.

Congress last passed a WRDA bill six years ago; the process is supposed to take place every two years. Leaders from the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee have expressed optimism over the prospects of adopting a conference bill that can be sent to the President's desk for final passage.

2. CENTRAL EVERGLADES PLANNING PROJECT (CEPP)

Fast track the Central Everglades Planning Project (CEPP) and get congressional support and funding for the project. The project will move approximately 210,000 acre-feet of water south of Lake Okeechobee and will reduce some of the damaging flows to the St. Lucie and Caloosahatchee estuaries.)

Update: No news on this project.

3. THE COMPREHENSIVE EVERGLADES RESTORATION PLAN (CERP)

The Federal Government needs to fund their share of the Comprehensive Everglades Restoration Plan (CERP) and implement the projects agreed to in the plan. A majority of the lands needed for the projects have been purchased by the State and need Federal funding to move forward with the projects.

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[1] Council's 2014 Legislative Agenda was created the latter part of 2013 to present at local government legislative delegation meetings; it was intended to be a fluid rather than a static document, to be updated as the session progresses.

Update: No news on this project.

4. HERBERT HOOVER DIKE REHABILITATION

Continue to keep pressure on the U.S. Army Corps of Engineers to move as quickly as possible to rehabilitate **the Herbert Hoover Dike.** The project will protect the communities around Lake Okeechobee and provide more freeboard and temporary storage in the lake to reduce peak flows to the estuaries. The President has requested $86 M for construction in FY 14 to continue repairs to the HHD.

Update: No news on this project.

B. BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012

Support efforts to suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 federal flood insurance rate hikes until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.

Update: Both the Senate and House adopted have versions of the Homeowner Flood Insurance Affordability Act. The Senate passed S. 1846 by a vote of 67-32 in January; Senators Nelson and Rubio both voted in favor of the bill. The House passed H.R. 3370 on 3/4/14 with over 300 votes in favor; it will now go to the Senate for final approval/reconciliation, then to the President for his signature.

II. STATE PRIORITIES

A. WATER POLICY

1. Interim storage on C-43 West Reservoir site.

Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase I of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is $10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.

Update: No news on this project.

2. LAKE HICPOCHEE RESTORATION PROJECT.

Funds needed to complete planning and construction on north and south sides of Lake Hicpochee to increase storage and treatment. Estimated cost for planning and construction is $20-30 million. Project will result in increased water storage and treatment within the Caloosahatchee basin.

Update: No news on this project.

3. INCREASE DISTRIBUTED STORAGE IN KISSIMMEE, LAKE OKEECHOBEE, AND CALOOSAHATCHEE BASINS.

Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

Update: The USACE, Jacksonville District, has increased flows from Lake Okeechobee to the Caloosahatchee River; the target flow is 650 cfs. The SFWMD continues to move water south through the Stormwater Treatment Areas to the Water Conservation Areas. The releases are being conducted in accordance with the 2008 Lake Okeechobee Regulation Schedule (LORS); the current LORS guidance allows for releases up to 3,000 cfs at Franklin Lock.

On March 3, 2014, the five mayors of Lee County municipalities signed a joint letter to the SFWMD petitioning for reassessment of the Adaptive Protocols for Lake Okeechobee, to identify additional operational flexibility that can be exercised to provide supplemental freshwater flows to the Caloosahatchee when a violation of the Caloosahatchee Minimum Flow and Level (MFL) rule is occurring or is imminent and no other water users are being cutback.

4. SOUTHWEST FLORIDA COMPREHENSIVE WATERSHED PLAN (SWFCWP).

Support funding for projects furthering the goals and objectives of the SWFCWP.

Update: No news on this project.

B. SOUTHWEST FLORIDA RESEARCH AND EDUCATION CENTER (SWFREC)

Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida's Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.

Update: There has been a concerted effort to rally legislative support for restoring funding to the Center to prior levels. Council's resolution supporting funding for the SWFREC was sent to the legislative delegation, and a model resolution was forwarded to council members to facilitate creation of additional resolutions supporting funding for the Center. The SW Florida community, in conjunction with the agricultural industry, have reached out to members of the legislature advocating for the funding request. The first budget numbers are expected to be released near the end of March, at which time there may be some indication as to the likelihood of receiving funding for the Center.

LEGISLATION OPPOSED BY COUNCIL

SB 372: DEVELOPMENTS OF REGIONAL IMPACT

Abbreviated rationale for opposition: The bill promotes urban sprawl, fails to advance sound growth management principles, fails to provide a mechanism for addressing the impact of proposed development on nearby local governments or regional resources, and conflicts with the SWFRPC's mission and strategic regional policy plan.

HB 395: GROWTH MANAGEMENT/PRIVATE PROPERTY RIGHTS

Abbreviated rationale for opposition: violates local government Home Rule principles.

HB 703: ENVIRONMENTAL REGULATION

Abbreviated rationale for opposition: violates local government Home Rule principles.

HB 7023: ECONOMIC DEVELOPMENT

Abbreviated rationale for opposition: violates local government Home Rule principles.

Link to article regarding legislature's disregard for Home Rule principles

POLICY UPDATES

WATER POLICY

FERTILIZER ORDINANCES

The Associated Industries of Florida's 2014 Session Priorities, released February 27, 2014, includes the following provision:

> **Environment: Fertilizer Ordinances** (pg. 11)
>
> AIF SUPPORTS legislation addressing the labyrinth of inconsistent, unscientific and arbitrary county and municipal ordinances related to fertilization and urban turf, lawns and landscapes. AIF will lead the way in efforts to enact common sense fertilizer use policies that will ensure that our environment is protected and our businesses are able to operate without having to navigate through a patchwork of confusing local government ordinances.
>
> AIF will engage in environmental issues by:
>
> - Continuing to support comprehensive solid waste programs to increase recycling rates.
> - Opposing changes to the current contamination notification laws.
> - Opposing the enactment of fees on tire or landfill disposals and water severance taxes in order to pay for recycling programs.

Below is a list of fertilizer ordinances adopted by local governments in the Region:

Timeline of Modern Fertilizer Ordinances in Southwest Florida

Jurisdiction	First Adopted (Improved Amendment)	Stricter Than State Standard (87.5%)
City of Naples	6-7-2006	Yes
City of Sanibel	3-6-2007 (9-18-2007)	Yes
Sarasota County	8-27-2007	Yes
City of Sarasota and City of Venice	10-15-2007	Yes
Charlotte County	3-18-2008 (6-14-2011)	Yes
City of North Port	11-26-2007	Yes
Town of Longboat Key	5-5-2008	Yes
Lee County	5-13-2008	Yes
City of Fort Myers	11-17-2008	Yes
Town of Fort Myers Beach	12-18-2008	Yes
City of Bonita Springs	11-19-2008	Yes
City of Marco Island	12-30-2009	Yes
City of Cape Coral	11-29-2010	Yes
Hendry County	4-12-2011	No
Collier County	6-26 -2011	No
City of Punta Gorda	6-6-2012	Yes

ENVIRONMENTAL APPROPRIATIONS

GOVERNOR SCOTT'S FY 2014-2015 POLICY & BUDGET RECOMMENDATIONS

Governor Scott's proposed FY 2014-15 budget would allocate $1,410,924,838 for the Florida Department of Environmental Protection, $322,735,346 for the Fish and Wildlife Commission, and $1,459,310,220 for Agriculture and Consumer Services.

The Florida Forever conservation program buys land for state parks and forests and local parks and trails. Gov. Scott's budget includes $30 million in new revenue for conservation land buying, and $40 million from the sale of non-conservation lands.

Gov. Scott is proposing $130 million for Everglades projects, a significant increase over the $70 million in the current fiscal year, and includes projects recommended by the Senate Select Committee on Indian River Lagoon and the Lake Okeechobee Basin, which recommended projects that would cost $220 million.

Gov Scott is proposing to spend $55 million on springs protection, including $5 million for agricultural BMPs, $25 million for alternative water supplies in Central Florida, and $25 million for springs projects across the state.

Major Issues	**Funded Amount**
Everglades Restoration	$130 million
Florida Forever/Land Management	$70 million
Springs Restoration	$55 million
Keys Wastewater Treatment Plan	$50 million
Beach Projects	$25 million
DrinkingWater/Waste Water Facility Construction	$259.8 million
State Park Facilities Improvements	$19 million
Citrus Research, Management and Production	$12 million

BILLS OF INTEREST

Note: bills are listed in numerical order.

PCB EDTS 14-03: ECONOMIC DEVELOPMENT

Proposed Committee Bill EDTS 14-03 (PCB EDTS 14-03) is a comprehensive economic development proposal by the House Economic Development and Tourism Subcommittee (Subcommittee). The proposed committee bill is scheduled to be heard by the Subcommittee on January 15 at 8:00 a.m.

Sections one and two of the PCB are OPPOSED by the League. These sections prohibit proportionate-share contributions, transportation concurrency and impacts fees for new development before July 1, 2017, unless authorized by a majority vote of the local government's governing body. This prohibition would apply to non-residential developments less than 6,000 square feet.

Section seven of the bill, which the League supports, would improve the Community Development Program (CDBG) to maintain current funding categories with adequate safeguards to ensure grants primarily benefit low and moderate-income families. This section of the bill was drafted in cooperation with the Department of Economic Opportunity and is a League priority.

Please contact members of the House Economic Development and Tourism Subcommittee and voice your opposition to sections one and two; and your support of section seven.

PCB EDTS 14-03 & Analysis

HB 49: SPRINGS REVIVAL ACT (STEWART)

(Similar - SB 76, Soto)

Official description: Springs Revival Act; Requires water management districts to identify certain springs, develop certain plans, & submit certain reports; authorizes districts to adopt rules & issue orders.

Analysis: By October 1 of each year, requires each WMD, with appropriate technical support, to identify first and second magnitude springs that are in decline based upon historic average water quality and flow levels, and which are not identified in DEP's rule for impaired water bodies. By July 1, 2015, each WMD must develop a five-year plan to restore historic average water quality flow levels to the springs that are identified as described above and in the rule for impaired water bodies. Also beginning July 1, 2015, quarterly progress reports are required. The authority to adopt rules pursuant to this legislation is provided.

Status: Referred to Agriculture and Natural Resources Subcommittee; Rulemaking Oversight and Repeal Subcommittee; State Affairs Committee

CS/CS/SB 84: WAIVERS OF OUT-OF-STATE FEES FOR VETERANS (LATVALA)

(Related: numerous; *see* HB 7015, Smith)

Waivers of Out-of-state Fees for Veterans; Citing this act as the "Congressman C. W. Bill Young Veteran Tuition Waiver Act"; establishing the Congressman C. W. Bill Young Veteran Tuition Waiver Program; requiring a state university or Florida College System institution to waive out-of-state fees for certain veterans of the Armed Forces of the United States, including the National Guard and reserve components thereof; requiring a state university and Florida College System institution to report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers, etc.

CS/CS/SB 84 creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Act." The bill provides an out-of-state fee waiver for honorably discharged veterans of the U.S. Armed Forces, including the National Guard and reserve components thereof, who reside in the state while enrolled at a state university or Florida College System institution. Essentially, the waiver allows qualifying veterans to pay in-state rates for tuition and fees. The waiver covers 110 percent of the credit hours needed to complete the degree or certificate program in which the veteran is enrolled. The bill requires that state universities and Florida College System institutions report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted each year. The fiscal impact of the bill on Florida College System institutions cannot be determined; the fiscal impact on the State University System is $8,196,185, based on academic year 2012-2013 enrollment data for non-resident veterans.

Status: CS/CS by Education 12/10/13; CS/CS/CS by Appropriations Subcommittee on Education 1/15/14; Now in Appropriations

CS/HB 137: EDISON STATE COLLEGE (HUDSON, EAGLE, RODRIGUES)

Official description: Edison State College; Renames Edison State College as "Florida SouthWestern State College."

Analysis: Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session. Edison College was renamed Edison State College in the 2009 legislative session, Chapter 2009-228, pursuant to this authority. This bill changes the name of "Edison State College" to "Florida SouthWestern State College" to avoid a possible violation of trademark rights of two other "Edison" institutions in the country.

Status: CS by Higher Education and Workforce Subcommittee 1/8/14; CS/CS by Education Committee 2/6/14; CS/CS/CS by Appropriations Subcommittee on Education 1/15/14

HB 157: PUBLIC RECORDS/FRACTURING CHEMICAL USAGE DISCLOSURE ACT (RODRIGUES)

(Related: HB 71, Rodrigues)

Official description: Pub. Rec./Fracturing Chemical Usage Disclosure Act; Provides exemption from public records requirements for trade secrets contained within information relating to hydraulic fracturing treatments obtained by DEP's Division of Resource Management in connection with the division's online hydraulic fracturing chemical registry; provides procedures & requirements with respect to the granting of confidential and exempt status; provides for disclosure under specified circumstances; provides for future review & repeal of the exemption; provides statement of public necessity; provides for contingent effect.

Status: Favorable by Agriculture and Natural Resources Subcommittee 1/14/14; Now in Government Operations Subcommittee

HB 189: GROWTH MANAGEMENT (BOYD)

(Similar/companion: SB 374, Detert)

Official description: Growth Management; Revising restrictions on initiative or referendum process in regard to local comprehensive plan amendments & map amendments.

House Analysis: HB 189 revises the prohibition on initiative and referendum processes for local comprehensive plan amendments or map amendments by removing a provision that allows such initiatives or referendum processes for any local comprehensive plan amendment or map amendment that affects more than five parcels of land under certain conditions. The bill prohibits initiative or referendum processes for any local comprehensive plan amendment or map amendment, unless the initiative or referendum process is expressly authorized by specific language in a local government charter which was lawful and in effect on June 1, 2011.

Status: Favorable by Economic Development and Tourism Subcommittee 2/4/14; Now in Local and Federal Affairs Committee

SB 246: LOCAL GOVERNMENT PENSIONS REFORM (POLICE AND FIRE PENSIONS) (CALDWELL)

(Identical: HB 509)

Senate Community Affairs Committee summary: Local Government Pension Reform; Revising the legislative declaration to require that all firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; revising existing payment provisions and providing for an additional mandatory payment by the municipality or special fire control district to the firefighters' pension trust fund; revising the legislative declaration to require that all police officer pension plans meet the requirements of ch. 185, F.S., in order to receive insurance premium tax revenues, etc.

Status: Favorable by Governmental Oversight and Accountability 12/11/13; Favorable by Community Affairs 1/14/14; Now in Appropriations

CS/SB 312: AGRICULTURE/WATER STORAGE (SIMPSON)

(Companion bill HB 575 – Albritton)

Senate Community Affairs Committee summary: Agriculture; Providing that participation in a water retention program may be considered a nonincome-producing use under certain circumstances; providing that certain items in agricultural use, certain nets, gas or electricity used for agricultural purposes, and growth enhancers or performance enhancers used by a qualified agricultural producer for cattle are exempt from the sales and use tax imposed under ch. 212, F.S.; requiring a qualified agricultural producer to apply for an agricultural sales and use tax exemption certificate from the Department of Revenue, etc.

Analysis: Under current law, water management districts have the ability to enter into agreements with owners of agricultural land, which could include making payments to that owner under certain circumstances. Such payments are typically classified as revenue and therefore, taxable. SB 312 (and House Bills 207 arid 121 by Representative Jake Raburn) state that participation in a water retention program sponsored by a water management district which requires flooding of land that is assessed at a de minimis value pursuant to § 193.461(7)(a), Fla.Stat., is considered a nonincome-producing use if payments to the owner under the program do not exceed the reasonable expenses associated with program participation. In other words, it reduces the tax liability that exists today as it enables participants to maintain their greenbelt agricultural classification, which typically results in a significant ad valorem tax savings. The bill also provides an expiration date for this provision of December 31, 2020.

Status: Favorable by Agriculture 12/9/13; CS by Community Affairs 1/8/14; Now in Appropriations Subcommittee on Finance and Tax

HB 315: LOCAL LAND DEVELOPMENT REGULATIONS (STARK)

(Companion bill: SB 376, Soto)

Official description: Local Land Development Regulations; Requires local land development regulations to include sinkhole testing.

Status: Referred to Economic Development and Tourism Subcommittee; Local and Federal Affairs Committee; Economic Affairs Committee

SB 356: VACATION RENTALS (THRASHER)

(Companion bill: HB 307, Hutson)
The Senate Regulated Industries Committee unanimously passed SB 356 (Thrasher) relating to vacation rentals. SB 356 removes the preemption language that was enacted in 2011, allowing local governments to regulate vacation rental properties to protect the health and welfare of their residents, visitors and businesses.

Analysis. In 2011, the Legislature adopted CS/HB 883, codified at Ch. 2011-119, F.S. The law combined resort condominiums and resort dwellings into a new classification of public lodging establishment, "vacation rentals" and prohibits local governments from treating vacation rentals differently than residential property. The law permits single family homes to be occupied by large numbers of people for time periods as short as one day, impacting permanent residents due to parking issues, noise, garbage collection, and other community concerns.

Status: Favorable by Regulated Industries 1/9/14; Favorable by Community Affairs 2/4/14; Placed on Calendar, on 2nd reading 2/5/14

SB 372: DEVELOPMENTS OF REGIONAL IMPACT (GALVANO)

(Similar: HB 241, Gaetz)

Official description: Developments of Regional Impact; Deleting certain exemptions for dense urban land areas; revising the exemption for any proposed development within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile, etc. Effective Date: 7/1/2014

Status: Favorable by Community Affairs 2/4/14; CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development 2/19/14

Link to analysis prepared by Senate Committee on Community Affairs

Link to analysis prepared by Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Analysis: SB 372 would amend s. 380.06(29), F.S., by expanding upon the DRI exemptions for Dense Urban Land Areas (DULAs) created by SB 360 in 2009.

Under current law the following are exempt from DRI review as DULAs:

- Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
- Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan;
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan.

If SB 372 is enacted:

- The DULA exemption for counties will be amended to include any county with "an average population of at least 400 people per square mile and a population of at least 300,000."
- The requirement that a proposed development be within an urban service area will be eliminated.
- Local governments like Sarasota County who are certified under § 380.065, Fla. Stat., to conduct their own DRIs would lose their legal basis for requiring developments to go through their DRI process, since the projects would no longer be subject to DRI review.

  § 380.06(24)(u), Fla. Stat. (statutory exemptions to DRI process):

  "Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review."
- A development that qualifies as a DULA for exemption from DRI review is also exempt from the DRI aggregation rule:

  "Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other. ..."

  Fla. Stat. § 380.0651(4), Fla. Stat. (2013 Edition)

The effect would be that 14 additional cities and 6 additional counties would be exempt from the DRI process throughout the state, including Lee, Sarasota, Manatee, Brevard, Pasco, and Volusia.

Under the current law, eight counties and 242 municipalities are designated (exempted) as DULAs in Florida. In the SWFRPC region, no counties are currently designated as DULAs, but almost all of our municipalities are: Bonita Springs, Cape Coral, Clewiston, Fort Myers, Fort Myers Beach, Longboat Key, Marco Island, Naples, Punta Gorda, Sarasota, and Venice - the only incorporated municipalities *not* designated as DULAs are Everglades City, LaBelle, Moore Haven, North Port, and Sanibel.

► Click here for additional information

HB 395: GROWTH MANAGEMENT/PRIVATE PROPERTY RIGHTS (PERRY)

(Related: SB 1314, Evers)

Official description: Growth Management: Requires local governments to address protection of private property rights in their comprehensive plans; requires comprehensive plans to include property rights element that addresses certain objectives; requires counties & municipalities to adopt land development regulations consistent with property rights element. Effective Date: 7/1/2014

Analysis: HB 395 would amend s. 163.3167, F.S., which contains required elements of comprehensive plans, by adding the requirement for a "property rights element"; within a year of adopting the element, each county and municipality would be required to adopt land development regulations consistent with the requirements listed in the law.

Status: Referred to Economic Development and Tourism Subcommittee; Local and Federal Affairs Committee; Economic Affairs Committee

SB 510: LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICTS (RING)

(Similar: HB 351)

Local Government Neighborhood Improvement Districts; Providing that an ordinance that creates a local government neighborhood improvement district may authorize the district to incur certain debts and pledge the funds, credit, property, and special assessment power of the district to pay such debts for the purpose of financing certain projects; providing conditions on the exercise of such power, etc.

Status: favorable by Community Affairs 1/14/14; now in Appropriations Subcommittee on Finance and Tax

CS/SB 542: FLOOD INSURANCE (BRANDES)

(Companion: HB 581, Ahern)

Official description: This bill was amended and passed by the Senate Banking and Insurance Committee. The bill creates laws governing the sale of private flood insurance policies, contracts and endorsements by authorized insurers. The bill also requires insurers that write flood coverage to provide coverage for "flood" as currently defined by the National Flood Insurance Program (NFIP) and permits insurers to expand flood coverage to include water intrusion originating from outside the structure.

Analysis: Bill would require insurers that write flood coverage to provide coverage for "flood" as currently defined by the National Flood Insurance Program (NFIP). It would also permit insurers to expand flood coverage to include water intrusion originating from outside the structure. For flood rate filings made before July 1, 2024, an insurer would be allowed to use the following three additional options for developing rates:

- A rate filing that is exempt from the filing and review requirements of sections 627.062(2)(a) and (f), Florida Statutes;
- Individual risk rating; and
- If the insurer obtains the written, signed consent of the policyholder, it may use a flood coverage rate that has not been approved by the Office of Insurance Regulation (OIR).

The bill would also:

- Allow flood policies to be offered which adjust flood claims on a replacement cost basis or actual cash value;
- Allow policy limits for coverage to be any agreed upon amount;
- Make the following coverages optional: (1) additional living expense coverage, (2) personal property or contents, and (3) law and ordinance coverage;
- Require a declarations page of a policy to disclose clearly all limitations on coverage or policy limits;
- Require the insurer to give 45 days prior written notice of cancellation or nonrenewal to the insured and any regulated lending institution or federal agency that is a mortgagee; and
- Allow an insurer or insured to cancel during the term of the policy or upon renewal if the cancellation is for a valid reason under the NFIP.

Status: CS passed by Banking and Insurance 1/8/14, CS/CS passed by Appropriations Subcommittee on General Government 2/6/14, Appropriations on 2/20/14; now in Banking and Insurance (3/5/14)

HB 581: FLOOD INSURANCE (AHERN & FITZENHAGEN)

Official description: Flood Insurance; Adds projected flood losses to factors that must be considered by OIR in reviewing certain rate filings; increases membership of Florida Commission on Hurricane Loss Projection Methodology; requires commission to adopt standards & guidelines relating to flood loss by certain date; authorizes insurers to offer flood insurance in this state; establishes minimum coverage requirements for such policies; provides coverage limitations that an insurer may include in such policies; requires that certain limitations be noted on policy declarations or face page; provides insurer with rate options; requires insurer to provide notice that flood insurance is available from National Flood Insurance Program; allows insurer to export contract or endorsement of certain amount to surplus lines insurer without meeting certain requirements; provides prior notice requirements for cancellation or nonrenewal of policy; requires insurer to notify office before writing flood insurance & to file plan of operation with office; provides preemption for any conflicts with other provisions of Florida Insurance Code; requires Commissioner of OIR to provide certification that condition qualifies for flood insurance or disaster assistance.

Status: 1/27/2014 House - Referred to Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

HM 583: NATIONAL FLOOD INSURANCE PROGRAM (RASCHEIN)

Official description: Memorial bill regarding the National Flood Insurance Program; Urges Congress to delay implementation of Biggert-Waters Flood Insurance Reform Act of 2012 until specified conditions are met & to eliminate any requirement to immediately increase to full-risk rate a property owner's insurance procured through National Flood Insurance Program.

Status: 1/27/2014 House - Referred to Local and Federal Affairs Committee; Regulatory Affairs Committee

CS/SB 586: BROWNFIELDS (ALTMAN)

Official description: Brownfields; Revising legislative intent with regard to community revitalization in certain areas; revising procedures for designation of brownfield areas by local governments; providing procedures for adoption of a resolution; providing requirements for notice and public hearings; authorizing local governments to use a term other than “brownfield area” when naming such areas; providing an exemption from liability for property damages for entities that execute and implement certain brownfield site rehabilitation agreements, etc.

Status: 2/6/2014 Senate - CS by Environmental Preservation and Conservation 2/5/14; Pending reference review under Rule 4.7(2) - (Committee Substitute)

SB 606: ETHICS (CLEMENS)

(Related: HB 655, Hood; SB 846, Latvala)

Official description: Governmental Ethics; Requiring elected municipal officials to participate in annual ethics training; deleting the requirement that each reporting individual or procurement employee file a quarterly statement disclosing certain gifts with the Commission on Ethics; authorizing a reporting individual or procurement employee to request an advisory opinion regarding application of the section; requiring the commission to impose a civil penalty on a person who has filed a complaint with malicious intent under certain circumstances, etc.

Analysis: The bill addresses a number of governmental ethics issues including providing a balanced manner by which public officials may identify, disclose and resolve (or otherwise avoid) conflicts between public duty and private interests.

Status: On Committee agenda-- Ethics and Elections, 02/17/14

SB 644: ACCESSORY DWELLING UNITS (SIMPSON)

Official description: Accessory Dwelling Units; Authorizing certain property owners to construct accessory dwelling units for exclusive occupancy by specified seniors, disabled persons, or the caregivers of such persons under certain circumstances; requiring such property owners to submit an application and affidavit to local government authorities to construct an accessory dwelling unit; providing that accessory dwelling units must comply with specified local government regulations and are subject to local government fees and charges, etc.

Status: Referred to Children, Families, and Elder Affairs; Community Affairs; Commerce and Tourism 1/22/14

HB 703: ENVIRONMENTAL REGULATION (PETRONIS)

(Companion: SB 1464, Simpson)

Official description: Environmental Regulation; Specifies authority of counties to enforce certain wetlands, springs protection, & stormwater ordinances, regulations, & rules; provides vote requirements for adoption of certain elements of local government comprehensive plans & plan amendments; prohibits local governments from rescinding certain comprehensive plan amendments; authorizes durations & multiple commencement dates for certain consumptive use permits; requires delegated local governments to follow certain criteria & standards for well construction; provides that proof of insurance meets certain mitigation bank permit requirements; requires certain criteria to be incorporated into regional water supply plans; provides conditions under which DEP is required to establish certain greenhouse gas performance standards & repeal & revise certain rules; establishes solid waste landfill closure account within Solid Waste Management Trust Fund.

Analysis:

1000 Friends of Florida claims that HB 703 would undermine the power of each local governments to enact and enforce critical local comprehensive plans, policies, and implementing regulations, and that the bill:

- Retroactively preempts local government authority to protect wetlands and springs and regulate stormwater runoff. It would, in effect, repeal comprehensive plan policies, implementing regulations and other land use controls related to these issues that have been adopted since 2003;
- Retroactively preempts local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 on; and,
- Prevents any local government from rescinding a plan amendment where development has been approved on bona fide agricultural lands.

Status: 2/3/2014 House - Referred to Agriculture and Natural Resources Subcommittee; Local and Federal Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

SB 834: LEGAL NOTICES (LATVALA)

(Companion: HB 781, Powell)

Official description: Legal Notices; Authorizing clerks of court to provide links to legal notices web pages; prohibiting charging a fee or requiring registration for viewing online legal notices; establishing the period for which legal notices are required to be published on the statewide website; requiring that legal notices be archived on the statewide website for a specified period; providing that the printed version of a legal notice prevails if there is a conflict; providing applicability, etc.

Status: Referred to Governmental Oversight and Accountability; Judiciary; Appropriations

HB 1077: DEVELOPMENT EXACTIONS (PERRY)

(Related: SB 1310, Evers)

Official description: Development Exactions; Prohibits local governments from imposing or requiring certain exactions on or against private property; provides exceptions.

Analysis: HB 1077 and its companion bill, SB 1310, would prohibit local governments from placing permit requirements on development projects that are more stringent than those issued by state and federal agencies. The bills are supported by property rights groups, and are related to a controversial case decided by the U.S. Supreme Court last year, *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586 (2013). Text of proposed bill:

> Section 1. Section 70.45, Florida Statutes, is created to read:
>
> 70.45 Local government development exactions.—
>
> (1) The Legislature finds that in the land use planning and permitting process, a landowner or applicant may be especially vulnerable to excessive demands for relinquishment of property or money in exchange for planning and permitting approvals. The Legislature further finds that exaction demands beyond the direct impact of a proposed development are against public policy and are therefore prohibited.

(2) A county, municipality, or other local governmental entity may not impose on or against any private property a tax, fee, charge, or condition or require any other development exaction, either directly or indirectly, that:

(a) Requires building, maintaining, or improving a public, private, or public-private infrastructure or facility that is unrelated to the direct impact of a proposed development, improvement project, or the subject of an application for a development order or administrative approval.

(b) Is more stringent than an exaction imposed by a state or federal agency on or against the same property concerning the same impact.

(3) This section does not prohibit a county, municipality, or other local governmental entity, upon demonstration, from:

(a) Imposing a tax, fee, charge, or condition or requiring any other development exaction that serves to mitigate the direct impact of the proposed development and that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity.

(b) Accepting the voluntary dedication of land or an easement that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity and the development or proposed development is situated on the specific property to which the dedication of land or easement applies.

Status: Referred to Local and Federal Affairs Committee; Finance and Tax Subcommittee; Economic Affairs Committee 3/5/14

SB 1398: LAND CONSERVATION (HAYS)

Official description: Land Conservation; Limiting the ability of the state, a county, or a municipality to purchase land outside an area of critical concern for conservation purposes; providing criteria; exempting purchases of land if they are approved by referendum or if the land is purchased for active public use, etc.

Status: Filed 2/27/14; Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations 3/4/14

SB 1576: SPRINGS (DEAN)

(Similar: HB 1313, Brodeur)

Official description: Springs; Specifying distributions to the Ecosystem Management and Restoration Trust Fund; requiring the Department of Environmental Protection or the governing board of a water management district to establish the minimum flow and water level for an Outstanding Florida Spring; creating the “Florida Springs and Aquifer Act”; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; repealing provisions relating to periodic evaluation and assessment of onsite sewage treatment and disposal systems, etc.

Analysis: Bills were filed in both chambers that would reduce pollution of springs, while easing requirements in draft legislation for upgraded sewage treatment plants and septic tanks in spring areas. The bills would allocate money from documentary stamp taxes to fund springs projects. Rather than requiring the properties with septic tanks to connect to central sewers or advanced septic systems, the bill requires compliance with state “basin management action plans”; the bills also require water management districts to establish minimum flows for springs by July 1, 2015.

Status: Referred to Environmental Preservation and Conservation; Agriculture; Appropriations 3/5/14

HB 7005: DEPARTMENT OF TRANSPORTATION (RED LIGHT CAMERA PREEMPTION BILL) (ARTILES)

(Related: SB 696; SB 1048, Latvala)

(Formerly PCB 14-01) General Bill by Transportation and Highway Safety Subcommittee; Department of Transportation; Revises provisions relating to Mid-Bay Bridge Authority, traffic infraction detectors, acquisition & disposition of property, lease of property, transportation facilities that are interoperable with department's systems, mitigation of project environmental impact, & Pinellas Bayway & repeals provisions for Florida Statewide Passenger Rail Commission.

Analysis: The Transportation and Highway Safety Subcommittee passed proposed committee bill THSS 14-01 (PCB 14-01), which contains several provisions relating to transportation: After July 1, 2014, cities would be prohibited from installing red light cameras or relocating existing red light cameras. The fine for a red light camera violation would be reduced from $158 to $83. Cities would no longer receive any of the revenue generated by a red light camera violation. A surcharge could be imposed by cities for the sole purpose of funding administrative costs and to satisfy contractual agreements with vendors.

The bill also makes changes to the Florida Department of Transportation (FDOT) process for conveying surplus property; it would eliminate the requirement that FDOT offer cities a right of first refusal to purchase surplus property located within city limits. The would also prohibit cities from charging for public parking, such as installing parking meters, within the right-of-way of a state road.

Links: PCB 14-01, Committee Bill Analysis

Status: Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee

CS/HB 7015: MILITARY AND VETERAN SUPPORT (SMITH)

Related: HB 873/SB 970, Employment of Veterans; SB 860, Military and Veterans Affairs; SB 418, Fee Waivers for Military Veterans; CS/CS/SB 140, Driver Licenses; CS/CS/SB 84, Waivers of Out-of-state Fees for Veterans

Official description: Military and Veteran Support; Revises & creates provisions to benefit veterans & service members with regard to Educational Dollars for Duty program; Florida Veterans' Walk of Honor & Florida Veterans' Memorial Garden; governmental employment preference; residency in Florida State Veterans' Domiciliary Home & admittance to state veterans' nursing home; drivers license & learner's permit exemptions & extensions; physician certificate for practice in areas of critical need; & waiver of certain state university & Florida College System institution fees; provides appropriations for specified installations under Military Base Protection Program & state readiness centers. APPROPRIATION: $26,500,000.00

Analysis by House Economic Affairs Committee

Status: CS by Appropriations Committee 2/4/14; on Economic Affairs Committee agenda 02/20/14

HB 7023: ECONOMIC DEVELOPMENT (TRUJILLO)

Official description: Economic Development; Revises provisions relating to transportation concurrency, impact fees, loan programs, urban redevelopment, Space Florida, Unemployment Compensation Trust Fund contributions, & rural areas of critical economic concern. Effective Date: 7/1/2014

Analysis: HB 7023 would prohibit the application of impact fees or transportation concurrency on new business developments of less than 6,000 square feet; a city or county commission could opt out of the requirement, and this change to the law would expire after three years. Opposition is expected from 1000 Friends of Florida, the Florida League of Cities, and Florida Association of Counties, who opposed similar language last year; the Florida Chamber of Commerce has expressed support for the bill.

Status: 2/5/2014 - House - Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee

SPB 7064: PUBLIC RECORDS AND MEETINGS

(Companion: HB 1151)

Official description: Bill proposed by Governmental Oversight and Accountability. Public Records and Meetings; Revising the general state policy on public records; authorizing a person to make a request to inspect or copy a public record at certain agency offices; providing that public records requests need not be in writing unless otherwise required by law; providing that a party filing an action against certain agencies is not required to serve a copy of a pleading claiming attorney fees on the Department of Financial Services, etc.

Analysis: SPB 7064 substantially amends the public records and public meetings laws. This bill clarifies how the public may access records and how agencies should respond. This bill also outlines what an agency may charge as a service fee and incorporates the cost of litigating attorney fees if an agency loses an enforcement action. This bill places additional requirements on organizations that accept membership fees from the government and on businesses contracted with the government. Provisions of possible concern to SWFRPC: amends § 119.01, Fla. Stat., stipulating:

- that requests to inspect or copy public records can be made at any agency location which provides or receives government services; and
- prohibiting an agency from paying dues to any foundation or association unless certain records of the foundation or association are open for inspection and copying, including all financial, business, and membership records pertaining to the agency paying dues, and all other records that the foundation or association shares publicly or with its members.

Creates § 119.0702, F.S., requiring public records law training of all agency employees who deal with public record requests.

Status: 03/06/14 - Senate - passed Governmental Oversight and Accountability Committee,

LEGISLATIVE NEWS & SUPPLEMENTAL MATERIALS

LEE COUNTY MAYORS LETTER TO SFWMD

March 03, 2014

Daniel O'Keefe, Chairman
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Request from Lee County Mayors to Reassess the Adaptive Protocols for Lake Okeechobee Operations

Dear Chairman O'Keefe:

The five Mayors of Lee County are requesting the South Florida Water Management District to reassess the Adaptive Protocols for Lake Okeechobee to identify additional operational flexibility that can be exercised to provide supplemental freshwater flows to the Caloosahatchee when a violation of the Caloosahatchee Minimum Flow and Level (MFL) rule is occurring or is imminent and no other water users are being cutback.

The Caloosahatchee estuary remains in a state of recovery following four months of high-flow discharges from Lake Okeechobee and stormwater runoff from the Caloosahatchee watershed. Wet-season flows averaged more than 7,400 cubic feet per second (cfs), more than two and half times the high flow target for the estuary, from June–October. These flows not only impacted the ecology of the Caloosahatchee estuary and our coastal waters, but they also had a significant impact our local economies.

Just three months after the high flow discharges were discontinued, the Caloosahatchee exceeded its Minimum Flow and Level (MFL) "harm" threshold. This year now marks the seventh consecutive year of MFL violations, resulting in "serious harm" to the resource as defined in 40E-8, F.A.C. This occurred despite of the District's January Position Analysis indicating that there was less than a 10% chance that the Lake level would fall into the Water Shortage Management Band of the Lake Okeechobee Release Schedule prior to June 1st.

The primary Prevention and Recovery strategy for the Caloosahatchee MFL is the C-43 West Basin Reservoir and Aquifer Storage and Recovery (ASR) projects. These projects have been significantly delayed and there is no assurance that these projects will be completed anytime in the near future. In addition, when storage estimates were calculated for the Caloosahatchee MFL it was based on a minimum flow of 300 cfs. Today, we have more accurate data that suggests that the minimum flow needed to achieve the Caloosahatchee's salinity target is closer to 650–800 cfs. This means that the total volume of storage needed within the Caloosahatchee basin is estimated to be closer to 450,000 acre-feet. The projects outlined in the Prevention and Recovery strategy will fall short of this goal.

We are very appreciative of the 650 cfs flows that the U.S. Army Corps and the District have provided to the Caloosahatchee this year to help moderate salinities. However, the volume appears to be slightly insufficient to keep salinity below the MFL harm threshold. In the interim, while we wait for the C-43 Reservoir to be authorized and funds to be appropriated, we request that the District and U.S. Army Corps identify short-term strategies in the Adaptive Protocols for Lake Okeechobee to meet the Caloosahatchee's low-flow needs. Let us be clear, we are not asking for supplemental flows to be provided to the Caloosahatchee during times when it will result in harm to existing legal users or other ecosystems within the SFWMD service area. However, when no other water users are experiencing water shortage cutbacks and no other ecosystems are being harmed, the Caloosahatchee should continue to receive flows that meet the minimum ecological needs of the estuary.

We want to thank you for your leadership and hope that you will consider supporting our request.

Sincerely,

Ben Nelson Jr., Mayor
Bonita Springs

Marni L. Sawicki, Mayor
Cape Coral

Randall P. Henderson Jr., Mayor
Fort Myers

Alan Mandel, Mayor
Fort Myers Beach

Kevin Ruane, Mayor
Sanibel

C.c.: Kevin Powers, Vice Chairman
Rick Barber
Sandy Bachelor
Mitch Hutchcraft
James Moran
Juan Portuondo
Timothy Sargent
Glenn Waldman
Blake Guillory, Executive Director

PROPOSALS FOR MITIGATION FROM STORMS FLOATED IN FLORIDA LEGISLATURE AND IN CONGRESS

Date 03/03/2014 - By Jay Liles, FWF Policy Consultant

While politics has continued to dampen the call for action on climate change, many on both sides of the political divide see mitigation as common ground. Take U.S. Congressman Dennis Ross who represents a Florida congressional district that spans much of Orange, Hillsborough and Polk Counties. He has introduced legislation which would provide every taxpayer a $5,000 incentive to have storm resistant shutters, stronger roof panels, better windows and other important elements of the home or commercial structures less prone to damage from wind, flood and rain.

HR 2398 known as the Disaster Savings Accounts Act of 2013 - Amends the Internal Revenue Code to establish tax-exempt disaster savings accounts to pay the expenses of homeowners for equipment and materials for mitigating the effects of a natural disaster by each of us to take up to a $5000 deduction for such costs. This is much like the health savings account many of us currently use to defray the costs of doctor visits, prescription drugs and other medical related expenses.

At a time when Congress and the Florida Legislature is struggling with government–backed insurance costs, it is a good idea to permit homeowners to become more weather aware by having them take on the upfront costs of storm mitigation. We are all more likely to learn more about mitigation techniques and the value of storm protection if we have skin in the game.

FWF would like to thank Congressman Ross for introducing this novel approach to mitigation. You can also play a role in seeing that HR 2398 is enacted into law. The bill is currently before the House Committee on Ways and Means. Your own representative in congress should offer to co-sponsor this good legislation. We also need Florida's U.S. Senators Rubio and Nelson to step up and offer similar legislation in the Senate. Please send a short note to your Member of Congress asking them to co-sponsor HR 2398 and to our US Senators asking them to introduce a similar measure in the Senate.

You can find your member of congress at www.congress.gov.

In the Florida Legislature, members of the Senate Banking and Insurance committee gave a favorable vote to CS/SB 542 by Senator Jeff Brandes, a bill that would establish a process whereby private insurance companies could offer flood insurance. This comes as many living in flood–prone areas are learning about plans to increase premiums for the National Flood Insurance Program (NFIP). FWF and the National Wildlife Federation have been strong proponents of measures designed to end subsidies for homeowners and commercial property owners who buy in low-lying areas. However, we have encouraged policymakers to use market driven price signals to better educate people about the risks associated with coastal living. Senator Brandes's bill will do both and that is why we support such measures. Ultimately, homeowners will learn that coastal living comes with risks and that shifting the financial burden to others is not a sustainable approach.

You can show your support for Senator Brandes's proposal by writing to the Chair of the Senate General Government Appropriations Committee, Alan Hays, and ask him to agenda this bill as soon as possible. Senator Hays's email ishays.alan.web@flsenate.gov and he can be reached by phone at (352) 742-6441.

STATE LEGISLATURE SHOULD RECOGNIZE LOCAL AUTHORITY

- Lester Abberger and Carol Weissert (board members of LeRoy Collins Institute, FSU)

Opinion Piece, Tallahassee Democrat (6-30-13)

As the dust settles from the 2013 session of the Florida Legislature, we want to call attention to a troubling trend from this session and several that preceded it: the Legislature's increasingly frequent willingness to override, ignore, or preempt local government authority.

During this session, the Legislature enacted measures raising mandatory county pension contributions, prohibiting local governments from requiring employers to provide sick leave, and preempting local transportation planning and environmental regulation. Moreover, and equally as troubling, the problem is not confined to the Legislature. An appeals court earlier this month found that Florida Department of Juvenile Justice had improperly shifted juvenile detention costs to local governments.

These actions follow previous state preemption's prohibiting local governments from enacting laws on subjects ranging from banning guns in parks and government buildings, to smoking in parks, at beaches or in bars, to outlawing retail plastic bags. The state mandates a number of provisions in the area of pensions, compensation and presumption of disability of local firefighters and police.

The ostensible logic undergirding such preemptions pales in contrast to what we see as a much more fundamental concern about local autonomy. The rationale for giving local governments the authority to make decisions responsive to the needs of their constituents is clear: they reflect local conditions and values. They meet the needs of their citizens for services that may differ from the needs of citizens in other jurisdictions. They can provide efficient levels of public spending by encouraging greater local recognition of the cost of public programs. Giving local governments the ability to exercise policy functions also increases innovation, experimentation, and local competition in the design and delivery of services.

The past few years have posed enormous challenges for local governments as they have struggled to maintain essential services in a declining revenue environment without increasing taxes. Unfunded state mandates push the responsibility of funding programs to local governments, which can be ill equipped to take them on without raising property taxes.

Ironically, the Legislature seems to be impeding the ability of local governments to respond to local priorities, concerns, and values at the very time it is chafing under similar "heavy-handed" actions emanating from the federal government. One need look no further than the arguments opposing Medicaid expansion in Florida to get a palpable sense of this strongly-felt concern. Some of the same legislators who rail about the importance of local decision making when it applies to the states are those who also cavalierly ignore the same concerns when they apply inconveniently to jurisdictions further down the governmental food chain.

The LeRoy Collins Institute, a public policy research entity charged with studying issues important to Florida, has been examining state-local relationships in Florida, with funding from the Jessie Ball duPont Fund, for several years. We have analyzed state involvement in municipal pensions, trends in local governmental spending and revenues, and various aspects of intergovernmental aid. Although we have identified situations where state involvement is essential to guide local actions and to assure they are transparent, we have carefully weighed the positives and negatives for the necessity of state action in our recommendations. We urge state agencies and the state legislature to apply judiciously a similar calculus

Given that local governments are constitutionally "creatures of the state," it is sometimes convenient for state officials to ignore local implications consequences of their actions. But to do so is harmful to a healthy intergovernmental system in Florida — one that reflects the wide diversity of citizenry in our state.

Meeting the needs of citizens of Miami-Dade and those in Monticello is best accomplished by local government authority — not the heavy hand of Tallahassee.

BILL DEALING WITH 'DEVELOPMENTS OF REGIONAL IMPACT' CLEARS FIRST SENATE STOP

Bruce Ritchie, 02/04/2014 - 04:44 PM

The Florida Current reported that a bill that would expand the list of counties where larger developments are excluded from a state review process passed its first committee stop Tuesday despite opposition from environmentalists.

In 2009, the Legislature passed **SB 360** exempting counties designated as "dense urban land areas" from review by state and regional agencies as "developments of regional impact."

SB 372, filed this year by **Sen. Bill Galvano**, R-Bradenton, would provide the dense urban land area designation to counties with at least 300,000 residents or densities of 400 people per square mile.

That would increase from eight to 15 the number of designated counties including Manatee County, where Galvano lives. Galvano's office previously said only six rather than seven additional counties would get the designation. The seven are Brevard, Escambia, Lee, Manatee, Pasco, Sarasota and Volusia.

Galvano told the **Senate Committee on Community Affairs** that the bill attempts "to recognize the sophistication" of planning staff at cities and counties and provide local control over development.

"It's not that you are diminishing the standards of development," Galvano said. "Instead you are recognizing local control with the appropriate technology and training would work better."

However, representatives of **1000 Friends of Florida** and **Sierra Club Florida** said the bill raised concerns about increasing the number of counties with DRI exemptions.

The bill also removes the requirement that the exempted areas be in "urban service areas" where development already is expected to occur.

"Entire new cities could be planned and permitted without taking into perspective the regional impact," Sierra Club lobbyist **David Cullen** said.

Representatives of the **Florida Chamber of Commerce** and the **Association of Florida Community Developers** indicated their support for the bill. SB 372 passed without opposition or debate among senators. The bill has three more committee stops.

Outside of the meeting, Galvano said that his legislation could allow approval of new developments only if they can gain support from local governments.

"Again, it's not removing standards -- that's not the case at all," the senator said. "It's just changing the process and giving more local oversight as opposed to state oversight."

Also Tuesday, the **House Economic Development & Tourism Subcommittee** passed **HB 189** to try again to fix state law regarding local referendums on development decisions.

It started in 2011 with a sweeping growth management bill that prohibited citizen referendums on development decisions. Then the Legislature passed bills in 2012 and 2013 to address concerns raised by cities that previously had charter language requiring votes.

HB 189 removes language allowing referendums only on land use changes involving five or more parcels. Supporters include the Sierra Club, 1000 Friends of Florida, the Florida Chamber of Commerce and the city of Longboat Key.

Further Dismantling of Florida State Oversight of Growth

By Bradenton Herald Editorial - February 28, 2014

Florida's growth management law has been systematically dismantled over the past five years, and new legislation lowers the bar on state oversight of so-called developments of regional impact.

Bradenton Republican Sen. Bill Galvano's measure exempts Manatee, Sarasota and five other counties from state DRI reviews, joining eight more heavily populated counties that meet the state's definition of dense urban areas.

Current regulations require a county population of 900,000 and 1,000 people per square mile to be classified as dense and exempt from DRI review. Under Galvano's bill, those figures fall to 300,000 and 400 respectively.

Only an exceptionally liberal mind-set would consider 400 people per square mile as a dense urban area. In a Herald/Times Tallahassee report last week, a Sierra Club lobbyist noted that amounts to one house per three square acres, in no way dense.

SB 372 contains three poison pills. The bill eliminates state review of large projects to ensure roads, utilities, schools and other public assets can accommodate new development for those less populated counties.

The measure also dumps requirements that promote infill development, thus returning Florida to the days of undesirable sprawl -- an expensive proposition for taxpayers, who would foot the bill for extending public services.

In addition, more counties and municipalities could disregard the objections of neighboring local governments that border large projects. Their concerns over regional traffic issues and environmental impacts could fall by the wayside.

Galvano counters that his legislation would spare developers the time and expense of an additional project approval process, stating counties are imminently qualified to review major projects.

SB 372 would also eliminate urban service areas, a flash point in the large Long Bar Pointe project along Sarasota Bay.

Manatee County commissioners recently removed the project from the original boundaries of the county's newly created urban service area, and the developers want to be reinserted into that zone.

All that would be moot should Galvano's bill continue to advance, having already gained two committee approvals, and pass into law. A companion bill, HB 241, is not moving as quickly in the House.

In the Herald/Times report, Galvano rejected any connection between his bill and the Long Bar Pointe project, stating he hasn't conferred with the two developers.

One is Carlos Beruff, a political ally of Gov. Rick Scott and a contributor to the campaigns of Galvano and many Manatee County commissioners.

The Long Bar proposal continues to inflame the community over environmental fears.

Public perception that elected officials are beholden to their campaign contributors -- specifically cited by Long Bar opponents -- is impossible to discount or ignore.

While we do not share that political cynicism, local elected leaders will be in full control of land-use decisions under this legislation -- officials whose campaigns are fueled by money from builders, developers and others.

At the very least, state oversight of DRI projects affords local opponents a measure of comfort knowing they stand a chance of blocking approval at the state level.

Since 2009, Florida has gutted growth management, and Galvano's bill would remove one of the few remaining pieces.

Florida should be embracing smart growth, regional collaboration and infill projects -- not opening the door to sprawl in moderately populated counties. We've been down that rocky road before in the past.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL 2014 LEGISLATIVE AGENDA

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

The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity created in 1973 pursuant to an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota counties. The SWFRPC supports legislative actions consistent with its mission.

I. Federal Priorities

A. Water Policy

1. Fully support the next **Water Resources Development Act (WRDA)** bill[2], including **authorization for the Caloosahatchee C-43 West Basin Reservoir Project**, and **appropriation of the necessary funds to implement the C-43 Reservoir Project**. (Reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.)

2. Fast track the **Central Everglades Planning Project (CEPP)** and get congressional support and funding for the project. (The project will move approximately 210,000 acre-feet of water south of Lake Okeechobee and will reduce some of the damaging flows to the St. Lucie and Caloosahatchee estuaries.)

3. The Federal Government needs to fund their share of the **Comprehensive Everglades Restoration Plan (CERP)** and implement the projects agreed to in the plan. (A majority of the lands needed for the projects have been purchased by the State and need Federal funding to move forward with the projects.)

4. Continue to keep pressure on the U.S. Army Corps of Engineers to move as quickly as possible to **rehabilitate the Herbert Hoover Dike**. (The project will protect the communities around Lake Okeechobee and provide more freeboard and temporary storage in the lake to reduce peak flows to the estuaries.)

B. Support efforts to **suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012** federal flood insurance rate hikes until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.[3]

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[2] Two water resource bills were passed by Congress in 2013: H.R. 3080, Water Resources Reform & Development Act of 2013 (passed the House on 10/23/2013), and S. 601, Water Resources Development Act of 2013 (passed the Senate on 05/15/2013); bills now in conference.

[3] Both the Senate and House versions of the Homeowner Flood Insurance Affordability Act, S. 1846 and H.R. 3370, have been passed. The most recent was the House version, which passed on 3/4/14; it will now go to the Senate for final approval, and then to the President for his signature.

II. State Priorities

A. Water Policy

1. **Interim storage on C-43 West Reservoir site** – Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase I of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is $10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.

2. **Lake Hicpochee Restoration Project** – Funds needed to complete planning and construction on north and south sides of Lake Hicpochee to increase storage and treatment. Estimated cost for planning and construction is $20-30 million. Project will result in increased water storage and treatment within the Caloosahatchee basin.

3. **Increase distributed storage in Kissimmee, Lake Okeechobee, and Caloosahatchee basins**. Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

4. **Southwest Florida Comprehensive Watershed Plan (SWFCWP)**[4]. Support funding for projects furthering the goals and objectives of the SWFCWP.

B. Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida's Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.

[4] The SWFCWP (originally the Southwest Florida Feasibility Study) was recommended in the 1999 Comprehensive Everglades Restoration Plan. The SWFCWP study area covers approximately 4,300 square miles including all of Lee County, most of Collier and Hendry Counties, and portions of Charlotte, Glades, and Monroe Counties; the project boundary corresponds to that of the South Florida Water Management District Lower West Coast Water Supply Plan Planning Area. The SWFCWP is a regional restoration plan that addresses water resources issues within all watersheds in southwest Florida. Issues addressed by the study include loss of natural ecosystems, fragmentation of natural areas, degradation of wildlife habitat, alteration of natural freshwater flows to wetlands and estuaries, and water quality degradation in surface waters. The Draft Final Plan is currently under review by the U.S. Army Corps of Engineers.

Florida Association of Counties 2014 Legislative Priorities

As always, preserving local government's ability to to make decisions on behalf of their communities remains our paramount guiding principle. With that in mind, Florida's counties have identified the following as major issues for resolution in 2014:

- Maintaining Revenues for Florida's Communities: Support for tax reform measures that simplify administration and provide an economic boost to Florida's taxpayers while at the same time considering and minimizing the collective and cumulative negative impact on local revenues, including state shared and local discretionary revenue sources that are critical to local governments in providing community services. Proposals of interest to FAC and its members include those effecting the Communications Services Tax, Sales Tax Exemption on Commercial Leases, Local Business Taxes, E-911 Fees and Local Discretionary Revenue Sources.
- Enhancing Juvenile Justice: Support initiatives that reduce juvenile detention through prevention, treatment, and rehabilitation services. In addition, support state funding for the operation of juvenile detention facilities, as upheld by Florida's courts and support allowing counties to pay actual costs on a monthly reimbursement basis.
- Protecting Florida's Waters: Support sustained commitment of state resources for the development of alternative water supplies, water quality improvement projects and comprehensive water infrastructure needs. Support legislation that enhances regional and local financial capacity to address water supply development and water infrastructure.
- Ending Homelessness in Florida: Support developing a dedicated state funding source for homeless programs and tax credits for businesses that employ the homeless.

2014 APA Florida Legislative Program, Position and Policy Statements

(Partial Excerpt)

GENERAL OBJECTIVES:

- APA Florida is committed to an integrated planning system in Florida with clearly delineated state, regional and local planning responsibilities.
- APA believes meaningful state oversight functions should be performed by a single state land planning agency.
- APA Florida is committed to promoting, protecting and preserving well-planned neighborhoods, communities, cities and rural areas, high quality natural areas and resilient and sustainable economies throughout Florida.
- APA Florida supports visioning at the state, regional and local levels, in order to foster economic development, create jobs, and promote a healthy statewide economy. The state's vision should set the framework for future growth, economic opportunity, patterns of development and preservation of a high quality of life for all Floridians.
- APA Florida believes that local government should have maximum funding flexibility in order to fully fund existing and future infrastructure needs.
- APA Florida is committed to promoting sustainable communities through sound planning principles that promote alternative energy usage and production, efficient resource utilization, and sustainable resource management practices.
- APA Florida believes that truly outstanding Florida communities and regions offer safe, dynamic, equitable, convenient, attractive and healthful environments with employment and economic opportunities, friendly neighborhoods, and equal access to a high quality of life, including education, recreation, and personal growth opportunities for all generations.

APA FLORIDA SUPPORTS:

- Communities are planned and guided by the talents of planning professionals who strive to bring vibrancy and permanency to the built environment, while preserving the natural environment. APA Florida is committed to the advancement of the following goals, throughout the State, by utilizing trained and qualified planning professionals, and with the support of elected officials and community leaders.

- Legislative revisions that strengthen, improve and integrate current planning processes consistent with Florida's long-standing commitment to growth management, sustainable economic development, and healthy communities.
- A balance approach among public and private sector perspectives in state, regional and local planning, policy development and decision-making that does not preempt local government authority.
- Long-range land and resource management that conserves, protects, and enhances the state's natural resources.
- Planning policy that better integrates the siting and planning of significant land uses and includes greater public/private cooperation and accountability.
- An open and collaborative planning process that includes meaningful and responsible citizen participation.

SELECTED PRIORITIES OF THE 2014 FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION AGENDA

WATER QUALITY & QUANTITY

LEGISLATIVE PRIORITY

The Florida League of Cities SUPPORTS legislation addressing water quality and quantity issues that affect the economies of local communities. Specifically, the League supports efforts to revitalize and protect Florida's springs, aquifers, surface waters and estuaries.

BACKGROUND

Florida's water policy has evolved significantly as science and technical data have dramatically improved the ability to study groundwaters, surface waters and the sources of pollution in these water bodies. With the evolution of science also inevitably comes revision to the decades old regulatory framework that has evolved into Florida water law. The Florida Water Resources Act of 1972, Chapter 373, Florida Statutes, established a form of administrative water law that brought all waters of the state under regulatory control. The act included provisions for (1) the establishment of a state water regulatory agency and five water management districts (WMDs) that, taken together, encompass the entire state; (2) water planning requirements and (3) a permit system administered by the WMDs regulating water use, well construction, and the storage and management of surface water.

Currently, Florida faces a number of water quality and quantity conundrums. In North Florida, the continued and projected excessive water uses by the State of Georgia threaten entire fishing communities that have built their way of life around the flows of the Apalachicola River. In South Florida, an extraordinary rainy season has highlighted the polluted condition of the waters in Lake Okeechobee and the impact of releasing that impaired water from the lake. Releases of that impaired water to the Caloosahatchee River, the St. Lucie River and the Indian River Lagoon contribute to reduced tourism and have a negative impact on the economies of those cities in close proximity to them.

The state faces a growing water quantity problem due to the withdrawals from the Floridan aquifer and the lack of investment in storage and stormwater infrastructure investment. The Floridan aquifer is one of the largest and most productive aquifer systems in the world. Due to a population surge in the Central Florida region, recent studies show the current amount of water pumped each day from the aquifer can be increased only by approximately 6 percent. Consumptive uses throughout the state have left the aquifer depleted and unable to recharge.

Local governments play an important role in the planning of future water resources by working in cooperation with each of the five WMDs during the regional water supply planning process. Local governments also establish stormwater utilities that manage activities such as flood control, pollution control, permitting, maintenance, inspection and capital construction. Furthermore, cities across the state have adopted a host of ordinances designed to prevent pollution and increase alternative water supplies. While cities have many "tools in their toolbox" to ensure a clean and sustainable water resource for their communities, the Legislature continues to pass laws that chip away at local government authority.

CURRENT STATUS

On July 10, 2013, Senate President Don Gaetz announced the creation of the Select Committee on Indian River Lagoon and Lake Okeechobee. The committee, chaired by Sen. Joe Negron, is investigating public policy, funding and other governmental activities affecting the water management of Lake Okeechobee. The committee has held a number of wellattended public meetings to date. Sen. Negron has tasked the South Florida and Southwest Florida Water Management Districts, as well as the general public, to come up with shortterm projects that will improve water quality coming from the lake and ensure that the water released will flow through the Everglades as originally intended. Unfortunately, the State of Florida is at the mercy of the federal government and U.S. Army Corps of Engineers in some regard. The Army Corps of Engineers has federal oversight of the water releases from Lake Okeechobee and the dam that surrounds it.

In 2013, the State of Florida committed $10 million for springs protection programs. Local government matching funds have increased the amount available for springs protection initiatives to $37 million. The Florida Department of Environmental Protection (DEP) is using these funds to mitigate the damage from point source pollution from wastewater treatment facilities, to remove wastewater spray fields that are close to spring sheds, and for other strategies that will reduce phosphorus and nitrogen in impaired water bodies. Recently, the DEP requested a budget allocation of $15 million for springs protection for fiscal year 2014-15.

The Florida League of Cities supports legislation that protects Florida’s water bodies through increased funding for the Total Maximum Daily Load program, as well as the Basin Management Action Plan program. The League will continue to fight to protect the home rule authority of cities to adopt local fertilizer ordinances and other regulatory measures to protect the water quality of local waterways. 2014 is likely to be a busy year with multiple pieces of legislation filed that deal with water quality, water quantity and springs protection.

SWFRPC
Plan
Protect
Improve

Southwest Florida Regional Planning Council
Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties
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February 25, 2014

The Honorable Bill Galvano
Florida Senate
1023 Manatee Avenue West
Suite 201
Bradenton, FL 34205

RE: CS/SB 372 Developments of Regional Impact

Dear Senator Galvano:

I am writing to you on behalf of the Southwest Florida Regional Planning Council, which represents six counties and sixteen municipalities. The Council requested that I draft and submit a letter stating our concerns with CS/SB 372; we appreciate the opportunity to write to you and express our concerns.

To begin, we are familiar with arguments in favor of your proposed bill:

1. Regional planning councils were created many years ago, when the state did not believe that local governments had the expertise to properly plan for their own future;

2. Today, counties have sufficient expertise and experience to conduct their own planning without the assistance of a regional planning council; and

3. SB 372 merely expands the scope of DRI exemptions for Dense Urban Land Areas established by SB 360 in 2009.

While we agree to some extent with the first two points, we take exception with the third. We would also like to point out a flaw in your arguments for exempting counties from the DRI process: the primary rationale for review by regional planning councils is not that the regional council has more expertise than local governments; rather, it is that regional planning councils provide an unbiased assessment of the inter-jurisdictional impact of large-scale development in one jurisdiction on other jurisdictions impacted by the development. It is difficult for a local government with something to gain from a project to be impartial in its assessment of the project's impact on another local government or regional resources.

<u>Multijurisdictional Impacts</u>

Revisions to or elimination of the DRI process has been considered a number of times. The process has been criticized by the business community for the expense, delay, and duplication required by the process. The final report of the 1992 Environmental Land Management Study Committee (ELMS III) recommended shifting the burden of regulating large land developments in most jurisdictions from the DRI program to local planning-based processes.

However, the ELMS III committee acknowledged that one of the most valuable aspects of the DRI program is that it considers extrajurisdictional impacts of development, whereas the local comprehensive planning process focuses on planning within a single jurisdiction.

The Honorable Bill Galvano
February 26, 2014
Page 2

The 1993 Legislature took steps toward removing the DRI process and replacing it with an enhanced intergovernmental coordination element; however, the implementation of the enhanced intergovernmental coordination element proved problematic.

Even the development community, who bore the burdens of the DRI process, preferred the DRI process to the new intergovernmental coordination element requirements. Although concerns about the DRI process remained, the participants at least understood the process and felt that it provided a greater level of certainty for those developments that followed the process.[1]

Although CS/SB 372 stops short of eliminating DRI review completely, proposes to eliminate the extrajurisdictional review performed by regional planning councils for a large portion of the State, without providing for a process to replace it.

Council stated in its 2009 resolution opposing SB 360[2] that "the Developments of Regional Impact program is an important and valuable tool *which is needed to assess and mitigate inter-jurisdictional impacts of large-scale development* while supporting economic development and an enhanced quality of life." Gerald Gould, one of the founders of Lehigh Acres, stated in an interview in 2009, "One thing I've learned is that the state government plays an important role in development and it can't walk away from that responsibility. ...They can't leave it up to local governments because local officials...have too narrow a perspective."[3]

Density and Urban Service Areas

CS/SB 372 revises the criteria for exempting DRIs as DULAs at §380.06(29), Fla. Stat. (2013). One proposed change would lower the required average population density from 1,000 to 400 persons per square mile, this has been estimated to result in actual density of one unit per three acres. This presents an interesting question: how do you define "dense urban land area"? When SB 360 was proposed in 2009, 1000 Friends of Florida argued that in order for a county to be considered dense, at least 3,000 persons per square mile was needed.

CS/SB 372 does not merely expand upon the statutory exemption from the DRI process for DULAs at §380.06(29); it also eliminates the requirement that proposed developments be located in urban service areas. This change in the law eliminates implied bargain struck with the original legislation, namely the encouragement of urban infill and redevelopment.

Conclusion

After the 2011 growth management law changes, a land use lawyer advised the Legislature to exercise restraint: "Annual incremental substantive 'tweaks' to the state program undermine local efforts to build stable, consistent and effective programs and contradict the Legislature's goal to devolve primary planning responsibility and accountability to localities. To paraphrase a powerful home rule mantra of 2011 Act proponents: the Legislature should 'let local governments be local governments', subject to clearly articulated state standards and policy, continuous community oversight and periodic comprehensive legislative review."[4] We recommend that the 2014 Legislature take his advice, and refrain further tweaks to Florida's growth management laws.

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[1] Senate Committee on Community Affairs, *The Development of Regional Impact Process*, Interim Report 2012-114 (September 2011) (citations omitted).
[2] SWFRPC Resolution #2009-02, attached.
[3] Tampa Bay Times, *Lehigh Acres: Florida's Lesson in Unregulated Growth*, 8/8/09.
[4] Robert M. Rhodes, *The 2011 Community Planning Act: Certain Change, Uncertain Reform*, The Environmental and Land Use Law Section Reporter, The Florida Bar, Vol. XXXIV, No. 4, pg. 19 (June 2013)

To summarize, we believe that the proposed bill should not be adopted because it fails to advance sound growth management principles, fails to provide a mechanism for addressing the impact of proposed development on nearby local governments or regional resources, conflicts with the SWFRPC's mission and strategic regional policy plan, would weaken the State's growth management laws, would promote urban sprawl, and would be detrimental to Florida's economic and environmental health.

We appreciate this opportunity to provide you with our comments and concerns related to CS/SB 372, and hope that you will reconsider this approach to amending Florida's growth management statutes. We would, of course, be glad to meet with you to further discuss the proposed legislation.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

M. Wuerstle

Margaret Wuerstle
Executive Director

cc: Southwest Florida Legislative Delegation
The President of the Florida Senate
The Speaker of the Florida House of Representatives
Florida Association of Counties
Florida League of Cities

NACO National Association of Counties

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT

KEY PROVISIONS OF SENATE AND HOUSE MEASURES

Issue	Biggert-Waters (P.L. 112-557) Passed July 6, 2012	S. 1926 Passed Jan. 30, 2014	H.R. 3370 (as amended)
Pre-FIRM Properties[1]	Phases out subsidies for second homes, business properties, severe repetitive loss properties, or substantially improved/damaged properties – rates for these properties will increase by 25 percent per year until premiums meet full actuarial costs Pushes pre-FIRM subsidized primary residences to full risk rates upon sale or lapse of policy	Would delays up to four years annual premium insurance rate increases associated with the sale of a pre-FIRM primary home (upon the sale of a pre-FIRM home, the new buyer immediately assumes the full actuarial rate) Bill would not impact second homes, businesses, severe repetitive loss properties or substantially improved/damaged properties (i.e. existing owners who do not sell) whose rates under BW-12 will go up 25 percent a year until the full risk rate is achieved	Would remove new policy, lapsed policy and sales "triggers" for actuarial rates on pre-FIRM primary residences Would retroactively refund owner's pre-FIRM rate: FEMA would refund the insurance rates already collected if the new rates are lower than the premiums previously paid. Rate differences would be paid after FEMA releases final regulations and provides the new rate tables Bill would not impact second homes, businesses, severe repetitive loss properties whose rates under BW-12 will go up 25 percent a year until the full risk rate is achieved. However rate increases triggered by a property's sale would be delayed for second homes or business properties
Grandfathered Properties[2]	For properties located in areas not previously designated as an area having special flood hazards and becomes designated as such (i.e. a grandfathered property), the chargeable risk premium will be phased in over a five year period, at the rate of 20 percent following the effective date of the remapping	Would delay up to four years the loss of grandfathering	Would restores subsidized rates for grandfathered properties Would permanently allow grandfathering to continue

[1] Pre-FIRM: built before the community's first Flood Insurance Rate Map (FIRM) became effective and not been substantially damaged or improved.

[2] The NFIP provides a lower-cost flood insurance option known as "grandfathering." It is available for property owners who have a flood insurance policy in effect when the new flood map becomes effective and then maintain continuous coverage OR have built in compliance with the flood insurance rate map (FIRM) at the time of construction. Source: FEMA, National Flood Insurance Program

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT

KEY PROVISIONS OF SENATE AND HOUSE MEASURES

National Association of Counties

Issue	Biggert-Waters (P.L. 112-557) Passed July 6, 2012	S. 1926 Passed Jan. 30, 2014	H.R. 3370 (as amended)
Annual Rate Increases Subject to FEMA's Authority to Increase Rates	Increased annual rate increase within any single risk classification (grouping of policies) from 10 to 20 percent Phases out subsidies for second homes, business properties, severe repetitive loss properties, or substantially improved/damaged properties – rates for these properties will increase by 25 percent per year until premiums meet full actuarial cost	Would maintain BW-12 regarding annual rate increases Would allow up to 20 percent rate increase on pre-FIRM primary homes Would delay up to four years implementation of BW-12 on subsidized grandfathered properties; provision would expire six months after FEMA provides affordability framework or when FEMA certifies their flood mapping approach results in technically credible flood maps in NFIP zones	Would limit annual rate increase within any single risk classification (grouping of policies) to 5-15 percent of pre-BW-12 premiums until actuarial rates are met; **5 percent floor only applies to pre-FIRM primary residences** (all other properties/buildings may see an increase between 0-15 percent)
Affordability Study	Requires FEMA to conduct study on possible methods to encourage and maintain participation in the NFIP as well as making the NFIP more affordable for certain people through targeted assistance. Study will also include economic analysis by the National Academy of Sciences Study funded at $750,000	Two years after enactment of the Act, FEMA would submit to Senate Financial Services and House Banking Committees the affordability study as authorized under BW-12 Removes cap for study funding	Would increase funding for affordability study from $750,000 (as in BW-12) to $3 million. Must submit study no later than 2 years
Map Appeals	Establishes a process for local communities to request a remapping based on standards recommended by the Technical Mapping Advisory Council (Established by BW-12 to address map modernization issues) Current law limited FEMA's map appeal reimbursements to $250,000	Same as H.R. 3370	Would reimburse owner, lessees or the community for successful map appeals; removes $250,000 limitation imposed by current law

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT

KEY PROVISIONS OF SENATE AND HOUSE MEASURES

National Association of Counties

Issue	Biggert-Waters (P.L. 112-557) Passed July 6, 2012	S. 1926 Passed Jan. 30, 2014	H.R. 3370 (as amended)
Addressing NFIP Fiscal Solvency	Requires FEMA to create repayment schedule to eliminate the debt and report on its progress every six months. Requires FEMA to build up reserve fund to help meet expected future obligations of the NFIP in higher-than-average loss years. Phases out subsidies for second homes, business properties, severe repetitive loss properties, or substantially improved/damaged properties – rates for these properties will increase by 25 percent per year until premiums meet full actuarial cost	Would provide short term relief to increasing premiums as well as a long-term plan to address affordability and fiscal solvency	Would address offsets through annual surcharge of $25 for primary residences and $250 for secondary residences and businesses

coalition for sustainable flood insurance

Summary: H.R. 3370 – The Homeowner Flood Insurance Affordability Act

Process

The legislation will be brought up this week as H.R. 3370, "The Homeowner Flood Insurance Affordability Act." However, the text of the original legislation has been replaced with this legislation. The bill will be brought up under a "suspension of the rules," which requires a 2/3 majority (287 in favor) to pass and does not allow for amendments.

This legislation does the following:

- **Reinstates Grandfathering -** This bill permanently repeals Section 207 of the Biggert-Waters Act, meaning that grandfathering is reinstated. All post-FIRM properties built to code at the time of construction will have protection from rate spikes due to new mapping – for example, if you built to +2 Base Flood Elevation, you stay at +2, regardless of new maps. Also importantly, the grandfathering stays with the property, not the policy.
- **Caps Annual Rate Increases at 15%** – This bill decreases FEMA's authority to raise premiums. The bill prevents FEMA from increasing premiums within a single property class beyond a 15 percent average a year, with an individual cap of eighteen percent a year. Pre Biggert-Waters, the class average cap was 10%. Currently (Post Biggert-Waters), the class average cap is 20%. The bill also requires a 5% minimum annual increase on pre-FIRM primary residence policies that are not at full risk. The updated legislation also states that FEMA shall strive to minimize the number of policies with premium increases that exceed one percent of the total coverage of the policy (e.g., 1% of $250,000 = $2,500).
- **Refunds policyholders who purchased pre-FIRM homes after Biggert-Waters (7/6/12) and were subsequently charged higher rates**
- **Permanently Removes the Sales Trigger** – This bill removes the policy sales trigger, which allows a purchaser to take advantage of a phase in. The new purchaser is treated the same as the current property owner.
- **Allows for Annual Surcharges** - This legislation applies an annual surcharge of $25 for primary residences and $250 for second homes and businesses, until subsidized policies reach full risk rates. All revenue from these assessments would be placed in the NFIP reserve fund, which was established to ensure funds are available for meeting the expected future obligations of the NFIP.
- **Funds the Affordability Study and Mandates Completion** – This legislation funds the affordability study required by Biggert-Waters and mandates its completion in two years.
- **Includes the Home Improvement Threshold** - This bill returns the "substantial improvement threshold" (i.e. renovations and remodeling) to the historic 50% of a structure's fair market value level. Under Biggert-Waters, premium increases are triggered when the renovation investments meet 30% of the home's value.
- **Additional Policies Included:** This legislation includes several other provisions including preserving the basement exception, allowing for payments to be made in monthly installments, and reimbursing policy holders for successful map appeals.

NATIONAL FLOOD INSURANCE PROGRAM

H.R. 3370

The Homeowner Flood Insurance Affordability Act of 2014

Amendment in the Nature of a Substitute

The economic ramifications surrounding unaffordable flood insurance has the potential to devastate home values, small businesses, and entire communities across the country. Since the U.S. House of Representatives took initial action on June 5, 2013 to delay certain flood insurance rate hikes, FEMA has released its Specific Rate Guidelines; confirming fears of sudden and steep rate increases for many Americans.

A solution that *truly* balances fiscal solvency with consumer affordability

CBO's Preliminary Score is $0

Having no Net Effect on NFIP Spending/Revenue

Section by Section

Section 1: Provides short bill title, the Homeowner Flood Insurance Affordability Act of 2014, along with a table of contents.

Section 2: Provides for the definition of the FEMA Administrator and the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

Section 3: **Repeal of Certain Rate Increases –** repeals the portions of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4014(g)(1)(2)) that removes Pre-Flood Insurance Rate Map (PR-FIRM) subsidies on properties that were (1) not insured by the flood insurance program as of July 6, 2012 or (2) purchased after July 6, 2012. The section also allows a policyholder to retain Pre-FIRM subsidized status if a lapse in flood insurance coverage was the result of the property no longer being required to retain flood insurance coverage. The section also ensures that the repeals described above are retroactive to the enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141). The section requires FEMA to promulgate rules to initiate refunds to the policyholders for any rates collected in excess in relation to the repeals of 42 U.S.C. 4014(g)(1) &(2).

Section 4: **Restoration of Grandfathered Rates** – repeals Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015). This section ensures that all post-FIRM properties built to code at the time of construction will have protection from rate increases triggered by changes to FEMA Flood Insurance Rate Maps (FIRMS).

Section 5: **Requirements Regarding Annual Rate Increases** – prevents FEMA from increasing premiums within a single property class beyond 15 percent a year. Prior to the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141), FEMA was unable to increase rates beyond 10 percent a year. Currently (Post Biggert-Waters), FEMA is unable to increase rates beyond 20 percent a year. The rate increase limitations are a composite of average rate increases for properties within a risk classification during any 12-month period. The section codifies existing FEMA practice to minimize the quantity of policyholders that may exceed the average annual rate increase limit of 15% by establishing an 18% per property annual rate increase limit. Historically, FEMA has not used its full authority to increase rates up to the prescribed limitation. The section also requires a 5% minimum annual increase on pre-FIRM primary residence policies that are not at full risk.

Section 6: **Clarification of Rates for Properties Newly Mapped into Special Flood Hazard Areas -** Continues FEMA's practice of allowing homes newly mapped into an area with special flood hazards to be given a preferred risk rate policy. This section clarifies the rate increases will not exceed the average annual rate increase limit of 15% as established by Section 5 of this Act.

Section 7: **Premiums and Reports -** In setting premium risk rates, in addition to striving to achieve actuarial soundness, FEMA is instructed to try and minimize the number of policies with annual premiums that exceed one percent of the total coverage provided by the policy.

Section 8: **Annual Premium Surcharge** – provides for the assessment of annual surcharges in the amount of $25 for primary residence properties and $250 for non-residential properties and non-primary residential properties. All revenue derived from the annual surcharges would be deposited in the NFIP Reserve Fund, which was established to ensure funds are available for meeting the expected future obligations of the NFIP.

Section 9: **Draft Affordability Framework -** directs FEMA to prepare a draft affordability framework that proposes to address the issues of affordability of flood insurance sold under the NFIP. Suggested affordability framework criteria includes: (1) accurate communication to consumers of the flood risk associated with their properties, (2) targeted assistance to flood insurance policy holders based on their financial ability to continue to participate in the NFIP, (3) individual or community actins to mitigate the risk of flood or lower the cost of flood insurance, (4) the impact of increases in risk premium rates on participation in the NFIP, and (5) the impact of increases in risk premium rates on participation in the NFIP. The deadline for submission of the affordability framework is 18 months after FEMA submits the affordability study (required under Section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012) to Congress.

Section 10: **Risk Transfer** – authorizes the FEMA administrator to fiscally prepare the National Flood Insurance Program for extreme catastrophic events through the transfer of risk to the private market or otherwise.

Section 11: **Monthly Installment Payment for Premiums** – authorizes FEMA to provide for both monthly and annual premium payment installment options.

Section 12: **Optional High-Deductible Policies for Residential Properties** – increases the maximum deductible for single family residences and any 2- to 4- family buildings to $10,000. Requires disclosure of the level of out-of-pocket expense the insured is responsible for in the event of an insured loss.

Section 13: **Exclusion of Detached Structures from Mandatory Purchase Requirement** – authorizes the exclusion of detached structures that are not used for residential purposes from the mandatory purchase requirement. Detached structures are typically identified on the appraisal of a property. If the lender wants to require insurance on the detached structures this would give flexibility to do so – where those structures actually contribute value to the collateral from a safety and soundness perspective. The section would also allow lenders to waive coverage when the detached structures are of nominal value.

Section 14: **Accounting for Flood Mitigation Activities in Estimates of Premium Rates** – authorizes FEMA to consider and incorporate various flood mitigation activities when estimating and calculating risk premiums rates.

Section 15: **Home Improvement Fairness** – returns the "substantial improvement threshold" (i.e. renovations and remodeling) to the historic 50% of a structure's fair market value level and ensures that necessary renovations can continue without penalizing homeowners with excessive flood insurance rate hikes and costly mitigation. Under Biggert-Waters, flood insurance premium increases are triggered when the renovation investments meet 30% of the home's value. This section raises that level to 50% of the home's value (prior to Biggert-Waters levels).

Section 16: **Affordability Study and Report** – expands the scope of the affordability study mandated under Section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141) to also include a study of: (1) options for maintaining affordability if annual premiums for flood insurance coverage were to increase to an amount greater than 2 percent of the liability coverage amount under the policy, including options for enhanced mitigation assistance and means-tested assistance; (2) the effects that the establishment of catastrophe savings accounts would have regarding long-term affordability of flood insurance coverage; and (3) options for modifying the surcharge under Section 6 of this Act, including based on homeowner income, property value or risk of loss. This section also requires the completion of the study no later than 2 years after the enactment of this Act. In addition, this section provides FEMA the necessary funding to complete the affordability study.

Section 17: **Flood Insurance Rate Map Certification** – Requires FEMA to certify in writing to Congress that it has implemented a flood mapping approach that, when applied, results in technically credible flood hazard data in all areas where Flood Insurance Rate Maps are prepared or updated.

Section 18: **Funds to Reimburse Homeowners for Successful Map Appeals** - allows communities to be reimbursed for successful challenges to FEMA maps.

Section 19: **Flood Protection Systems** - prohibits FEMA from considering the level of federal funding or participation in the flood control structure project when determining the level of protection that the project provides the community.

Section 20: **Quarterly Reports Regarding Reserve Fund Ratio** – clarifies a quarterly reporting requirement regarding NFIP Reserve Fund transactions.

Section 21: **Treatment of Flood-Proofed Residential Basements** – clarifies that FEMA shall continue to extend exceptions and variances for flood-proofed basements consistent with current regulation.

Section 22: **Exemption from Fees for Certain Map Change Request** – exempts a requestor from having to submit a review or processing fee for a request for a Flood Insurance Rate Map change based on a habitat restoration project that is funded in whole or in part by Federal or State funds. Unlike U.S. Army Corps of Engineers projects, sponsors of habitat restoration projects are required to pay a fee for a map change request resulting from the project. While this fee is oftentimes waived, it requires a lengthy and time consuming process that diverts resources away from the project. This section would treat habitat restoration projects the same as Army Corps projects.

Section 23: **Study of Voluntary Community-Based Flood Insurance Options** - requires FEMA to conduct a study on the viability of offering community-based flood insurance policies.

Section 24: **Designation of Flood Insurance Advocate** - directs FEMA to designate a Flood Insurance Advocate to assure the fair treatment of policy holders under the NFIP and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

Section 25: **Exceptions to Escrow Requirements for Flood Insurance Payments** - removes the retroactive component of the NFIP escrow requirement in Biggert-Waters. This removes a compliance burden to collect and escrow for flood insurance when other escrows are not required for those loans, such as junior or home equity loans. Some community banks have exited the mortgage business due to certain mandatory escrow rules.

Section 26: **Flood Mitigation Methods for Buildings** – requires FEMA, not later than 1 year upon enactment of this Act, to issues guidelines for property owners that provide alternative methods of mitigation, other than building elevation, to reduce flood risk to residential buildings that cannot be elevated due to their structural characteristics.

Section 27: **Mapping of Non-Structural Flood Mitigation Features** – requires FEMA to account for non-structural flood mitigation features, such as forests, marshlands and other natural features, in Flood Insurance Rate Maps.

Section 28: **Clear Communications –** requires the Administrator of FEMA to clearly communicate full flood risk determinations to individual property owners regardless of whether their premium rates are full actuarial rates.

Section 29: **Protection of Small Businesses, Non-Profits, Houses of Worship, and Residences –** requires FEMA to assess the impact rate increases and/or surcharges will have on: (1) small businesses with less than 100 employees, (2) non-profit entities, (3) houses of worship, and (4) residences with a value equal to or less than 25 percent of the median home value of properties in the State in which the property is located. The section also requires FEMA to develop recommendations on ways to improve affordability no later than 3 months after it determines increased rates and/or surcharges are having a detrimental effect on the policyholder categories listed above.

Section 30: **Mapping –** requires FEMA to notify communities of remapping as well as models used in the mapping process. Members of Congress are also to be notified of proposed flood map changes within the relevant state or congressional district.

Section 31: **Disclosure -** addresses the ability of the NFIP to share its data with the public in accordance with applicable all laws designed to protect consumers' personally identifiable financial information. Providing greater transparency with claims data will help enable private insurers to provide consumers with more flood insurance options.

SWFRPC RESOLUTION #2009-02

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL IN OPPOSITION TO FLORIDA SENATE BILL 360 COMMITTEE SUBSTITUTE - AN ACT RELATED TO GROWTH MANAGEMENT, INCLUDING SENATE BILL 1306 AND OTHER LEGISLATIVE PROPOSALS THAT WEAKEN GROWTH MANAGEMENT

WHEREAS, the Southwest Florida Regional Planning Council supports the broad economic development goals set forth by Senate President Jeff Atwater in his address to the Senate Select Committee on Florida's Economy at its initial meeting on December 10, 2008; and

WHEREAS, the Southwest Florida Regional Planning Council is generally supportive of the concepts in CS/SB 360 (dated 02-11-09) which encourage more compact urban infill development and redevelopment, and economic development; and

WHEREAS, the membership of the Southwest Florida Regional Planning Council, which consists of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties and municipalities therein as well as private sector representatives appointed by Governor Crist, would be profoundly and adversely affected by CS/SB 360 as currently proposed; and

WHEREAS, the Southwest Florida Regional Planning Council is concerned with the significant adverse impact this legislation, as currently proposed, will have on economic development and quality of life in Southwest Florida and our State; and

WHEREAS, the Southwest Florida Regional Planning Council deems that the Developments of Regional Impact program is an important and valuable tool which is needed to assess and mitigate inter-jurisdictional impacts of large-scale development while supporting economic development and an enhanced quality of life;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT:

Section 1. The Southwest Florida Regional Planning Council requests that the Florida Legislature consider the detrimental consequences of <u>any legislation</u> that would:

- Exacerbate suburban sprawl
- Add to vehicle miles traveled and greenhouse gas emissions
- Add to Cities' and Counties' backlog of infrastructure needs
- Eliminate impact fees that pay for real impacts to communities
- Affect our natural resources
- Remove or alter school and infrastructure concurrency
- Create unfunded mandates

Section 2. The Southwest Florida Regional Planning Council requests appropriate amendments in support of economic development and responsible growth management to enhance Florida's economy while ensuring protection of Florida's resources of regional significance and communities.

Section 3. The Southwest Florida Regional Planning Council requests that proposed legislation include sunset provisions that will allow for further review and evaluation.

Section 4. This Resolution shall take effect immediately upon adoption hereof.

Approved and duly adopted by the Southwest Florida Regional Planning Council, this the 19th day of March, 2009.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

James Humphrey, Chairman

ATTEST:

Kenneth Heatherington, Executive Director

COLLIER GLADES HENDRY LEE SARASOTA CHARLOTTE

SWFRPC
Plan Protect Improve

Southwest Florida Regional Planning Council
Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties
1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

February 25, 2014

The Honorable Jimmy Patronis
Florida House of Representatives
455 Harrison Avenue, Suite A
Panama City, Florida 32401

RE: HB 703, Environmental Regulation

Dear Representative Patronis:

I am writing to you on behalf of the Southwest Florida Regional Planning Council, which represents six counties and sixteen municipalities. The Council requested that I draft and submit a letter stating our concerns with HB 703; we appreciate the opportunity to write to you and express our concerns.

The Council strongly opposes the proposed legislation, both with respect to its objectives and with respect to its unjustified attempt at local government preemption. The bill poses an immediate and significant threat to the legal authority of cities and counties to protect the health, safety, welfare, economic well-being and environmental resources of its citizens and visitors. Our concerns include but are not limited to the following provisions in the bill:

- Section 1 would retroactively preempt local government authority by prohibiting the enforcement of local government regulations, rules or ordinances which protect wetlands, springs or stormwater and were modified, adopted, readopted or amended on or after July 1, 2003;
- Section 2 would retroactively preempt local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 onwards; and
- Section 3 would prohibit local governments from rescinding a comprehensive plan amendment that allows for more intensive land uses on existing agriculture lands, regardless of whether the conditions agreed to by the land owner in order to receive the land use change are met.

We appreciate this opportunity to provide you with our comments and concerns related to HB 703, and hope that you will reconsider this approach to amending Florida's diverse and complex environmental and growth management statutes. We would, of course, be glad to meet with you to further discuss the proposed legislation.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

M. Wuerstle

Margaret Wuerstle
Executive Director

cc: Southwest Florida Legislative Delegation
The President of the Florida Senate
The Speaker of the Florida House of Representatives
Florida Association of Counties
Florida League of Cities

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Southwest Florida Regional Planning Council
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February 25, 2014

The Honorable Carlos Trujillo
Florida House of Representatives
2500 Northwest 107th Avenue
Suite 204
Doral, FL 33172-5923

RE: HB 7023 Economic Development

Dear Representative Trujillo:

I am writing to you on behalf of the Southwest Florida Regional Planning Council, which represents six counties and sixteen municipalities. The Council requested that I send a letter stating our concerns with HB 7023; we appreciate the opportunity to write to you and express our concerns.

The Council opposes the proposed legislation as an attempt at local government preemption that violates local government Home Rule principles.

Specifically, the proposed bill would prohibit local governments from applying impact fees or transportation concurrency on new business developments of less than 6,000 square feet. Although the bill includes an opt-out provision, it still places an unnecessary burden on elected officials who are working to ensure that development, rather than the taxpayers, covers the cost of new growth.

The bill is unnecessary, since local governments already have the authority to waive or reduce both impact fees and transportation concurrency.

We appreciate this opportunity to provide you with our comments and concerns related to HB 7023. We would be glad to meet with you to further discuss the proposed legislation; however, at the present time, we view the bill as a violation of local government Home Rule principles.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

M. Wuerstle

Margaret Wuerstle
Executive Director

cc: Southwest Florida Legislative Delegation
The President of the Florida Senate
The Speaker of the Florida House of Representatives
Florida Association of Counties
Florida League of Cities

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February 25, 2014

The Honorable W. Keith Perry
Florida House of Representatives
2440 Southwest 76th Street
Suite 120
Gainesville, FL 32608

RE: HB 395 Growth Management

Dear Representative Perry:

I am writing to you on behalf of the Southwest Florida Regional Planning Council, which represents six counties and sixteen municipalities. The Council requested that I send a letter stating our concerns with HB 395; we appreciate the opportunity to write to you and express our concerns.

The Council opposes the proposed legislation as an attempt at local government preemption.

Private property rights in Florida are already well protected by the 5th Amendment of the Constitution, Florida's Property Rights Protection Act, and case law. The proposed bill would require that local governments adopt a new "property rights element"; adopt land development regulations consistent with the requirements listed in the law within a year of adopting the element; and address the impact on private property rights in any land use decision.

The language of the bill is ambiguous, and the requirements for implementation placed upon local governments is uncertain: "encouragement of economic development"; "use of alternative, innovative solutions to provide equal or better protection than the comprehensive plan"; and "consideration of the degree of harm created by noncompliance with the comprehensive plan's provisions."

We appreciate this opportunity to provide you with our comments and concerns related to HB 395. We would be glad to meet with you to further discuss the proposed legislation; however, at the present time, we view the bill as a violation of local government Home Rule principles.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

M. Wuerstle

Margaret Wuerstle
Executive Director

cc: Southwest Florida Legislative Delegation
The President of the Florida Senate
The Speaker of the Florida House of Representatives
Florida Association of Counties
Florida League of Cities

Southwest Florida Regional Planning Council
2014 Legislative Agenda

The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity created in 1973 pursuant to an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota counties. The SWFRPC supports legislative actions consistent with the agency mission to plan, protect and improve the physical, economic and social environments for the benefit of future generations, and opposes actions which could weaken the ability to effectively implement the Strategic Regional Policy Plan.

I. Federal Priorities

A. Water Policy

1. Fully support the next **Water Resources Development Act (WRDA)** bill[1], including authorization for the **Caloosahatchee C-43 West Basin Reservoir Project**, and **appropriation of the necessary funds to implement the C-43 Reservoir Project.** (Reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.)
2. Fast track the **Central Everglades Planning Project** (CEPP) and get congressional support and funding for the project. (The project will move approximately 210,000 acre-feet of water south of Lake Okeechobee and will reduce some of the damaging flows to the St. Lucie and Caloosahatchee estuaries.)
3. The Federal Government needs to fund their share of the **Comprehensive Everglades Restoration Plan (CERP)** and implement the projects agreed to in the plan. (A majority of the lands needed for the projects have been purchased by the State and need Federal funding to move forward with the projects.)
4. Continue to keep pressure on the U.S. Army Corps of Engineers to move as quickly as possible to rehabilitate the **Herbert Hoover Dike**. (The project will protect the communities around Lake Okeechobee and provide more freeboard and temporary storage in the lake to reduce peak flows to the estuaries.)
5. Support efforts to **suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 federal flood insurance rate hikes** until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.[2]

[1] Two water resource bills were passed by Congress in 2013: H.R. 3080, Water Resources Reform & Development Act of 2013 (passed the House on 10/23/2013), and S. 601, Water Resources Development Act of 2013 (passed the Senate on 05/15/2013); bills now in conference.

[2] Several bills have been filed addressing this issue: S. 1846 and H.R. 3370, Homeowner Flood Insurance Affordability Act; and H.R. 3511, Keeping Flood Insurance Affordable Act.

II. State Priorities

A. Water Policy

1. **Interim storage on C-43 West Reservoir site** – Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase I of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is $10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.

2. **Lake Hicpochee Restoration Project** – Funds needed to complete planning and construction on north and south sides of Lake Hicpochee to increase storage and treatment. Estimated cost for planning and construction is $20-30 million. Project will result in increased water storage and treatment within the Caloosahatchee basin.

3. **Increase distributed storage in Kissimmee, Lake Okeechobee, and Caloosahatchee basins.** Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

4. **Southwest Florida Comprehensive Watershed Plan (SWFCWP)**[3]. Support funding for projects furthering the goals and objectives of the SWFCWP.

B. Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida's Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.

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[3] The SWFCWP (originally the Southwest Florida Feasibility Study) was recommended in the 1999 Comprehensive Everglades Restoration Plan. The SWFCWP study area covers approximately 4,300 square miles including all of Lee County, most of Collier and Hendry Counties, and portions of Charlotte, Glades, and Monroe Counties; the project boundary corresponds to that of the South Florida Water Management District Lower West Coast Water Supply Plan Planning Area. The SWFCWP is a regional restoration plan that addresses water resources issues within all watersheds in southwest Florida. Issues addressed by the study include loss of natural ecosystems, fragmentation of natural areas, degradation of wildlife habitat, alteration of natural freshwater flows to wetlands and estuaries, and water quality degradation in surface waters. The Draft Final Plan is currently under review by the U.S. Army Corps of Engineers.

2014 SESSION DATES

August	1, 2013	Deadline for filing claim bills (Rule 4.81(2))
January	24, 2014	5:00 p.m., deadline for submitting requests for drafts of general bills and joint resolutions, <u>including requests for companion bills</u>
February	28, 2014	5:00 p.m., deadline for approving final drafts of general bills and joint resolutions, <u>including companion bills</u>
March	4, 2014	Regular Session convenes (Article III, section 3(b), Constitution)
March	4, 2014	12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))
April	22, 2014	50th day—last day for regularly scheduled committee meetings (Rule 2.9(2))
April	28, 2014	All bills are immediately certified (Rule 6.8) Conference Committee Reports require only one reading (Rule 4.5(1)) Motion to reconsider made and considered the same day (Rule 6.4 (4))
May	2, 2014	60th day—last day of Regular Session (Article III, section 3(d), Constitution)

IMPORTANT LEGISLATIVE DATES

86th House, 116th Regular Session Since Statehood in 1845

2013

September 23-27	Interim Committee or Subcommittee Meeting **Notice Deadline – September 16 – 20**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
October 7-11	Interim Committee or Subcommittee Meeting **Notice Deadline – September 30 – October 4**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
November 4-8	Interim Committee or Subcommittee Meeting **Notice Deadline – October 28 – November 1**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
December 9-13	Interim Committee or Subcommittee Meeting **Notice Deadline – December 2 – 6**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*

2014

January 6-10	Interim Committee or Subcommittee Meeting **Notice Deadline – December 30, 2013 – January 3, 2014**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
January 7	**Early <u>Member-Bill Request Submission Deadline</u>:** By 5 p.m., a member must request submission for the first two of the six bills subject to the member-bill filing limit.	
January 13-17	Interim Committee or Subcommittee Meeting **Notice Deadline – January 6 – January 10**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
January 21	**Early <u>Member-Bill Filing Deadline</u>:** A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. **NOTE:** To meet a filing deadline, the bill must be APPROVED FOR FILING in Leagis by the applicable deadline.	*[Rule 5.3(a)]*
January 24	**Final <u>Member-Bill Request Submission Deadline</u>:** By 5 p.m., a member must request submission for all other bills subject to the opening day deadline (including requests for companion bills).	
February 2	**<u>Notice Deadline for Local Bills</u>** for opening day introduction that require proof of publication 30 days prior to being introduced.	*[Art. III, s. 10, FL Const.; s. 11.02, F.S.; Rule 5.5(c)]*
February 3-7	Interim Committee or Subcommittee Meeting **Notice Deadline – January 27 – January 31**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
February 10 - 14	Interim Committee or Subcommittee Meeting **Notice Deadline – February 3 – February 7**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
February 17 - 21	Interim Committee or Subcommittee Meeting **Notice Deadline – February 10 – February 14**	*[Rule 7.11(d)] No later than 4:30 p.m. of the 7th day before the meeting*
February 28	**<u>Member-Bill Requests Deadline</u>:** By 5 p.m., bill requests to be in final draft form (including companion bills).	
March 4	**First Day of Session** [86th House since Statehood: 116th Regular Session since Statehood; 23rd House since 1968 Constitutional Revision]	*[Art. III, s. 3(b), FL Const.]*

March 4	**Final** **<u>Member-Bill Filing Deadline</u>:** No general bill, local bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial shall be given first reading unless approved for filing with the Clerk no later than noon of the first day of the regular session. **NOTE:** To meet a filing deadline, the bill must be APPROVED FOR FILING in Leagis by the applicable deadline.	*Day 1 [Art. III, s. 3(b), FL Const.; Rule 5.2(a)]*
March 4	First day for committees or subcommittees to meet after giving notice no later than 4:30 p.m. of the 2nd day (excluding Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting for the purpose of considering legislation.	*Day 1-45 [Rule 7.11(e)]*
April 3	**<u>Ceremonial Resolution Request Submission Deadline</u>:** By 5 p.m., ceremonial resolutions to be submitted to Rules & Calendar Committee.	
April 13	After the 40th day (April 12), no bill may be retained for the purpose of reconsideration in committee or subcommittee.	*Day 41 [Rule 7.16(b)]*
April 17	Last day for committees or subcommittees to meet after giving notice no later than 4:30 p.m. of the 2nd day (excluding Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting for the purpose of considering legislation. After the 45th day, the notice must be provided no later than 4:30 p.m. on the day (including Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting.	*Day 45 [Rule 7.11(e)]*
April 17	**<u>Ceremonial Resolution Filing Deadline</u>:** No ceremonial resolution shall be given first reading unless approved for filing with the Clerk prior to the 46th day of the regular session. **NOTE:** To meet a filing deadline, the ceremonial resolution must be APPROVED FOR FILING in Leagis by the applicable deadline.	*[Rule 5.2(b)]*
April 18	After the 45th day (April 17) of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules & Calendar Committee, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders.	*Day 46 [Rule 10.2(d)]*
April 19	All measures transmitted to the Senate without delay.	*Last 14 Days [Rule 11.7(k)]*
April 27	Last day of the regular session for the Special Order Calendar to be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. After the 55th day (April 27) of the regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.	*Day 55 [Rule 10.11(a)(3)]*
April 28	Last day that main floor amendments must be approved for filing with the Clerk by 2 p.m. of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.	*Day 55 [Rule 12.2(a)(1&2)]*
April 28	After the 55th day (April 27) of regular session, main floor amendments must be approved for filing with the Clerk not later than 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.	*Day 56 [Rule 12.2(b)(1&2)]*
April 28	After the 55th day (April 27) of regular session, no House bills on second reading may be taken up and considered by the House.	*Day 56 [Rule 10.18]*
May 1	After the 58th day (April 30) of regular session, the House may consider only: Returning Messages, Conference Reports, and Concurrent Resolutions.	*Day 59 [Rule 10.19]*
May 2	**Last day of Regular Session, if Legislature completes work in 60 days**	

Southwest Florida Regional Planning Council

Legislative Affairs Committee

Legislative Priorities & Bills of Interest

2014 Session

March 20, 2014 Meeting

Growth Management Bills (2014 Session)

At its February 20th meeting, Council directed staff to draft letters opposing the following four bills:

- SB 372: Developments of Regional Impact
- HB 395: Growth Management/Private Property Rights
- HB 703: Environmental Regulation
- HB 7023: Economic Development

Growth Management Bills (2014 Session)

Background - Growth Management & DRIs

SB 360 (2009) created a definition for "dense urban land area" (DULA) at §163.3164(34):

- (a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
- (b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or
- (c) A county, including the municipalities located therein, which has a population of at least 1 million.

Growth Management Bills (2014 Session)

Background - Growth Management & DRIs

SB 360 (2009) also created a statutory exemption from the DRI process for DULAs at §380.06(29):

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area <u>and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan</u>;

Growth Management Bills (2014 Session)

Background - Growth Management & DRIs

Exemptions from DRI process created by SB 360 (continued):

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or
4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

§ 380.06(29), Fla. Stat. (emphasis added)

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

- Currently, there are 242 cities and 8 counties in Florida that are exempt from DRI review due to their designation as Dense Urban Land Areas (DULAs)
- Local governments in the Southwest Florida Region that meet current statutory definition of DULA at §380.06(29):
  - Counties: none
  - Cities: Bonita Springs, Cape Coral, Clewiston, Fort Myers, Fort Myers Beach, Longboat Key, Marco Island, Naples, Punta Gorda, Sarasota, and Venice.

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

If HB 372 is enacted:

- The criteria for designating a county as a Dense Urban Land Area, thereby exempting it from the DRI process, would be revised:
  - Average population would be lowered from 1,000 to 400 people per square mile, and
  - Total population of would be lowered from one million people to 300,000 people.
- 14 additional cities and 6 additional counties would be exempt from the DRI process throughout the state, including Lee and Sarasota counties in the Southwest Florida Region.

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

If HB 372 is enacted (cont'd):

- ***The current requirement that a proposed development be within an urban service area would be eliminated.***
- The elimination of the requirement for proposed developments to be within an urban service area would apply not only to the additional seven counties that would be exempted under SB 372, but to *the eight counties currently exempted as DULAs as well*.

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

If HB 372 is enacted (cont'd):

A development that qualifies for the expanded DRI exemption would also be exempt from the DRI aggregation rule (Brandes amendment adopted by CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development 2/19/14):

> "Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other. ..."
>
> *§ 380.0651(4), Fla. Stat. (2013)*

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

- By eliminating the requirement that a proposed development be within an urban service area, and lowering the density requirement to only 400 persons per square mile (the equivalent of one home per three acres), SB372 disregards the original justification for the creation of the DULA exemption in the 2009 Community Renewal Act: ***encouraging growth in densely populated areas.***

Growth Management Bills (2014 Session)

SB 372 Developments of Regional Impact

- Local governments like Sarasota County who are certified under s. 380.065, F.S., to conduct their own DRIs would lose the legal basis for requiring developments to go through their DRI process, since the projects would no longer be subject to DRI review.

Section 380.06, F.S., Statutory exemptions, subsection (24)(u):

"Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, <u>a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review</u>."

Growth Management Bills (2014 Session)

HB 395 Growth Management/Private Property Rights

- Amends §163.3167, F.S., which contains required elements of comprehensive plans, by adding the requirement for a "property rights element"
- Within a year of adopting the element, each county and municipality would be required to adopt land development regulations consistent with the requirements listed in the law
- Local governments would have to address the impact on private property rights when making a land use decision.

Growth Management Bills (2014 Session)

HB 703: Environmental Regulation

1000 Friends of Florida claims that HB 703 would undermine the power of local governments to enact and enforce critical local comprehensive plans, policies, and implementing regulations:

- Retroactively preempts local government authority to protect wetlands and springs and regulate stormwater runoff; in effect, could repeal comprehensive plan policies, implementing regulations and other land use controls related to these issues that have been adopted since 2003;

  Note: this could include work done by regional planning councils in conjunction with local governments since 2003, including BMAPs, LIDs, comp plan amendments, stormwater and fertilizer regulations and resolutions, etc.

Growth Management Bills (2014 Session)

HB 703: Environmental Regulation

- Retroactively preempts local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 onwards;
- Prevents local governments from rescinding a plan amendment where development has been approved on bona fide agricultural lands.

Growth Management Bills (2014 Session)

HB 7023 Economic Development

- Prohibits applying impact fees or transportation concurrency on new business developments of less than 6,000 square feet.
- Although the bill includes an opt-out provision, local governments already have the authority to waive or reduce both impact fees and transportation concurrency.

Growth Management Bills (2014 Session)

HB 7023 Economic Development

- The bill places an unnecessary burden on elected officials who are working to ensure that development, rather than the taxpayers, covers the cost of new growth.
- It is another example of the Legislature saying it respects home rule while proposing something that substitutes a "one size fits all" provision that preempts local government authority.

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Quality of Life & Safety Committee

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Regional Transportation Committee

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