Southwest Florida Regional Planning

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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.

April 17, 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

NEXT SWFRPC MEETING DATE: May 15, 2014

NOTES:

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

The Council's Executive Committee is scheduled to meet prior to the Council meeting at 8:15 AM.

The Council's Budget & Finance Committee is scheduled to meet prior to the Council meeting at 8:30 AM.

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.

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.

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
Mayor Anita Cereceda, 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

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)

FLORIDA REGIONAL COUNCILS ASSOCIATION
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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.

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Agenda Item

MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MARCH 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 **9:05 AM.** Commissioner Mann 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, Mr. Don McCormick
Collier County:	Commissioner Tim Nance, Commissioner Georgia Hiller, Mr. Bob Mulhere, Mr. Alan Reynolds, Councilwoman Teresa Heitmann
Glades County:	Commissioner Donna Storter-Long
Hendry County:	Commissioner Karson Turner, Commissioner Don Davis
Lee County:	Commissioner Frank Mann, Councilman Forrest Banks, Councilman Jim Burch, Commissioner Brian Hamman, Vice Mayor Doug Congress, Ms. Laura Holquist
Sarasota County:	Commissioner Charles Hines, Vice Mayor Willie Shaw, Councilman Kit McKeon
Ex-Officio Members:	Mr. Phil Flood – SFWMD, Ms. Melissa Dickens – SWFWMD

MEMBERS ABSENT

Charlotte County:	Ms. Suzanne Graham
Collier County:	None
Glades County:	Councilwoman Pat Lucas, Commissioner Russell Echols, Mr. Thomas Perry
Hendry County:	Commissioner Daniel Akin, Mayor Phillip Roland, Mr. Melvin Karau
Lee County:	Vice Mayor Joe Kosinski
Sarasota County:	Commissioner Carolyn Mason, Commissioner Rhonda DiFranco, Mr. Felipe Colón

Ex-Officio Membership: Mr. Jon Iglehart – FDEP, Ms. Carmen Monroy – FDOT

Ms. Gwinnett announced that there was a quorum.

AGENDA ITEM #4
PUBLIC COMMENTS

There were no public comments made at this time.

AGENDA ITEM #5
AGENDA

Commissioner Mann made a motion to approve the agenda as presented and the motion was seconded by Councilman Burch. The motion carried unanimously.

AGENDA ITEM #6
Minutes of the February 20, 2014 Meeting

Vice Mayor Congress moved to approve the minutes of the February 20, 2014 and the motion was seconded by Councilman Burch. The motion carried unanimously.

AGENDA ITEM #7
DIRECTOR'S COMMENTS

Ms. Wuerstle reviewed the item. She explained that the Council was awarded a grant from the SWFL Community Foundation to asset all of the public art and cultural venues throughout Lee County. The Council contracted Ms. Courtney Lallo to go out and map all of the public art and cultural venues; while she was doing so her daughter, Miss Oliva Lallo, joined her on some of those trips. She then introduced and thanked Miss Oliva Lallo for creating today's placemats that were before each councilmember.

FY 2012/13 Audit

Ms. Wuerstle announced that the SWFRPC's FY 2012/13 Audit is complete and Mr. Tuscan of Tuscan and Company will be presenting the audit later during the meeting. She noted that the audit was closed with a $165,000 surplus. She explained that $83,500, out of the $165,000, had been previously approved as carry-over for the current budget; the remaining $81,500 will be brought before the Council in the form of a budget amendment at the April meeting. She announced that there were no comments for this audit and all of the comments from last year had been resolved. She congratulated staff for their hard work in order to obtain a clean audit.

Ms. Wuerstle explained that staff had been working with Bank of America on the options of refinancing the building and stated that if the Council was to currently refinance, there would be a $106,000 penalty. Staff went ahead and asked Bank of America for a proposal since the interest rates were currently low. When the proposal was received it was determined that it couldn't be considered due to several issues. Banks don't want to finance anything under $2 million and they

also wanted to give only short terms. She said that both she and Ms. Doyle of staff will continue to work on the issue.

FGCU IHub

Ms. Wuerstle noted that the letter was included within the packet. She then requested that Commissioner Nance present the issue since he requested that it be placed on the agenda for the Council's discussion and consideration.

Commissioner Nance explained that the issue was funding for the IHub at Florida Gulf Coast University (FGCU). He received the letter from FGCU President Bradshaw requesting support for legislative funding to move the IHub Research Building at FGCU forward. He said that since FGCU was like the "flag ship educational institution" within the region and it clearly benefits all of the municipalities within Southwest Florida by education, research and economic development; he felt that a resolution from the Council would be helpful to President Bradshaw.

Commissioner Hiller stated that she supported Commissioner Nance's comments. She noted that the Collier County Board of County Commissioners recently passed a resolution of the same effect.

> **A motion was made by Commissioner Nance to have the Council send a resolution in support of funding for the FGCU IHub Research Building; the motion was seconded by Commissioner Hiller.**

Mr. Mulhere explained that funding was requested last year and was approved by the legislature, but vetoed by the Governor. It was his understanding that the Governor vetoed the funding because it wasn't demonstrated that there was wide-spread support for the project.

Ms. Holquist said that she agreed with Mr. Mulhere's comments and it was very important to send those resolutions/letters of support to the legislature.

Councilwoman Prafke noted that everyone on City of Punta Gorda's Council received the letter and they consulted with their economic development director and did issue a letter of support to President Bradshaw, but asking that since the city's statistics were being used to justify the project that the benefits of the IHub also be sent up to Punta Gorda because they also need the economic development benefits within their area as well. She said that the whole region needed to be included in the project.

Commissioner Mann explained how important the project was and what Lee County had done in support of the project. He said that he felt that the issue of the veto from last year has been dealt with.

Commissioner Constance asked for clarification on the reasoning behind the veto last year. Mr. Mulhere stated that there wasn't enough homework done to show the Governor wide-spread community support. Commissioner Constance said that it was his understanding that the Governor didn't believe that it was a regional effort. He then asked if the project tied into with the Alliance of

Southwest Florida or it was a separate issue. He also said that he agreed with Councilwoman Prafke's comments; however, he would also like to know what the guarantees would be.

Commissioner Davis called the question.

Ms. Holquist stated that she had seen a presentation on the IHub Research Building and it is a great project. It contains research for alternative energy. She said that she had the presentation and would be happy to share it with everyone. She then addressed Commissioner Constance's question on whether it had anything to do with the Alliance and the answer is that it doesn't.

The motion carried unanimously.

FRCA Memorandum of Understanding (MOU)

Ms. Wuerstle distributed and presented the draft MOU. It was suggested that the Council draft an MOU outlining what the Council's expectations of FRCA was. She noted that the Council's Executive Committee had reviewed the MOU and made some changes and those changes have been incorporated. If the Council approves the MOU it will then be sent up to FRCA for their signature.

Vice Mayor Congress asked if it was a time sensitive issue. Ms. Wuerstle said no.

Ms. Wuerstle explained that the Council does participate in FRCA and pays their FRCA dues on a quarterly basis.

A motion was made by Commissioner Constance to approve the MOU as presented; the motion was seconded by Mr. Mulhere.

Commissioner Constance stated that he felt that it was a "basic" document. He said time is of the essence because we need to make our voice heard and make FRCA understand that the Council is an active partner and player.

Mr. McCormick asked for input from Commissioner Turner on this issue. Commissioner Turner said that he believed that it was time to move forward.

Mr. Mulhere stated that we all have spent a considerable amount of time on the MOU and so has Ms. Wuerstle. He said that he still considers it a draft and expects that FRCA will want to make some comments and then the Council will have an opportunity to comment back based upon FRCA's response.

The motion carried unanimously.

DEO Technical Assistance Grants

Ms. Wuerstle announced that DEO's Technical Assistance grant cycle has opened with a maximum of $25,000. The grants need to be submitted by a local government and the deadline for submittal is June 6, 2014. Staff is planning on submitting three grants for this year's cycle.

Mr. Mulhere asked Ms. Wuerstle if she knew how much funding is available through the process. Ms. Wuerstle said that she didn't know, but that they don't fund any single project above $25,000 and they usually award under that amount.

IMCP Application

Ms. Wuerstle presented the item. She explained that the SWFRPC has partnered with both the Tampa Bay RPC and the South Florida RPC to submit the designation application. She noted that there are other designation applications being submitted by other RPCs. The I-4 Corridor is being submitted by the East Central RPC and also Treasurer Coast RPC is submitting one. EDA is only going to grant 12 designations. This is not a grant but if awarded the designation the communities will be given preferential status for grant funding.

INTRODUCTIONS

Chair Heitmann introduced Glades County Commissioner Donna Storter-Long as the Council's newest member. She also introduced Glades County Manager Paul Carlisle.

AGENDA ITEM #8(a)
Grant Activity Sheet

No discussion; informational item only.

AGENDA ITEM #9
CONSENT AGENDA

Commissioner Constance made a motion to approve the consent agenda; Councilman Burch seconded the motion. The motion carried unanimously.

AGENDA ITEM #10
REGIONAL IMPACT

Mr. Crawford gave a PowerPoint presentation on the following items and also on Sector Plans.

Commissioner Turner referred to Mr. Crawford's presentation on Sector Plans and said that as it was relayed to him, a DRI or Application for Master Development Approval (AMDA) are more of a short-term vision of a project that is definitely going to come online and be built. As it relates to a sector plan in Hendry County, they have taken these steps because that is what is currently on the books. He didn't feel that they would be opposed to having a review conducted by the Council. He pointed out that he felt that it would be a completely different conversation if the Department of Community Affairs (DCA) was still in existence.

Mr. Crawford stated that he agreed with Commissioner Turner's comments.

AGENDA ITEM #10(a)
Lee County Comprehensive Plan Amendment (DEO 14-2ESR)

A motion was made by Commissioner Constance to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County. The motion was seconded by Councilman Burch; the motion carried unanimously.

AGENDA ITEM #10(b)
City of Venice Comprehensive Plan Amendment (DEO 14-1ESR)

Commissioner Constance asked if Sarasota County approved the item. Mr. Crawford stated that Sarasota County did review it and believed that they didn't have any comments.

A motion was made by Commissioner Constance to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Venice. The motion was seconded by Mr. Mulhere; the motion carried unanimously.

AGENDA ITEM #10(c)
Charlotte County Comprehensive Plan Amendment (DEO 14-1ESR)

Mr. Mulhere asked if the property was originally designated for a school, since the Charlotte County School District owned the property. Mr. Crawford stated that it was his understanding that the property was originally designated for a school, but then they decided not to build a school.

Commissioner Constance explained that the Charlotte County School District decided not to build a high school on the site; they decided to put it to a better use. He explained that one of the big issues on the site was traffic. The county told the school district that they would put in those traffic improvements.

A motion was made by Commissioner Constance to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and Charlotte County. The motion was seconded by Councilwoman Prafke; the motion carried unanimously.

AGENDA ITEM #10(d)
Palmer Ranch DRI Increment IV - NOPC
&
AGENDA ITEM #10(e)
Palmer Ranch DRI MDO - NOPC

A motion was made by Vice Mayor Shaw to approve staff recommendations for both Agenda Items #10(d) and (e); seconded by Commissioner Hines.

Recommended Actions for Agenda Item #10(d) are as follows:

1. **Notify Sarasota County, the Florida Department 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.**

Recommended Actions for Agenda Item #10(e) is as follows:

1. **Notify Sarasota County, the Florida Department Economic Opportunity (DEO) 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.**

Councilman Burch stated that he felt that the projects were a perfect fit for the RPC because it is a big project, I-75 runs through it and also there are major arteries which can easily be impacted, which then affects neighboring counties.

Commissioner Constance asked if the proposed change was changing the number of units within the increment. Mr. Crawford explained that the project was approved for 11,500 units, but it is now being proposed to put residential units in that will comes out of the overall number of 11,500 units. There are no additional impacts to the project.

Commissioner Constance asked about the proposed increase for the increment. Mr. Crawford explained that there wasn't an increase in the overall units. Increment IV is proposing 184 units by changing the uses from industrial and commercial to residential.

The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #11(a)
FY 2012/13 Annual Audit

Mr. Jeff Tuscan of Tuscan and Company presented this item and distributed graphs.

Commissioner Constance referred to page 5 of the audit and asked why there was such a big expenditure noted in 2004. Mr. Tuscan explained that was when the Council purchased the building.

A motion was made by Commissioner Constance to approve the FY 2012/13 Annual Audit as presented; motion was seconded by Mr. Mulhere.

Vice Mayor Congress asked what the fair market value was for the building. Ms. Wuerstle explained that the building has not been assessed recently and that is one of the concerns. Mr. Tuscan explained that the building is listed in the audit on the cost, which is still the standard at the moment.

Commissioner Davis asked how much is owed on the building. Ms. Wuerstle said approximately $1 million.

Mr. McCormick suggested amending the motion to congratulate staff for a job well done. Commissioner Constance accepted the proposed amendment to the motion.

The motion carried as amended.

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

Ms. Holquist gave an overview of the Alliance. She explained that there is a national medical conference being held in New York City and representatives from Southwest Florida will be in attendance. The cost of attending the conference is $18,000 and the plan is for the economic development directors from the individual cities and counties be invited to attend. Lee County looks at it as it is only going to cost them $7,500 to attend the conference, because if they went by themselves it would cost $30,000. It is a huge investment for the area and money saved by participating as a team.

Commissioner Constance asked why there is such a big difference in the cost if only one county attends versus having two counties attend. Ms. Holquist explained that it is because they are sharing a booth. Commissioner Constance said that he didn't understand where $18,000 came from if one county attended the cost would be $30,000, not $18,000. Ms. Holquist explained that the $18,000 is the cost of one booth and then an additional $7,500 to attend. She said that the Alliance would be paying for the joint costs of the booth and incidentals. The only other thing that the EDOs would be responsible for is their own transportation arrangements, time and housing. It is an initial plan currently because all of the EDOs haven't had the time to weigh in. There are two more conferences and three site selector meetings.

Ms. Holquist explained that the Alliance was also funding the marketing of the website. The Alliance is still working on how it is going to be staffed; because once the website is running there will be a need for someone to maintain it and also there needs to be someone in charge to coordinate the conferences. The plan is to be very lean and have a very lean staff and not step on anyone's toes.

Councilman McKeon asked how the conferences were selected. Ms. Holquist explained that both the EDO director of Lee County and John Cox from Collier County had initially set up the marketing plan.

Vice Mayor Congress asked about the anticipated arrival date of the business plan. He said that he is getting confused because he is hearing that there isn't a business plan and it doesn't appear to be a budget for staff. He would like to know who is running the website, what the budget is going to be, etc. It almost seems to be the "cart before the horse". Ms. Holquist explained that an organization was formed last September and there is a board of directors. As of today, there is the board, the Marketing Advisory group and also the Investor Advisory Council. The Alliance has $220,000 committed for the next three years which is being used for their budget. The Alliance has approved an $80,000 marketing budget for outreach. There is also another $50,000 allocated for the website and another $50,000 for the maintenance and upkeep of the website. The Alliance is still in its fundraising efforts.

Commissioner Turner thanked Ms. Holquist for her leadership and wished that Hendry County was more involved in the effort.

Mr. Reynolds explained that the Alliance has essentially been a volunteer effort. Ms. Holquist has devoted her time, which amounts to a full-time effort over the last few years. Once a formal business plan is in-place the Alliance hopes to hire some actual paid staff. He then addressed Vice Mayor Congress's comments. He explained that when the conversations began and the MOU was created the decision was made to move forward and not wait on the development of a 3-5 year business plan for a very large economic development organization. It was essential that Southwest Florida start moving forward in order to get into the game, because Southwest Florida was essentially invisible to site selectors. The decision was made on what could get done quickly that would add value to the economic development efforts of the entire region and that was idea of the data repository and website.

Commissioner Constance asked if the Alliance is basically a private entity. Ms. Holquist that it was a private entity; however, there are some investors who are public. Commissioner Constance said that it seemed that the investors make up the board of directors. There are no representatives on the board from Glades, Hendry or Charlotte counties. He said that at a recent Regional Economic Development meeting, it was felt that if the entity was to be part of the Council it needed to include all six counties, because the Council represents all six counties and its municipalities. He said that he applauds the effort, but in his opinion it should be called the "Gulf Coast" economic initiative for both Lee and Collier Counties and be centered around FGCU. He said that Charlotte County is never going invest one dollar because they don't feel that it is going to represent Charlotte County. Also, the counties would be better served if you involve all six counties and have the EDO directors sit on the board and really "drive the train", because they are the ones who are fully in-touch and in-tuned with the six county commissions. Then those counties might be willing to contribute funding because they would have the proper representation.

Mr. Reynolds explained that the Council's involvement today is that the Alliance had secured a grant from DEO and the RPC was hired to prepare the business plan for a potential broader organization, so the Council is not involved with the Alliance. The Council's staff helped the Alliance pull together the knowledge from the EDOs to see if it made sense for a broader organization and if so, how would it be funded, how would the leadership would work, etc.

At this time, Councilman Banks asked the Chair if the Economic Development Committee report could be given because he felt that it would help some understand what has been discussed.

AGENDA ITEM #13(b)
Economic Development Committee

Councilman Banks stated that the committee had held two meetings where they reviewed the business plan, made recommendations and strategized on promoting support for the plan.

Council staff, members of the Alliance and the Economic Development Directors from the entire region has had three meetings. Committee members Councilman Burch, Commissioner Cook, Councilwoman Prafke, Mr. Perry, Commissioner Constance, Councilwoman Heitmann and himself attended those meetings, but not as a committee. The big issue is how Sarasota County was to be included in the business plan. While the committee has not voted on this, he believed the consensus would be that the plan should encourage the Alliance to make it a goal to reach out to Sarasota County for inclusion into the Alliance. He felt it was safe to say that conflicting comments from members of the Alliance have been stated on how they feel on that issue.

Councilman Banks said that he believed that most of the plan is now complete. The policies and procedures are left to be done and if the Alliance was encouraged to reach out to Sarasota County, he felt that the policies and procedures would become easier to accomplish. However, if Sarasota County is brought up to the "requirement" level then everything will get harder. Speaking for himself, he would suggest the less controversial approach because the Council doesn't have much to say about how the Alliance operates.

He said that both the committee and the Alliance have come a long way and have made progress on several fronts. The Alliance has always thought support by the public sector is essential and today, the Alliance needs to better understand that support could include public involvement. The Alliance has a better feel for the opinions of the EDOs and they realize more the significance of the EDO group, but they have yet to endear themselves to all of the EDOs. The Alliance seems to realize working leads would be difficult and that they may be better suited for a regional marketing role. FGCU said their service area consists of the five southern counties, but they said they would cross boundaries in order to enhance partnerships and working relations. Most important, is that all of the EDOs within Southwest Florida know each other better and what each other's priorities are. They have really worked hard to make the plan a reality and as we have learned, tomorrow may be a new day.

Both Ms. Wuerstle and Ms. Pellechio had done most of the work. They have taken the plan home with them on many nights and if putting this business plan together was easy, someone would have done it before. "If we can make the page big enough, we might be able to get everyone on it."

Councilwoman Prafke thanked Councilman Banks for his report. She then explained that before she was an elected official, she was the CEO of a non-project organization called Team Punta Gorda which was established in 2004 after Hurricane Charley. It consisted of citizens, residents and business people. She then gave a background overview of Team Punta Gorda and its accomplishments.

Commissioner Hiller stated that she agreed with Charlotte County that all of the counties needed to be represented on the Alliance's board. She felt that really what the Alliance should have is a representative from both the government and private sector, because this is a public/private partnership. What would be ideal is if the Alliance had one commissioner and one business representative, selected by the represented county, on the board of the Alliance to do what was necessary in a collaborative fashion and promote and market the region because that is really the Alliance's goal. Then every individual county would have to attract businesses based on their individual merit and what they have to offer. She also said that she agreed with both Commissioner Constance's and Councilwoman Prafke's comments. She suggested Mr. Reynolds and Ms. Holquist take these comments back to the Alliance's board and consider a re-organization of the Alliance's membership in order to be fairly represented by all counties and both the public and private sectors.

Commissioner Hines stated that from Sarasota County's standpoint he is unsure on how you define a region and how to draw the circles, because if Sarasota County wasn't part of the SWFRPC, he doesn't believe that the Alliance would consider pulling Sarasota County in. He said that he was entirely in favor of what the Alliance was trying to do and its benefits. The bigger question is what the value to Sarasota County is and just because they are part of the SWFRPC do they need to also be part of the Alliance. Sarasota County has its own economic development corporation which is funded both privately and publicly. Publicly approximately $1 million is put into the budget. Sarasota County is stuck in the middle between the northern portion and southern portion. Questions are being asked as the county's communities continue to grow and evolve and they feel tied to the different areas. He noted that nothing has been presented to the board of county commissioners from the Alliance at this point or to him as a representative of the Council stating what would be the county's benefit to join the Alliance. Until that is done he can't say yes or no to whether or not Sarasota County would want to be part of the Alliance.

Commissioner Hines said that he believed that if the funding didn't go through the RPC for the business plan that Sarasota County wouldn't be included in any of the discussions.

Councilman Burch said that when he was the mayor of Cape Coral in 2008-2009 and the world was burning around him, he was preaching regionalism because he knew regionalism was going to basically recover the economy and prosperity. He said that he really liked the concept and the efforts in which the Alliance has put into this project. However, the following issues needed to be resolved:

1. The make-up of the board, whether there is going to be representatives from the other counties on the board;
2. Whether or not Sarasota County would be part of the Alliance, and how strongly they are reached out to;
3. Whether or not this effort is a public/private effort; because what is being heard is that it is private, but it is publicly funded;
4. Is the business plan for the region of the RPC or was the intent to write a business plan for the Alliance.

Councilman Burch said that he agreed with both Commissioner Constance and Commissioner Hiller.

Councilman Banks said that the one of the biggest issue that needed to be addressed was whether or not they are a public or private entity; because the Alliance is going to need help in going before the county commissions to ask for funding. The other issue is how to address the issue with Sarasota County.

Commissioner Turner said that he is from both Hendry and Glades County and their activity level at the table with the Alliance was what we make of it. He explained that the Alliance had reached out to Hendry County. It is Hendry County's fault for not participating because their resources are spread so thin. He hopes that in the future both Hendry and Glades Counties will be able to participate.

Mr. McCormick asked if the Alliance's database included five or six counties. Mr. Reynolds explained that the database only includes the five counties, not including Sarasota, but it can be expanded. He then addressed the governance structure question regarding any future potential changes to the Alliance's board are on the table. As it stands today, the Alliance's board has made no decisions to say that they are not receptive and are looking forward to any recommendations that come out of the RPC, because that is why the process was begun in the first place. It is an evolutionary process.

Mr. McCormick stated that it seemed to him that this public entity, the Alliance, was putting money into the RPC through a grant, which is a benefit to the RPC. Mr. Reynolds explained that it was through a grant that was received from the Department of Economic Opportunity that is actually paying for the RPC staffs time on this process. Mr. McCormick said that he doesn't see any impediments, but does see the benefits.

Vice Mayor Congress asked when the anticipated date was for the launch of the business plan, because there has been a lot of interaction between the Alliance and the RPC. He said that he felt that if there was a business plan in-place that it would answer a lot of the questions being asked. Ms. Wuerstle explained that it is scheduled to be submitted to DEO by May 31.

Councilman Burch said that he was happy to hear from Mr. Reynolds stating that the Alliance had been considering the committee's recommendations.

Commissioner Constance asked who was managing the data on the website and who will have that oversight. He wanted to know if each of the five counties get to see it first to make sure that sites are there, make any needed changes and have control over that information? Mr. Reynolds said the answer is yes; currently the data depository is being put together and managed by FGCU. We have already gone through a process of pushing out the website to all of the economic development directors for their review and comment. He said that the Alliance also recognizes that certain counties, such as Hendry and Glades Counties, need opportunities for economic development and that it appeared they would not be using that search engine. There may not be sites that are fully entitled, plans, etc.; so the Alliance has discussed how they can have the website show other things than what comes out of the database.

Commissioner Constance asked if it was the Alliance's goal was to reach the same model as the Tampa Bay Partnership model. In his mind that should be the model that the Alliance should be striving for. Mr. Reynolds said that he personally feels that the Tampa Bay Partnership is a great model of what can happen when you start with a relatively modest agenda and then expand it to a very progressive and encompassing entity. The Tampa Bay Partnership does a lot of things that the Alliance doesn't current envision as being able to do. From the Alliance's point of view it was decided to start with very specific measurable modest goals. Ultimately, if Southwest Florida had the organizational structure and capacity of the Tampa Bay Partnership, it would be great. One of the questions for Sarasota County, since they are part of the Tampa Bay Partnership, would be if they would want to be part of two organizations, stay with the Tampa Bay Partnership or come over to the Alliance.

Chair Heitmann stated that both honesty and communication is what can build a great regional economic development plan. She appreciates the diligence and persistence by Ms. Holquist in bringing the economic development piece into a different vision. She said that she sees a lot more trust needs to be built along with partnerships if the Alliance is going to be the hub. She also thanked Councilman Banks for his efforts along with the members of the committee.

Councilman Banks noted that he received an invitation to attend the ground-breaking for the Cheney Bros. food distribution center in Charlotte County. He said that it is not only very important for Charlotte County, but it is also important to the region.

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

Vice Mayor Shaw reported that the committee met on March 10 and put together a safety survey to be sent out to all of the elected officials, administrators and managers and members of Council asking for their input. He explained that the purpose of the committee was to create possible programs that are innovative at looking at the underlying causes of crime within Southwest Florida. The purpose of the survey was to receive an idea of what are the top three issues throughout Southwest Florida.

Ms. Wuerstle noted that at the committee meeting a discussion was held on additional members for the committee. Vice Mayor Shaw announced the committee decided to ask the following individuals if they would be willing to serve on the committee. They were contacted and they all agreed to serve.

- Reverend Isreal Suarez, Nations Charities
- City of Fort Myers Councilman Johnny Streets
- Mr. John Gibbons, SWFRPC Staff (representing Lehigh Acres)

He then asked the Council to approve those individuals as members of the committee.

Chair Heitmann said that she would be both pleased and happy to confirm those appointments to the committee. She then noted that she would like to see members from the other jurisdictions be involved on the committee.

Vice Mayor Shaw noted that the committee currently has representatives from Lee and Sarasota, so its needs representatives from Charlotte, Collier, Glades and Hendry Counties.

Councilman Banks stated that he felt that the committee is very important and suggested obtaining representatives from both the City of Cape Coral and City of Naples to serve on the committee.

AGENDA ITEM #13(a)
Budget & Finance Committee

Councilman McKeon noted that the Budget & Finance Committee was scheduled to meet immediately following the meeting.

AGENDA ITEM #13(c)
Energy & Climate Committee

Mr. McCormick announced that there is a Solar Ready II kick-off meeting scheduled for Friday, April 4, 2014 at 10:00 AM at the offices of the SWFRPC. He then gave the committee report.

Commissioner Constance asked what the Solar Ready II project was and also what was Solar Ready I. He asked if there was a plan outlining streamlined rules that was being distributed for everyone's review to see if they would work within their community or is the alternative were they asking us to reinvent the wheel. Mr. McCormick said that he felt that we were being asked to re-invent the wheel. He attended one webinar and a lot of it was devoted to fire code safety issues with solar panels.

Discussion ensued.

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

The summary and minutes were included in the agenda packet for information.

AGENDA ITEM #13(e)
Executive Committee

Chair Heitmann explained that at the committee meeting the annual renewal of the executive director's contract was discussed. Those members who participated gave the executive director very good reviews. She noted that if any member wanted to send comments regarding the contract to direct them to Ms. Gwinnett. Both the executive director's contract and evaluation will be discussed at the next committee meeting.

AGENDA ITEM #13(f)
Legislative Affairs Committee

Vice Mayor Congress gave the committee report. Mr. McCabe gave a status update on SB372, HB395, HB703 and HB7023.

Councilman Burch gave a brief update on the east-west corridor proposed legislation.

Mr. McCabe asked Commissioner Constance if he wanted to touch on the DRI bill (SB372). Commissioner Constance explained that the issue is that there are seven counties (Orange, Seminole, Palm Beach, Broward, Dade, Duval, Pinellas and Hillsborough) that can basically make decisions without going through the State. What the legislation will do is open it up to six more counties, which be an extension with the Pinellas-Hillsborough into Pasco, Manatee and then Sarasota, as well as Lee, Volusia and Escambia. The issue is it that it leaves out the other counties surrounding those counties. It is very obvious that both Charlotte and Collier Counties are going to be at a tremendous disadvantage.

Commissioner Constance said that he was very concerned because he doesn't understand the genesis of it. Charlotte County never asked for it, so who approached Senator Galvano with the proposal. If this passes then there are going to be many developers who would still have to go through the State's process, which is long, onerous and expensive. He said that his other concern is if there is a change of leadership in the Governor's office after November and the new governor is in favor of the former Department of Community Affairs (DCA), the DCA may be resurrected with a more onerous process. He said that he would like to see the RPC continue to be in opposition of the bill and asked that the member governments take it under advisement by taking the sample letter before their councils/commissions.

Councilman Burch stated that it would be helpful to the members to have the history behind the issue.

Vice Mayor Congress said that he had a comment on the policy and process of the committee and participation. He noted that the committee needs representation from each of the counties in order to have all the counties appropriately represented. Commissioner Constance said that he agreed with Vice Mayor Congress because it is a two-way street.

AGENDA ITEM #13(g)
Regional Transportation Committee

Chair Heitmann announced that the Committee's Chair, Commissioner Rhonda DiFranco, had to resign from the committee due to medical reasons. She then appointed Sarasota County Commissioner Charles Hines as the new chair of the committee.

AGENDA ITEM #14
NEW BUSINESS

No new business was discussed at this time.

AGENDA ITEM #15
STATE AGENCIES COMMENTS/REPORTS

No agency reports were given at this time.

AGENDA ITEM #16
COUNCIL ATTORNEY'S COMMENTS

Counsel McCabe stated that he had no report at this time.

AGENDA ITEM #17
COUNCIL MEMBERS' COMMENTS

Councilman Burch thanked the Legislative Affairs Committee and the Regional Economic Development Committee for their efforts.

Commissioner Constance announced that the Charlotte County International Air Show was scheduled for March 28-30. Also, the Charlotte County Symphony Orchestra was scheduled for March 23, but it is a sold out event. He noted that Charlotte County was in tight competition at the Charlotte County Sports Park for the best spring training facility on http://www.10best.com They are slightly ahead of Goodyear Park in Arizona and are receiving the most votes in Florida. He encouraged everyone to vote for the Charlotte County Sports Park.

Councilwoman Prafke announced that on April 5 is the Peddle and Play in Paradise along with the Superboat races in Punta Gorda and then the block party will be held the following week.

Vice Mayor Shaw thanked staff for their assistance in the first committee meeting of the Quality of Life and Safety Committee.

Commissioner Storter-Long thanked the Council for their warm welcome and she has a lot to learn. Glades County is a very small county, except for geography and its budget is much worse than Hendry County. She noted that she has a lot of frustration with economic development so she wouldn't be able to assist with the Economic Development Committee; however, she would like to volunteer to participate on the Legislative Affairs Committee.

Chair Heitmann appointed Commissioner Storter-Long to the Legislative Affairs Committee.

AGENDA ITEM #18
ADJOURNMENT

The meeting was adjourned at 11:30 a.m.

_____
Mr. Don McCormick, Secretary

The meeting was duly advertised in the March 6, 2014 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 40, Number 45.

Agenda Item

7

Director’s Report 7

7

Southwest Florida
Regional Planning

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EXECUTIVE DIRECTOR'S REPORT - APRIL 17, 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) 2013 budget amendments are attached
   b) Adoption of the 2014-2015 Budget and Workplan
      - Cancel the July meeting
      - Cancel the August 21st meeting and move it up to August 7th

ii. Grants:
   a) SWFRPC has partnered 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.
   b) DEO grant application process is now open for grants up to $25,000.
   c) Staff is working on a TIGER planning grant for the coordination of regional transit

iii. New contract for the Executive Director is attached

iv. Service Recognition for John Gibbons

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2. External Issues

a. FRCA: The March activity report is attached.
   - Florida's Regional Planning Councils received a new suite of economic development tools recently, as the Florida Regional Councils Association launched a new website on regional metrics. Each of Florida's eleven regional planning councils will now be able to compare statistics ranging from high school graduation rates and trade imports to employment by industry and relative housing prices. A press release is attached. The tools direct link from our website: http://floridarpcscorecard.com/. The press release from our website: http://www.swfrpc.org/content/PR/PR_FRCA_EDD_Scorecard040114.pdf
   - FRCA respond to MOU. See attached copies of SWFRPC MOU and FRCA By-Laws and revised MOU.

b. The Executive Director met with the following to establish partnerships and discuss issues of mutual concerns:

   Roger Renke, Naples Assistant City Manager on various grants, Yvonne Hill of Roots Heritage Urban Food Hub; DEO/FDOT on Sector Plans; Commissioner Nance on IMCP; Tom Litton on refinancing of building; FGCU presentation on

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EXECUTIVE DIRECTORS REPORT

economic development functions of SWFRPC; Lee County Alliance for the Arts presentation.

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:
    - 22 pending grants; 6 grants under development; 5 grants approved totaling $137,500; 2 contracts totaling $53,000.
    - Grants Submitted: Manufacturing Grant, NEA Arts and Culture Grant, Economic Development Planning Grant, Brownfields Grant, IMCP designation.
    - Orientation for new RPC members (To be held in May 2014))
    - Improved Financial Reporting: New software for time keeping and project management to be rolled out in May.

Special Revenue/General Fund	*Adopted 2014 Budget*	*DEO-Task Force*	*DEO-Lee County*	*NEFRC PO's*	*MARC*	*SWFCF*	*Collier Co PO*	Amended SWFRPC (Special Revenue)	*CHNEP (Special*	*SWFRPC General Fund*
Revenues										
Assessments	469,711							*0*		
Federal/State Grants	1,049,336				*50,000*			*50,000*		
Misc. Grants/Contracts	430,541	*12,500*	*15,000*	*12,250*		*15,000*	*3,000*	*57,750*		
DRI's	45,000							*-10,000*		
Rental/Interest/Misc	35,000									-15000
Carry over fund balance -reserves	542,797									
Carry over fund balance - operating	83,679									81,828
Total Income	***2,656,064***							***97,750***		***66,828***
Expenditures										
Salaries - Total	955,552							*96,250*		30000
FICA	73,100									1200
Workers Comp	3,696									
Retirement	94,535									2490
Health Insurance	138,194									2310
Total Personnel Services	***1,265,077***							***96,250***		**36000**
NEP Other	26,500									
NEP Supplies	3,350									
NEP Travel	16,000									
NEP Contractual	348,358									
Legal Fees	15,000									-15000
Consultant Fees	51,336									
Audit Fees	40,000									
Travel	21,870									10000
Telephone	6,540									
Postage	4,100									
Equipment Rental	8,750									
Insurance	22,500									
Repair/Maint. (Grounds/Bldg/Equip)	15,000									
Printing/Reproduction	1,500							*1,500*		
Utilities (Elec, water, garb)	22,000									
Advertising	3,600									
Other Miscellaneous	4,500									
Bank Service Charges	2,280									
Office Supplies	8,836									
Computer Related Expenses	38,500									
Publications	1,250									
Professional Development	10,120									
Dues/Memberships	28,800									
Meetings/Events	3,000									
Capital Outlay-Operations	4,000									
Capital Outlay-Building	12,500									
Long Term Debt (Building Loan)	128,000									
Carry over fund balance	542,797									35828
Total Cash Outlays	***2,656,064***							***97,750***	***0***	***66,828***
Net Income/(Loss)	**0**							*0*	*0*	*0*

708,304 Audit
Fund Balance

PROPOSED FY 2014 BUDGET AMMENDMENTS

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
REVENUES					
LOCAL ASSESSMENTS					
CHARLOTTE COUNTY	$ 0	$ 24,504	$ 49,007	$ 49,007	0
COLLIER COUNTY	0	49,477	98,955	98,955	0
GLADES COUNTY	0	1,901	3,801	3,801	0
HENDY COUNTY	0	5,450	11,440	11,440	0
LEE COUNTY	0	76,998	153,997	153,997	0
SARASOTA COUNTY	0	57,520	115,099	115,099	0
CITY OF FORT MYERS	0	10,025	20,050	20,050	0
TOWN OF FORT MYERS BEACH I	0	938	1,876	1,876	0
BONITA SPRINGS	0	6,769	13,539	13,539	0
CITY OF SANIBEL	0	973	1,947	1,947	0
TOTAL LOCAL ASSESSMENTS	0	234,555	469,711	469,711	0
FEDERAL / STATE GRANTS					
ECONOMIC DEV.-GRANT	0	13,938	12,500	12,500	0
CHNEP MANATEE	0	0	5,000	5,000	0
EPA 6014	23,675	300,876	567,309	567,309	0
FDEP- 6014	11,675	30,590	75,000	75,000	0
SWFWMD - 6014	0	33,053	130,000	130,000	0
EPA FAMWQ	15,893	48,541	190,000	190,000	0
EPA-CONSERVATION	1,667	27,512	95,944	95,944	0
DEM TITLE III	7,057	21,902	40,909	40,909	0
LEE BOCC-VA STUDY	15,782	32,613	40,000	40,000	0
HMEP-PLANNING & TRAINING	22,393	40,759	58,370	58,370	0
GLADES HENDRY TD	4,250	19,705	38,637	38,637	0
MARC - SOLAR READY	12,849	20,126	0	50,000	50,000
TOTAL FEDERAL / STATE GRAN	115,241	589,615	1,253,669	1,303,669	50,000
MISC. GRANTS / CONTRACTS					
GLADES SQG	0	0	3,900	3,900	0
THE NATURE CONSERVANCY	0	1,327	0	0	0
VISIT FLORIDA - 3174	0	0	5,000	5,000	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
TBRPC ENERGY GRANT	0	7,092	0	0	0
LEE COUNTY DEO	0	6,500	0	15,000	15,000
COLLIER CO PO #4500149533	0	0	0	3,000	3,000
337890 PO # 890	7,000	7,000	0	7,000	7,000
NEFRC PO # 900	0	5,250	0	5,250	5,250
6014 LOCAL	5,415	77,309	217,308	217,308	0
SWFCF - 3175	7,537	9,966	0	15,000	15,000
HENDRY COUNTY EDC-ED. TAS	6,250	6,250	0	12,500	12,500
TOTAL MISC. GRANTS/CONTRA	26,202	120,694	226,208	283,958	57,750
OTHER REVENUE SOURCES					
DRI MONITORING FEES	250	2,500	10,000	10,000	0
RENTAL SPACE-SENATOR	1,250	7,500	15,000	15,000	0
RENTAL SPACE CHNEP	0	0	15,000	0	(15,000)
DRIS/NOPCS INCOME	3,673	13,438	35,000	25,000	(10,000)
INTEREST INCOME	0	359	5,000	5,000	0
MISC. INCOME	0	272	0	0	0
BUDGETED CARRY OVER FB	0	0	542,797	708,304	165,507
BUDGETED CARRY OVER OPER	0	0	83,679	33,429	(50,250)
TOTAL OTHER REVENUE SOURC	5,173	24,069	706,476	796,733	90,257
TOTAL REVENUES	146,616	968,933	2,656,064	2,854,071	198,007

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

EXPENSES	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
PERSONNEL EXPENSES					
SALARIES EXPENSE	75,473	457,536	663,046	663,046	0
SALARIES EXPENSE - NEP	0	0	292,510	328,510	36,000
FICA EXPENSE	5,578	32,192	73,100	73,100	0
RETIREMENT EXPENSE	7,305	37,574	94,535	94,535	0
HEALTH INSURANCE EXPENSE	11,808	70,481	138,190	138,190	0
WORKERS COMP. EXPENSE	370	1,605	3,696	3,696	0
TOTAL PERSONNEL EXPENSES	100,534	599,388	1,265,077	1,301,077	36,000
OPERATIONAL EXPENSES					
GRANT/CONSULTING EXPENSE	0	6,023	51,336	51,336	0
NEP-CONTRACTUAL	5,048	83,247	394,208	394,208	0
LEGAL	0	0	15,000	0	(15,000)
AUDIT SERVICES EXPENSE	17,000	41,000	40,000	40,000	0
TRAVEL EXPENSE	4,752	26,865	21,870	31,870	10,000
TELEPHONE EXPENSE	663	3,131	6,540	6,540	0
POSTAGE / SHIPPING EXPENSE	79	221	4,100	4,100	0
EQUIPMENT RENTAL EXPENSE	445	2,920	8,750	8,750	0
INSURANCE EXPENSE	0	18,616	22,500	22,500	0
REPAIR/MAINT. EXPENSE	1,266	6,252	15,000	15,000	0
PRINTING/REPRODUCTION EXP	36	2,033	1,500	3,000	1,500
UTILITIES (ELEC, WATER, GAR)	1,693	11,179	22,000	22,000	0
ADVERTISING/LEGAL NOTICES	463	874	3,600	3,600	0
OTHER MISC. EXPENSE	143	1,586	4,500	4,500	0
BANK SERVICE CHARGES	0	1,283	2,280	2,280	0
OFFICE SUPPLIES EXPENSE	1,454	4,958	8,836	8,836	0
COMPUTER RELATED EXPENSE	(741)	22,100	38,500	38,500	0
DUES AND MEMBERSHIP	5,517	14,631	28,800	28,800	0
PUBLICATION EXPENSE	0	360	1,250	1,250	0
PROF. DEVELOP.	(435)	4,755	10,120	10,120	0
MEETINGS/EVENTS EXPENSE	(711)	120	3,000	3,000	0
CAPITAL OUTLAY EXPENSE	0	2,218	4,000	4,000	0

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	12,500	0
LONG TERM DEBT	10,646	63,876	128,000	128,000	0
RESERVE FOR OPERATIONS EXP	0	0	542,797	708,304	165,507
TOTAL OPERATIONAL EXP.	47,318	319,330	1,390,987	1,552,994	162,007
TOTAL CASH OUTLAY	147,852	918,718	2,656,064	2,854,071	198,007
NET INCOME (LOSS)	$ (1,236)	$ 50,215	$ 0	$ 0	0

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
EMPLOYMENT AGREEMENT
WITH MARGRET WUERSTLE

This employment agreement is made and entered into by and between the Southwest Florida Regional Planning Council (hereinafter referred to as the "Council") and Margaret Wuerstle (hereinafter referred to as the "Executive Director"). The parties agree to the following terms of employment:

1. Employment

The Council hires Margaret Wuerstle to serve as Executive Director of the Council. The Executive Director serves at the pleasure of the Council.

2. Duties

The Executive Director will have the following duties:

A. Prepare and present to the Council an annual Workplan to accomplish the mission and vision of the Council. The annual Workplan will include long range goals and objectives, and short-term action steps with objective performance monitoring criteria consistent with the Strategic Regional Policy Plan.

B. Lead implementation of approved Workplans through planning, organizing, and directing the operation of staff and collaborating and coordinating with outside stakeholders.

C. Manage Council finances, oversee budget development, implementation and financial reporting.

D. Prepare an agenda for each Council meeting, after consultation with the Council Chair; attend all Council meetings and Committee meetings.

E. Ensure that the Council, its employees and its programs are in compliance with state and federal regulations and laws.

F. Prepare or supervise the preparation of all reports required by the local, regional, state or federal agreements.

G. Hire, supervise, manage and dismiss any employees of the Council.

H. Represent the Council with the Florida Regional Councils Association and other national, regional and local organizations consistent with the annual Workplan, Strategic Regional Policy Plan, and budget.

I. All duties as defined in the Council's Job Description for the Executive Director.

J. Such other duties as may be assigned by the Council from time to time.

K. Work forty (40) hours or more per week with no other gainful employment or other income producing activities. Exceptions to this are:

1) Weekend activities related to religious or non-profit agencies with no Council resources or work week hours devoted to this exception.

2) Adjunct teaching at the post secondary level that does not impede fulfilling the duties of Executive Director.

3. Compensation

The Executive Director will be compensated as follows:

A. Commencing February 1, 2014, the Executive Director will receive a _____percentage increase in salary for an annual salary of $_____, which will be paid on the same schedule as all other Council employees. Future increases in salary are determined yearly at the annual review based on performance, cost savings and new revenues.

B. Benefits will be provided as follows:

1) Insurance:

a. The Council will provide term life insurance, short term disability, and long term disability on the same level and schedule as all other Council employees.

b. The Council will provide medical insurance, dental insurance and vision insurance on the same level and schedule as all other employees.

2) Retirement:
The Executive Director is designated in the Senior Management Service classification in the Florida Retirement System. The Council will contribute the State mandated contribution to the FRS on behalf of the Executive Director.

3) Leave:
The Executive Director will receive paid holidays, accrue personal leave at the rate of 14 hours per month and accrue sick leave at the rate of 10 hours per month consistent with Council approved employee benefits. The Executive Directive may accrue up to 240 hours of personal leave at the end of the fiscal year.

4) Other:

a. The Executive Director will be reimbursed for automobile mileage on the same schedule as all other Council employees.

b. The Executive Director is entitled to all other benefits that are provided for Council employees, except as limited by **Section 4., Terms and Severability**, of this Agreement presented below.

4. Terms and Severability

A. Terms

1) For the period February 1, 2012, through January 31, 2013, the Executive Director's performance will be reviewed quarterly by the Executive Committee. For all subsequent periods, the Executive Director's performance will be evaluated annually, no later than February 1st of each year.

2) The Council and the Executive Director will review this employment agreement annually and any modifications, revisions or changes agreed upon will be incorporated into the employment agreement no later than February 1st, of each year.

B. Termination Provisions

1) The Executive Director must give forty-five (45) days written notice to terminate this employment agreement. The written notice shall be hand-delivered to the Council Chairperson and shall become effective forty-five (45) days after delivery. The Executive Director will be paid for accrued unused personal leave up to 240 hours. The Executive Director will receive no other compensation or payout.

2) The Council may terminate this agreement without cause with forty five days written notice.
   a) The Council, by a super majority of seventy-five percent of those members present and voting, at a legally noticed meeting which has a lawful quorum, may vote to terminate this agreement without cause.
   b) The Executive Director will receive eight (8) weeks salary for dismissal without cause. The Executive Director will be compensated for unused personal leave up to 240 hours.
3) The Council, by majority vote of a lawful quorum, shall have the right to terminate this agreement at any time for cause due to any of the following actions of the Executive Director:
   a. committing any criminal act, classified as a felony;
   b. knowingly violate a state or federal law or regulation while managing the business of the Council; or
   c. failing to execute the duties detailed in Section 2 of this agreement.
4) Upon termination for cause, the Executive Director will receive salary and benefits only to the effective date of termination; all accrued unused personal leave will be forfeited.

Agreed to this 17th day of April 2014.

Executive Director

_____
Margaret Wuerstle, Executive Director

Southwest Florida Regional Planning Council

By: _____
Teresa L. Heitmann, Chair

The Chair of the Council affirms the negotiation of this agreement was approved by the Council at its meeting on April 17, 2014

_____
Reviewed by Sean McCabe, Council Attorney

Sheri Coven
Director of Intergovernmental Affairs
sheri.coven@flregionalcouncils.org
(850) 294-0526

MONTHLY ACTIVITY REPORT: March 2014

OUTREACH

- Met with Bill Killingsworth, Director of the Division of Community Development for the Florida Department of Economic Opportunity, and Sherri Martin, Rural Coordinator Supervisor for the Division, to determine the eligibility of regional planning councils under Section 288.018, F.S. (Regional Rural Development Grants), which may be possible, provided grant proposals increase local economic capacity and are not regional planning council project specific.
- Met with Gail Stafford, Compliance Administrator at the Florida Energy Office, to explore a collaborative partnership between the Office and the regional planning councils on a grant application to the U.S. Economic Development Administration.
- Met with Jason Hight, Biological Administrator at the Florida Fish and Wildlife Conservation Commission, to reinforce collaboration with the agency.
- Spoke to Nick Wiley, Executive Director of the Florida Fish and Wildlife Conservation Commission, to remind him that regional planning councils can help the Commission reach out to local governments as needed.
- Spoke to Jeff Hendry, Director of the Florida Institute of Government and North Florida Economic Development Partnership (NFEDP), to confirm that the NFEDP's Economic Development Academy included a component that explained the role of regional planning councils as federally designated economic development districts and provided Mr. Hendry with appropriate educational materials.
- Continued to work with representatives from the Florida Chamber Foundation to create on-line regional scorecards for each council, which were beta tested during the last week of March and officially unveiled on March 31, 2014 (see http://floridarpcscorecard.com/), along with a press release from the Florida Chamber Foundation, which was provided to each of the councils and may be tailored for us in their respective regions.

RESOURCE DEVELOPMENT/CAPACITY BUILDING

- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, attended meetings of the Small County Coalition; Florida Transportation Commission; Florida Defense Support Task Force; and, Rural Economic Development Initiative; and participated in Enterprise Florida's monthly conference call for its economic development partners.
- As FRCA's newly appointed representative to the participating industry support organizations that assist Emergency Support Function 18 (Business, Industry, and

Economic Stabilization), attended a coordination meeting at the State Emergency Operations Center and reviewed and provided comments on revisions to the Emergency Support Function 18 Standard Operating Guidelines and the Emergency Support Function 18 Appendix in the Comprehensive Emergency Management Plan.

- Prepared and submitted to the Florida Department of Economic Opportunity a performance report, which evaluated the progress regional planning councils have made toward implementation of the *State Strategic Plan for Economic Development.*
- Distributed funding announcements from the Florida Department of Economic Opportunity; U.S. Center for Disease Control and Prevention; U.S. Department of Agriculture; U.S. Department of Commerce; U.S. Department of Homeland Security; and, U.S. Economic Development Administration.

LEGISLATIVE SUPPORT

- Revised FRCA's legislative talking points to provide further guidance to those who may have the opportunity to meet with their legislative representatives or the Governor.
- Issued a March Legislative Highlights report and four bill tracking summaries.
- Reviewed newly filed bills for the 2014 Legislative Session and monitored legislative committee meetings held during the month.

ADMINISTRATIVE

- Participated in two conference calls with FRCA President Patty Asseff (Commissioner, City of Hollywood) along with Jim Murley (SFRPC) and Brian Teeple (NEFRC) to determine how to best demonstrate progress being made on implementation of the FRCA Strategic Assessment Retreat recommendations.
- With feedback from each of the regional planning councils, created a short term action plan that demonstrated progress on the FRCA Strategic Assessment Retreat recommendations pertaining to the creation of Gubernatorial Advisory Committees and improving communication among the councils and between the councils, their stakeholders, and the press.
- Prepared the February FRCA meeting summaries; participated in the March FRCA meetings; identified and confirmed presenters for the April FRCA meetings; and, addressed any required meeting logistics.
- Began making preparations for the June FRCA meetings, which will be held in conjunction with the Florida Association of Counties Annual Conference, including securing meeting space and a booth in the Exhibit Hall.

Southwest Florida Regional Planning Council
1926 Victoria Avenue, Fort Myers, Florida 33901-3414
(239) 338-2550 FAX (239) 338-2560 SUNCOM (239)748-2550

Florida Regional Councils Association Unveils New Economic Scorecard Website Utilizing Six Pillars Metrics

Ft Myers, FL (April 1, 2014) — Florida's Regional Planning Councils received a new suite of economic development tools recently, as the Florida Regional Councils Association launched a new website on regional metrics. Each of Florida's eleven regional planning councils will now be able to compare statistics ranging from high school graduation rates and trade imports to employment by industry and relative housing prices.

"This new website enables Florida's Regional Planning Councils—as federally designated Economic Development Districts—to see our Comprehensive Economic Development Strategies in action, "said Brian Teeple, Chair of the Florida Regional Councils Association Executive Directors Advisory Committee. "It's our responsibility to be good stewards of economic growth across Florida and by partnering with the Florida Chamber Foundation and aligning our metrics to the Six Pillars we're able to show where we are making progress in each region and where we need to close gaps."

Regional Planning Councils and their state, regional and local partners are now able to view measurable results in 21 separate metrics that align to the Six Pillars framework developed by the Florida Chamber Foundation's Six Pillars Plan. The original plan was developed in 2010 to secure Florida's future into the year 2030 and beyond. The aggregate data allows regional and statewide comparisons. Each regional planning council became an official Six Pillars Community last year and began developing their future strategies to strengthen economic opportunities.

"Our partnership with the Florida Regional Councils Association is pivotal to our mission of statewide solutions," said Tony Carvajal, Executive Vice President with the Florida Chamber Foundation. "The ability of each Regional Planning Council to evaluate their trends and data within their own region will help serve their own strategic planning efforts moving forward. We are excited that we can continue to secure Florida's future alongside this important group."

Website: http://floridarpcscorecard.com/

Florida's Eleven Regional Planning Councils: Apalachee, Central Florida, East Central Florida, North Central Florida, Northeast Florida, South Florida, Southwest Florida, Tampa Bay, Treasure Coast, West Florida, and Withlacoochee.

###

The Florida Chamber Foundation is the business-led, solutions development and research organization working in partnership with state business leaders to secure Florida's future. The Foundation's "Six Pillars" serve as a visioning platform for developing the first-ever, long-term strategic plan for the state. The Foundation's work focuses on: 1) Talent Supply and Education, 2) Innovation and Economic Development, 3) Infrastructure and Growth Leadership, 4) Business Climate and Competitiveness, 5) Civic and Governance Systems, and 6) Quality of Life and Quality Places. Founded in 1968, the Foundation is a voice for improving the state's pro-business climate to enable Florida to grow and prosper. For more information, visit www.FloridaChamber.com.

DRAFT

MEMORANDUM OF UNDERSTANDING

BETWEEN THE FLORIDA REGIONAL COUNCIL ASSOCIATION AND

THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

WHEREAS, the FLORIDA REGIONAL COUNCIL ASSOCIATION (FRCA) is the statewide organization of the 11 regional planning councils (RPCs), which are the designated agencies for regional planning as described in Chapters 163, 186, and 380, Florida Statutes;

WHEREAS, FRCA was established to further the interests of the RPCs in Florida, as these interests relate to their service to their respective local governments and citizens, and to do any and all things necessary and appropriate to assure that Florida's RPCs are effective service organizations to the people of Florida;

WHEREAS, the SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) was founded by an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties in 1973, and has worked with local governments in the six-county region since its creation to protect natural resources, promote the creation of jobs, and to review and provide input on local government's comprehensive plan amendments and developments of regional impact, and other statutory responsibilities within the region;

WHEREAS, SWFRPC has been a member of FRCA since its inception, and has regularly paid dues and participated in the governance and management of the organization;

Whereas, SWFRPC will remain an active member of FRCA, contingent upon the following terms:

NOW, THEREFORE, FRCA and SWFRPC do hereby agree as follows:

1. SWFRPC will provide a MOU to FRCA, updated annually, outlining services to be provided by FRCA in exchange for dues paid by SWFRPC.

2. SWFRPC will pay required dues on a quarterly basis, provided it has sufficient funds available; if funds are not available, SWFRPC will pay dues as soon as feasibly possible.

3. FRCA will provide SWFRPC with a copy of all grant applications submitted by FRCA or an RPC on behalf of FRCA.

4. Grant funding obtained by FRCA, or by an RPC representing FRCA, will be distributed to member RPCs in an equitable fashion. A copy of the contract and scope of work will be sent to all RPCs, along with the amount of funding to be provided to each RPC as well as the rationale for the amount of funding and the rationale for selecting individual RPCs for the grant project.

5. FRCA will not interfere with SWFRPC's right to contact federal or state agencies regarding funding, nor will FRCA knowingly compete with SWFRPC in applying for funding from any source.

6. FRCA will assist the SWFRPC in identifying proposed legislation impacting SWFRPC and in proactively developing legislation that advance the mission of the Regional Planning Councils. FRCA will use its lobbying resources to support legislation that supports regional planning councils and oppose legislation that does not support regional planning councils.

7. The Executive Director of SWFRPC will be notified when FRCA employees or FRCA representatives contact SWFRPC Councilmembers.

8. Discussions on boundary revisions will not be pursued at the State or local level without prior notification to the Executive Director and Chair of the SWFRPC. Any proposed changes to the SWFRPC boundaries must be approved by the SWFRPC board prior to any action taken by FRCA to initiate such boundary change at the State.

9. So as to avoid any conflict of interest, an RPC other than SWFRPC will provide written notice to the Executive Director of the SWFRPC of their intention to provide technical assistance to a local government or include a local government in a grant application that is located within the boundaries of the SWFRPC. FRCA should update applicable guiding policies or procedures to reflect this requirement for all RPCs (this requirement supersedes Section I, Notification, of the *Memorandum of Understanding Among the Eleven Regional Planning Councils that Comprise the Florida Regional Council's Association Regarding the Provision of Technical Assistance*, executed by SWFRPC on May 15, 2008; all other provisions of that document will remain intact.)

THE PARTIES BELOW hereby affirm that at a duly constituted meeting of their respective governing body, they have approved the terms of and hereby enter into this Agreement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____
Teresa Heitmann, Chair

_____
Date

_____
Margaret Wuerstle, Executive Director

_____
Date

FLORIDA REGIONAL COUNCIL ASSOCIATION

_____
Ron Book, Executive Director

_____
Date

BYLAWS OF THE
FLORIDA REGIONAL COUNCILS ASSOCIATION

By common consent, the Regional Planning Councils of Florida, hereinafter referred to as the RPCs, hereby establish these bylaws to govern the joint organization composed of representatives of our several groups for the purpose of promoting the interests of regional planning in Florida, the development of our several areas and the entire State of Florida, and the protection of representative local governments.

ARTICLE I. Name and Objectives

SECTION 1. The name of this organization shall be the Florida Regional Councils Association, hereinafter called the Association.

SECTION 2. The headquarters for the Association shall be the location of the office of the Executive Director of the Association.

SECTION 3. The general objective of this Association shall be to further the interests of the RPCs in Florida as these interests relate to their service to their local governments and their citizens, the promotion of these interests, the promotion of harmonious, productive relationships among the several member RPCs, the promotion of harmonious, productive relationships among member RPCs and any and all state and federal agencies as well as private groups whose interests overlap those of member RPCs, and to do any and all things necessary to assure that Florida's RPCs are effective service organizations to the people of Florida.

ARTICLE II. Member Councils, Membership, and Votes

SECTION 1. Membership of the Association shall be open to all regional planning councils in Florida who serve the geographic areas as defined by the Executive Office of the Governor in Rule 27E-1.002, Florida Administrative Code.

SECTION 2. Membership in the Association shall consist of three representatives from each member RPC. Each RPC will appoint from its membership one (1) county elected official, one (1) municipal elected official, and one (1) Governor's appointee to serve on the Association.

SECTION 3. Each representative shall have one vote in the Association.

SECTION 4. A representative's term in the Association will be continuos until replaced by the member Council.

SECTION 5. An Association Officer may continue in the term of office so long as that officer is a board member of a member RPC.

ARTICLE III. Officers and Their Duties

SECTION 1. The officers of the Association shall consist of a president, a first vice-president, and a second-vice president. The president, first vice-president, and second vice-president shall be elected by the membership and shall be from different RPCs. The president, first vice-president, second-vice president, immediate past president, and Chairman of the Executive Directors shall serve as the Executive Committee.

SECTION 2. The president shall preside at all meetings of the Association. In the president's absence, the first vice president shall preside.

SECTION 3. The Association may employ or contract for the services of an Executive Director who shall organize Association meetings, attend all meetings of the Association and duly record the proceedings thereof. The Executive Director shall file minutes of the Association at each meeting. In case of the Executive Director's absence from a meeting, the Executive Director shall appoint a substitute subject to the approval of the president. Specific duties and responsibilities of the Executive Director shall be more fully outlined in the contract between the Association and the Executive Director. The Executive Director shall perform all such other duties as may be assigned by the Association.

SECTION 4. Powers not specifically assigned to officers in these bylaws and not contrary thereto are reserved to the Association.

SECTION 5. The terms of the officers shall be for one year with a maximum number of two terms in each office.

ARTICLE IV. Annual Meeting - Nomination and Election of Officers

SECTION 1. Election of officers shall occur at the Organizational meeting and annually thereafter at the annual meeting.

SECTION 2. The president shall appoint a nominating committee to select a slate of qualified candidates for each Association office. This slate will be presented at the annual meeting. Nomination can also be made from the floor for any office. The nominee receiving the vote of the majority of the voting members present shall be declared elected.

ARTICLE V. Management and Financing

SECTION 1. The Association shall manage its affairs in accordance with the bylaws.

SECTION 2. To assist in defraying the cost of the operation of the Association, the initial dues of each member RPC shall be five hundred dollars ($500.00), thereafter as determined by majority vote of the membership. The dues shall be billed in the last quarter of the calendar year and payable by the end of the first quarter of the following calendar year.

ARTICLE VI. Standing Committees

SECTION 1. A Staff Directors Advisory Committee shall be composed of the executive directors of all regional planning councils and shall organize as necessary to conduct their business. The Committee shall also have the responsibility for providing technical advice to the Association and informing the Association of issues and problems that may need to be acted upon.

SECTION 2. The Chairman of the Staff Directors Advisory Committee shall see that all monies due the Association are collected and deposit same in the name of the Association. The Chairman shall have charge of the books of account of the Association and shall render a statement of same quarterly, or when requested by the Association. The Chairman shall see that payment is made for all expenditures of the Association and shall provide a financial report of the Association at each meeting.

ARTICLE VII. Meetings and Quorums

SECTION 1. The Association shall meet at least four time per year or at such other times as may be determined. The annual meeting shall be held in January.

SECTION 2. A quorum shall consist of a simple majority of the member regional planning councils and one third of the Association members. A quorum shall be present at any meeting at which business is transacted.

SECTION 3. All meetings of the Association shall be open to the public.

ARTICLE VIII. Filling of Vacancies

SECTION 1. Vacancies in the office of president, first vice-president, and second vice-president may be filled by the Association at any regular meeting or special meeting called for such purpose, provided at least ten (10) days notice is given.

ARTICLE IX. Amendments

SECTION 1. These bylaws may be amended, supplemented, or superseded by affirmative vote of not less than two-thirds (2/3) of the member regional planning councils of the Association, provided, however, members shall be given at least ten (10) days written notice of such proposed amendments.

SECTION 2. These bylaws shall take effect upon adoption of two-thirds (2/3) of the regional planning councils in the state.

MEMORANDUM OF UNDERSTANDING BETWEEN THE REGIONAL PLANNING COUNCILS THAT COMPRISE THE FLORIDA REGIONAL COUNCIL'S ASSOCIATION ~~REGARDING THE PROVISION OF TECHNICAL ASSISTANCE~~

WHEREAS, Florida's Regional Planning Councils (RPCs)~~, hereinafter referred to as the "RPCs",~~ are the designated agencies for the Regional Planning implementation of Ch. 163 F.S., Ch. 186 F.S., Ch. 380 F.S.; and,

WHEREAS, the boundaries of the geographic areas served by RPCs are defined by the Executive Office of the Governor in Rule 27E-1.002, Florida Administrative Code; and

WHEREAS, RPCs were founded and organized through Interlocal Agreements pursuant to the provisions of Chapter 163.01, Florida Statutes; and

WHEREAS, the Florida Regional Councils Association (FRCA) is the statewide organization of the eleven RPCs; and

WHEREAS, FRCA was established for the purpose of promoting the interests of regional planning in Florida, the development of our several areas and the entire State of Florida, and the protection of representative local governments; and

WHEREAS, FRCA, pursuant to its By-laws has the general objective of this Association shall be to further the interests of the RPCs in Florida as these interests relate to their service to their local governments and their citizens, the promotion of these interests, the promotion of harmonious, productive relationships among the several member RPCs, the promotion of harmonious, productive relationships among member RPCs and any and all state and federal agencies as well as private groups whose interests overlap those of member RPCs, and to do any and all things necessary to assure that Florida's RPCs are effective service organizations to the people of Florida; and

WHEREAS, the RPCs have review and recommendation responsibilities and programmatic, project and policy interests in, but not limited to, the areas of Natural Resources, Economic Development, Emergency Management, Transportation, Affordable Housing and other strategic regional issues; and,

WHEREAS, the RPCs perform technical assistance to their local governments in performing their comprehensive planning statutory requirements; and,

WHEREAS, individual RPC'S have varying levels of ~~expertise~~ capacity in the above strategic issue areas; and,

WHEREAS, individual RPC'S responsibility for implementation of Chapter 163, 186, and 380, Florida Statutes, can be aided by the expertise of other Florida RPCs; and,

WHEREAS, the Florida's eleven RPCs are members of the Florida Regional Councils Association (FRCA); and,

WHEREAS, the purpose and intent of this Memorandum of Understanding is to further delineate responsibilities and foster cooperation between the RPCs ~~regarding reviews of Applications for Development Approval (ADAs), Local Government Comprehensive Plans and other Regional Planning and planning technical assistance activities~~ beyond the Bylaws of FRCA.

NOW, THEREFORE, the RPCs through the FRCA hereby understand and agree as follows:

SECTION I. Notification

If an RPC is asked to provide technical assistance outside of their boundary and within the boundary of another RPC or propose to include one or more local governments outside their jurisdiction in a grant application, the requested RPC's Executive Director shall provide written notification to the RPC Executive Director(s) of jurisdiction and jointly discuss the nature of the requested technical assistance or grant application. The RPCs shall coordinate in the provision of these services to the satisfaction of the client.

SECTION II. Mutual Aid

RPCs that need technical assistance in performing their statutory requirements or in the provision of technical assistance to local governments and other clients within their region shall give consideration to other RPCs that have the appropriate expertise on staff to mutually provide technical assistance to the client or to provide the RPC seeking technical assistance with services to support their review, recommendations and reporting responsibilities. (i.e. DRI reviews)

SECTION III. Statewide Technical Assistance

FRCA shall cooperatively work together to provide technical assistance to Federal, State and regional agencies when needed at a statewide level. The option that one RPC with special expertise in an issue area will take a lead role and subcontract to the remaining RPCs shall be encouraged, with the lead RPC being appropriately compensated for their coordination services. Copies of grant applications/scopes of work for technical assistance under this section shall be distributed to FRCA member RPCs in good standing. Additionally, the contracting/proposing RPC shall provide to the FRCA member RPCs identified in this Section information regarding the amount of funding anticipated to be made available to each participating RPC and the rationale for that amount.

Nothing herein shall infringe with any RPC's ability to contract with any federal, state or local entity. However, RPC's are discouraged from independently seeking funding for activities contemplated in this SECTION.

SECTION IV. Dues

Each RPC shall pay FRCA dues in the manner prescribed in ARTICLE V. Section 2 of FRCA's Bylaws. Failure to pay dues as prescribed shall be referred to the FRCA Policy Board for disposition.

SECTION V. Legislation and Public Policy

FRCA's Legislative Platform shall be determined by the FRCA Policy Body and shall be articulated in its adopted Legislative Agenda.

SECTION VII. Contact

The Executive Director of an RPC shall receive notification should another RPC Executive Director or a FRCA representative contact that Executive Director's Board Member(s).

SECTION VIII. Boundaries

The boundaries of the geographic areas served by RPCs are defined by the Executive Office of the Governor in Rule 27E-1.002, Florida Administrative Code. Any discussion of proposed boundary changes shall involve all FRCA member RPCs in good standing.

SECTION IX. Liability

The Parties agree that by execution of this Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for by Florida Statutes.

SECTION X. Multiple Parts

This MOU, adopted by the FRCA member RPCs in separate actions of identical form shall be deemed to have the same force and effect as if adopted as a single document with the appropriate signatures affixed thereto.

IN WITNESS WHEREOF, the Councils hereto have executed this Agreement on the day and year below written.

The _____COUNCIL hereby affirms that, at a duly constituted meeting of the Council on the _____ day of _____ , 2014, it approved the terms of and does hereby enter into this Agreement.

ATTEST: _____ COUNCIL

_____ _____

MEMORANDUM OF UNDERSTANDING BETWEEN THE REGIONAL PLANNING COUNCILS THAT COMPRISE THE FLORIDA REGIONAL COUNCIL'S ASSOCIATION REGARDING THE PROVISION OF TECHNICAL ASSISTANCE

The NORTHEAST FLORIDA REGIONAL COUNCIL hereby affirms that, at a duly constituted meeting of the Council on the _____day of _____, 2014, it approved the terms of and does hereby enter into this Agreement.

ATTEST: _____ COUNCIL

_____ _____

MARCO RUBIO
FLORIDA

COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP

United States Senate

WASHINGTON, DC 20510-0908

March 4, 2014

Ms. Margaret Wuerstle
1926 Victoria Avenue
Fort Myers, FL 33901-3414

Dear Ms. Wuerstle,

Thank you for contacting me with regard to the changes to the National Flood Insurance Program (NFIP) scheduled for implementation under the Biggert-Waters Flood Insurance Reform Act of 2012 (BW12). I appreciate hearing from you on this issue, which has a significant impact on Floridians and citizens in other coastal states.

As you may know, in 1968, Congress created the NFIP to provide flood insurance for properties with a risk of flood damage. As initial flood risk identified by the NFIP has been updated, many homes and businesses that had been built in compliance with former standards continued to receive discounted rates. After years of discounted premiums and large claims payouts due to flooding from major disasters, the NFIP faced over $22 billion in debt.

In 2012, Congress passed BW12 to address these issues and reform the NFIP. Key provisions of the legislation require premium rate adjustments to reflect a property's true flood risk, make the program more financially stable, and change how Flood Insurance Rate Map (FIRM) updates impact policy holders. While these changes were made to ensure the solvency of the NFIP, it has become apparent that these changes are negatively impacting Florida's families and real estate market, and leading to unaffordable flood insurance premiums.

Although I support the concept of finding a solution to rate increases and arriving at a sustainable solution, it is critical that we first delay the scheduled increases and then work at finding a long term answer to solvency. That is why on January 30, 2014, I supported S. 1926, the Homeowner Flood Insurance Affordability Act, to delay certain rate increases under BW12. Additionally, included in S. 1926 are provisions of an amendment I authored that would require the Federal Emergency Management Agency (FEMA) to disclose all data that provides the basis for changes in flood premium rates, authorize monthly premium installment payments, and ensure FEMA considers flood mitigation activities that a policy holder has undertaken when the agency determines risk premium

rates. S. 1926 passed the Senate by a 67-32 vote and now awaits consideration by the House of Representatives. Please know, I will continue working on solutions that work for Florida families, ensure affordability, and preserve a path to solvency.

Thank you again for contacting me. It is an honor and a privilege to serve the people of Florida in the United States Senate. For further information on the NFIP please visit here.

Sincerely,

Marco Rubio
United States Senator

MR/DC4I

Agenda Item

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Staff Summaries 8

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Agenda Item

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Grant Activity Sheet (Information Only)

8a

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SWFRPC GRANT STATUS TRACKING - AS OF 4-8-14

#	Grants Approval Form	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
1	Yes	Contract	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II	1/24/2013	1/24/2013		3/22/2013	7/18/2013	$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
2	Yes	Contract	Yes	Collier County	Jim Beever	Ecosystem Services Valuation of Conservation Collier Lands			2/11/14	2/11/14	2/20/14	$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	Yes	Contract	Yes	City of Bonita Springs	Jim Beever	Spring Creek Watershed and Restoration Study			1-7-14	1-7-14	1-15-14	$50,000.00	$50,000.00	First Deliverable: the Spring Creek Restoration and Vulnerability Assessment Second Deliverable: The Spring Creek Restoration Plan	
4	Yes	Grant	Yes	Visit Florida	Jennifer Pellechio	Our Creative Economy: Southwest Florida Regional Strategy for Public Art			2/22/2013	2/22/2013	5/17/2013	$10,000.00	$5,000.00	Logo & meeting results	$5,000.00
5	No	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	No	Grant	Yes	EPA	Jim Beever	WQFAM						$160,000.00	$160,000.00		
7	Yes	Contract	Yes	LeeTran	Jennifer Pellechio	VA Transportation Planning Study				10/1/2012		$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

SWFRPC GRANT STATUS TRACKING - AS OF 4-8-14

#	Grants Approval Form	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
8	Yes	Grant	Yes	Southwest Florida Community Foundation	Jennifer Pellechio	Guide & Regional Asset Mapping of Public Arts	06/14/2013	5/31/2013			9/20/2013	$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
9	Yes	Grant	Yes	EPA	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida			04/15/2013	4/8/2013	6/3/2013	$294,496.00	$148,996.00	GIS database with Conservation Easements	$145,500.00
10	No	Grant	Yes	DEO	Jennifer Pellechio	Regional Economic Development Initiative – Business Outreach						$15,000.00	$15,000.00	Business Plan	
11	Yes	Grant	Yes	CTD	Nichole Gwinnett	FY2013-14 Planning Grant for Glades-Hendry Service Area					5/21/2013	$38,637.00	$38,637.00	TDSP Update, CTC Evaluation, LCB Quarterly Meetings, By-Laws	$0.00
12	No	Contract	Yes	County - Glades	John Gibbons	SQG Glades						$3,900.00	$3,900.00		
13	Yes	Grant	Yes	Mosaic	Judy Ott	Coral Creek Restoration: Monitoring Juvenile Fish Habitat			9/30/13	9/30/2013	1/2/14	$50,000.00	$50,000.00	Quarterly monitoring reports	
14	Yes	Contract	Yes	DEO	Jennifer Pellechio	Vision and Implementation Plan						$25,000.00	$12,500.00	Mission, Goals & Objectives, Draft Plan, Final Plan	$0.00
15	Yes	Grant	To Be Submitted	Multiple Agencies	Liz Donley	Neighborhood Lakes and Ponds			2/5/14			$60,000.00	$5,000.00	Video presentations, workshops, micro-grants	
16	No	Grant	To Be Submitted	USDA	Rebekah Harp	The Smart Process Food Hub			4/30/14			$140,725.00	$16,096.00	Host regional stakeholder meeting; hire and train two food service processors; secure warehouse rental space; distributing food from HUB to school districts; and completion of project - self sustaining.	$40,728.00
17	Yes	Grant	To Be Submitted	NOAA		TBD - FY2014 Coastal Resiliency Networks			4/11/14			$100,000.00	$50,000.00	How-to manual with protocols that are easily implemented.	
18	No	Grant	To Be Submitted	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida: An Ecosystem Analysis Supporting Regional Development			Open			$100,000.00	$40,000.00	Regional website, branding strategy, brochures, analysis	$40,000.00
19	Yes	Grant	To Be Submitted	USDA	Nichole Gwinnett	Opportunity Buy Program Coodinator			4/30/14			$99,667.00	$53,621.00	A part-time employee will be assigned to develop and coordinate this program over a two year period. After the program is implemented and stable, it will be turned over to the school districts for their continued usage.	$53,621.00
20	Yes		To Be Submitted	NOAA	Judy Ott	Oyster Habitat Restoration along Charlotte Harbor East Shore: Enhancing Essential Fish Habitat			09/30/2014			$220,000.00		Draft and final reports, quarterly progress reports, possible presentations, and restored oyster habitat	
21	Yes	Grant	Pending	EPA	John Gibbons	Southwest Florida Environmental Justice Empowerment Center			2/18/14	2/18/14			$120,000.00	• Semi-annual Progress report • Draft Report 60 days after project ends • Final Report 90 days after project ends • Financial Status Reports	

SWFRPC GRANT STATUS TRACKING - AS OF 4-8-14

#	Grants Approval Form	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
22	Yes	Grant	Pending	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development				12/26/2013		$210,000.00	$100,000.00	Regional website, branding strategy, brochures, anaylsis	$40,000.00
23	Yes	Grant	Pending	EPA	Liz Donley	Big CHIPR			4/4/14	4/4/14		$256,759.00	$129,283.00	Report, transect information, presentations, articles	$63,800.00
24	Yes	Grant	Pending	Presbyterian Committee	Margaret Wuerstle	A Nutritional Oasis for Marginalized Individuals	Open	2/11/14				$15,000.00	$15,000.00		
25	Yes	Grant	Pending	Seeds of Change	Margaret Wuerstle	Fort Myers Nutritional Oasis in the Food Deserts	3/31/14	3/18/14						Training of fifteen individuals to grow produce in the existing community garden.	
26	Yes	Grant	Pending	USDA	Margaret Wuerstle	Mobile Market: A Nutritional Oasis for Food Markets of SWFL			3/31/14	3/31/14		$599,549.00	$298,605.00	Education Plan	
27	Yes	Grant	Pending	Charlotte Community Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues – Asset Mapping in Charlotte County	4/11/14	3/25/14				$20,000.00	$10,000.00	The purpose is to identify, map and document existing public art and public art venues in Charlotte County. A Field Guide to the Public Art of Charlotte 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.	$10,000.00
28	Yes	Grant	Pending	PNC Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues			Open	3/14/14		$20,000.00	$10,000.00	A field guide to the public art of Charlotte County.	$10,000.00
29	Yes	Grant	Pending	Visit Florida	Margaret Wuerstle	Our Creative Economy: Southwest Florida Regional Strategy for Public Art			2/18/14	2/18/14		$10,000.00	$5,000.00		
30	Yes	Grant	Pending	EDA	Jennifer Pellechio	EDA Planning Grant			01/22/2013	12/18/2013		$270,000.00	$189,000.00		$81,000.00
31	No		Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico			1/7/13	1/7/2013		$500,000.00	$500,000.00		
32	Yes	Grant	Pending	Elizabeth Dole Foundation	Margaret Wuerstle	Homeless Veterans Camp			10/15/13	9/9/2013		$150,000.00	$150,000.00	Maps of camp locations and documentation of number of homeless veterans	$0.00
33	Yes	Grant	Pending	EPA	John Gibbons	Environmental Job Training for dislocated workers and veterans with employable job skills			2/13/14	2/13/14			$200,000.00	•Cooperative Agreement Application required •Finalized Budget and Work Plan •Progress Reports •Data Registration electronically •Final Report require	
34	Yes	Grant	Pending	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues			1/13/14	1/13/14		$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 Field and Tour Guide	$113,472.00

SWFRPC GRANT STATUS TRACKING - AS OF 4-8-14

#	Grants Approval Form	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
35	Yes	Grant	Pending	NARC	Liz Donley	Use of Trees and Woody Shrubs in Green Infrastructure Stormwater Treatment			2/28/14	2/26/14		$46,072.00	$3,912.00	Forum, powerpoint, scope fo work for follow-on project, new partnerships	$42,160.00
36	Yes	Grant	Pending	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant			1/22/14	1/22/14		$600,000.00			
37	No	Grant	Pending	FDEP	Margaret Wuerstle	Implement agriculture BMP in the Caloosahatchee Watershed				4/12/2013		$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	
38	Yes	Grant	Pending	NOAA	Jim Beever	The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida	9/10/13	9/10/13	11/14/13	11/13/13		$208,245.74	$200,245.74	TEV valuation of southwest Florida in existing and future climate change scenarios	
39	Yes	Grant	Pending	NOAA	General Partner	"Resilient Coastal Communities" and its National Height Modernization Program (NHMP)			6/21/13	6/21/2013		$50,000.00	$50,000.00	Meetings, workshops, data, new geospatial models	
40	Yes	Grant	Pending	FEMA	John Gibbons	Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach			8/16/13	8/16/2013		$64,000.00	$64,000.00	National LEPC Training and Exercise Program	$0.00
41	Yes	Grant	Pending	SeaWorld & Bush Gardens Conservation Fund	Liz Donley	Monofilament Cleanup			1/1/14	1/1/14		$17,091.00	$1,647.00	Needs assessment, monofilament clean-up	
42	No		Pending	FDEP	Jim Beever	Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)			1/7/13	1/7/2013		$500,000.00	$500,000.00		

Agenda Item

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Consent Agenda 9

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CONSENT AGENDA SUMMARY

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

There were five clearinghouse items reviewed during the month of March. 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 March 31, 2014

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

RECOMMENDED ACTION:

- Approve the financial statement for the month of March.

RECOMMENDED ACTION: Approve consent agenda as presented.

Agenda Item

9a

Intergovernmental Coordination & Review

9a

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 March 1, 2014 and ending March 31, 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.

4/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-11	Rev. Kirk Zaremba	United Cerebral Palsy of SWFL, Inc.	Collier County	United Cerebral Palsy of SWFL, Inc. - Section 5310 grant application - Program vehicle expansion purchase.	FTA	$47,822.40	Regionally Significant and Consistent
2014-12	Rev. Kirk Zaremba	United Cerebral Palsy of SWFL, Inc.	Lee County	United Cerebral Palsy of SWFL, Inc. - Section 5310 - Transportation operating assistance for Lee County.	FTA	$76,818.40	Regionally Significant and Consistent
2014-13	Mr. J. Corbett Alday, VP & CEO	Guardian Community Resource	Collier County	Guardian Community Resource Management, Inc. - Finding of No Significant Impact (FONSI) and Request for Comments - Immokalee Downtown Stormwater Improvement (Colorado Avenue Area) in Collier County.			Regionally Significant and Consistent
2014-14	Ms. Mindy Collier	Charlotte County Utilities	Charlotte County	Charlotte County Utilities - USDA - El Jobean Sewer Expansion Project in Charlotte County.	USDA	$3,208,306.00	Regionally Significant and Consistent
2014-16	Chiu Cheng	FDEP - Beaches, Inlet and Ports	Sarasota County	FDEP - Town of Longboat Key - Longboat Pass Maintenance Dredging Project			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 Revoling Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program."			Review in Progress

Agenda Item

9b

Financial Statement for March 31, 2014

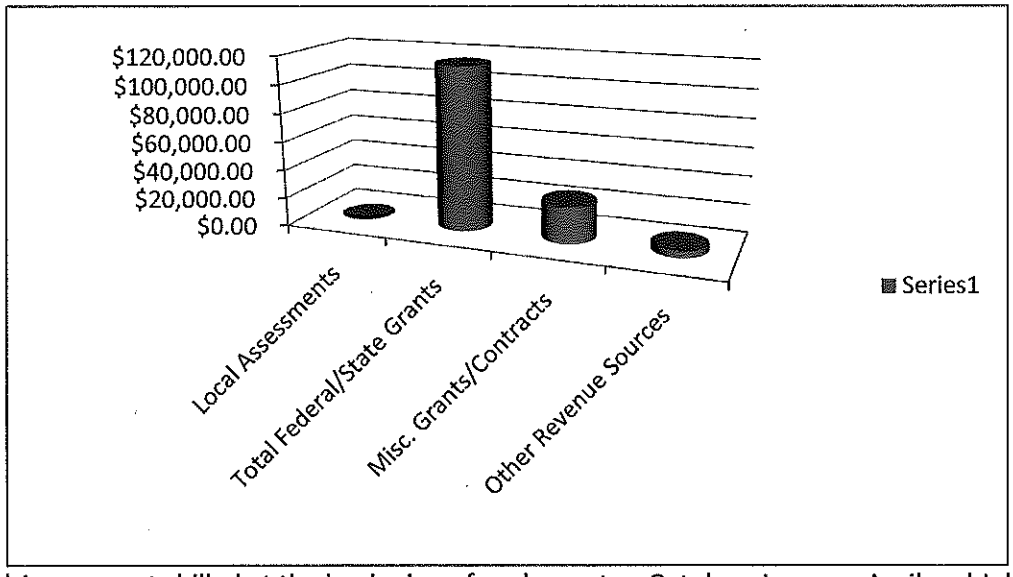
9b

9b

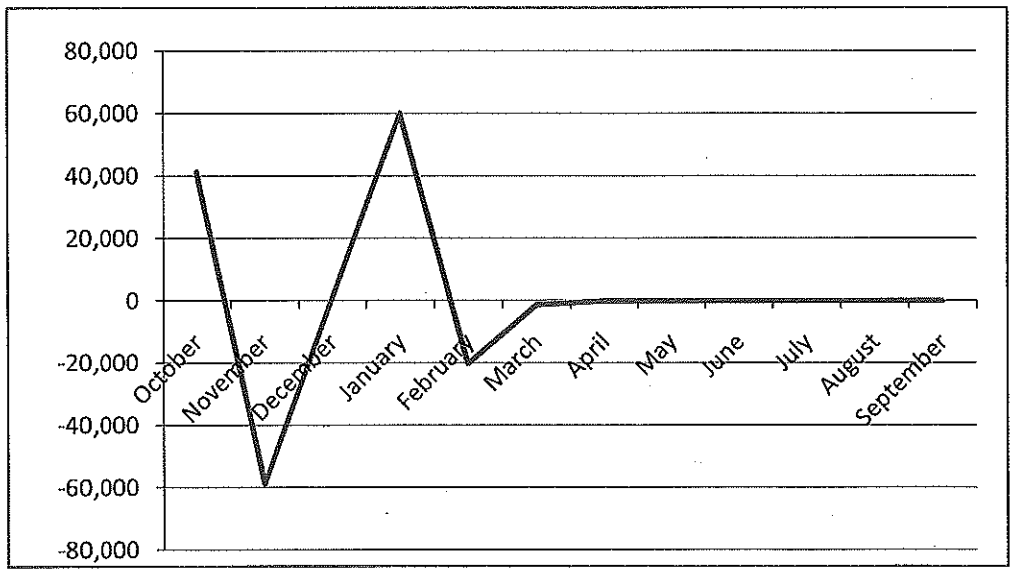
2014 Workplan & Budget Financial Snapshot - March 2014

Revenues

Local Assessments
Total Federal/State Grants
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 $ 50,217 (Unaudited)

SWFRPC
BALANCE SHEET
MARCH 31, 2014

ASSETS

CURRENT ASSETS			
FUND BALANCE	$ 825,352		
ACCOUNTS RECEIVABLE	255,504		
TOTAL CURRENT ASSETS			1,080,856
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	990,890		
TOTAL OTHER ASSETS			1,108,888
TOTAL ASSETS		$	3,669,048

LIABILITIES AND CAPITAL

CURRENT LIABILITIES			
ACCOUNTS PAYABLE	$ 813		
RETAINAGE PAYABLE	5,089		
DEFERRED INCOME	318,715		
FICA TAXES PAYABLE	(110)		
FEDERAL W/H TAX PAYABLE	(157)		
UNITED WAY PAYABLE	296		
FSA PAYABLE	(304)		
LEPC CONTINGENCY FUND	305		
TOTAL CURRENT LIABILITIES			324,647
LONG-TERM LIABILITIES			
ACCRUED ANNUAL LEAVE	55,640		
LONG TERM DEBT - OPEB	59,864		
LONG TERM DEBT - BANK OF AM.	990,890		
TOTAL LONG-TERM LIABILITIES			1,106,394
TOTAL LIABILITIES			1,431,041
CAPITAL			
FUND BALANCE-UNASSIGNED	194,487		
FUND BALANCE-ASSIGNED	514,000		
FB-NON-SPENDABLE/FIXED ASSETS	1,479,303		
NET INCOME	50,217		
TOTAL CAPITAL			2,238,007
TOTAL LIABILITIES & CAPITAL		$	3,669,048

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
MARCH 31, 2014

FUND BALANCE DETAIL		
CASH - BANK OF AMERICA OPER.	$	323,936
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	$	825,352

OPERATING CASH	$	323,936
INVESTMENTS		501,216
PETTY CASH		200
FUND BALANCE		825,352

DEFERRED -NEP CE954836611-1		(136,183)
DEFERRED INCOME NEP LOCAL		(127,711)
DEFERRED INCOME - FAMWQ		(41,071)
DEFERRED INC. DRI - FOUNTAINS		(8,706)
DEFERRED INC. PALMER RANCH XXI		(1)
DEFERRED INCOME LEE MEMORIAL		(9)
DEFFERED INCOME - SWFCF		(5,034)
NET AVAILABLE FOR RESERVE	$	506,637

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 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				
ECONOMIC DEV.-GRANT	0	13,938	12,500	1,438
CHNEP MANATEE	0	0	5,000	(5,000)
EPA 6014	23,675	300,876	567,309	(266,433)
FDEP- 6014	11,675	30,590	75,000	(44,410)
SWFWMD - 6014	0	33,053	130,000	(96,947)
EPA FAMWQ	15,893	48,541	190,000	(141,459)
EPA-CONSERVATION	1,667	27,512	95,944	(68,432)
DEM TITLE III	7,057	21,902	40,909	(19,007)
LEE BOCC-VA STUDY	15,782	32,613	40,000	(7,387)
HMEP-PLANNING & TRAINING	22,393	40,759	58,370	(17,611)
MARC - SOLAR READY	12,849	20,126	0	20,126
GLADES HENDRY TD	4,250	19,705	38,637	(18,932)
TOTAL FEDERAL / STATE GRAN	115,241	589,615	1,253,669	(664,054)
MISC. GRANTS / CONTRACTS				
GLADES SQG	0	0	3,900	(3,900)
TBRPC ENERGY GRANT	0	7,092	0	7,092
LEE COUNTY DEO	0	6,500	0	6,500
SWFCF - 3175	7,537	9,966	0	9,966
337890 PO # 890	7,000	7,000	0	7,000
NEFRC PO # 900	0	5,250	0	5,250
THE NATURE CONSERVANCY	0	1,327	0	1,327
6014 LOCAL	5,415	77,309	217,308	(139,999)
HENDRY COUNTY EDC-ED. TAS	6,250	6,250	0	6,250
CHNEP MANATEE	0	0	5,000	(5,000)
TOTAL MISC. GRANTS/CONTRA	26,202	120,694	226,208	(105,514)
OTHER REVENUE SOURCES				
DRI MONITORING FEES	250	2,500	10,000	(7,500)
RENTAL SPACE-SENATOR	1,250	7,500	15,000	(7,500)
RENTAL SPACE CHNEP	0	0	15,000	(15,000)
DRIS/NOPCS INCOME	3,673	13,438	35,000	(21,562)
MISC. INCOME	0	272	0	272
INTEREST INCOME	0	359	5,000	(4,641)

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
BUDGETED CARRY OVER FB	0	0	542,797	(542,797)
BUDGETED CARRY OVER OPER	0	0	83,679	(83,679)
TOTAL OTHER REVENUE SOURC	5,173	24,069	706,476	(682,407)
TOTAL REVENUES	146,616	968,933	2,656,064	(1,687,131)
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	75,473	457,536	663,046	(205,510)
SALARIES EXPENSE - NEP	0	0	292,510	(292,510)
FICA EXPENSE	5,578	32,192	73,100	(40,908)
RETIREMENT EXPENSE	7,305	37,574	94,535	(56,961)
HEALTH INSURANCE EXPENSE	11,808	70,481	138,190	(67,709)
WORKERS COMP. EXPENSE	370	1,605	3,696	(2,091)
TOTAL PERSONNEL EXPENSES	100,534	599,388	1,265,077	(665,689)
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	0	6,023	51,336	(45,313)
NEP-CONTRACTUAL	5,048	83,247	394,208	(310,961)
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	17,000	41,000	40,000	1,000
TRAVEL EXPENSE	4,752	26,865	21,870	4,995
TELEPHONE EXPENSE	663	3,131	6,540	(3,409)
POSTAGE / SHIPPING EXPENSE	79	221	4,100	(3,879)
EQUIPMENT RENTAL EXPENSE	445	2,920	8,750	(5,830)
INSURANCE EXPENSE	0	18,616	22,500	(3,884)
REPAIR/MAINT. EXPENSE	1,266	6,252	15,000	(8,748)
PRINTING/REPRODUCTION EXP	36	2,033	1,500	533
UTILITIES (ELEC, WATER, GAR)	1,693	11,179	22,000	(10,821)
ADVERTISING/LEGAL NOTICES	463	874	3,600	(2,726)
OTHER MISC. EXPENSE	143	1,586	4,500	(2,914)
BANK SERVICE CHARGES	0	1,283	2,280	(997)
OFFICE SUPPLIES EXPENSE	1,454	4,958	8,836	(3,878)
COMPUTER RELATED EXPENSE	(741)	22,100	38,500	(16,400)
DUES AND MEMBERSHIP	5,517	14,631	28,800	(14,169)
PUBLICATION EXPENSE	0	360	1,250	(890)
PROF. DEVELOP.	(435)	4,755	10,120	(5,365)
MEETINGS/EVENTS EXPENSE	(711)	120	3,000	(2,880)
CAPITAL OUTLAY EXPENSE	0	2,218	4,000	(1,782)
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	(11,418)
LONG TERM DEBT	10,646	63,876	128,000	(64,124)
RESERVE FOR OPERATIONS EXP	0	0	542,797	(542,797)
TOTAL OPERATIONAL EXP.	47,318	319,330	1,390,987	(1,071,657)
TOTAL CASH OUTLAY	147,852	918,718	2,656,064	(1,737,346)

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
NET INCOME (LOSS)	$ (1,236)	$ 50,215	$ 0	50,215

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE SIX MONTHS ENDING MARCH 31, 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	115,241	589,615	1,252,569	(662,954)
MISC. GRANTS/CONTRACTS	26,202	120,694	226,208	(105,514)
OTHER REVENUE SOURCES	5,173	24,071	706,476	(682,405)
TOTAL REVENUES	146,616	968,935	2,654,964	(1,686,029)
EXPENSES				
PERSONNEL EXPENSES	100,534	599,388	1,265,077	(665,689)
OPERATIONAL EXPENSES	47,318	319,330	1,390,987	(1,071,657)
TOTAL CASH OUTLAY	147,852	918,718	2,656,064	(1,737,346)
NET INCOME (LOSS)	$ (1,236)	$ 50,217	$ (1,100)	51,317

Agenda Item

10

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Regional Impact

10

10

Agenda Item

10a

10a

Lee County Comprehensive Plan Amendment (DEO 14-4ESR)

10a

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-4ESR/CPA 2013-06). 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
Concurrency (CPA 2013-06)	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.

04/14

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:

February 24, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

March 31, 2014

1. AMENDMENT NAME

Concurrency (CPA 2013-06)

2. DESCRIPTION OF AMENDMENT(S):

Lee County is requesting to amend the Lee Plan to make the County's concurrency consistent with the State regulatory and non-regulatory concurrency requirements. The proposed amendment will make parks and recreation and transportation concurrency requirements non-regulatory. Under the requested changes the public education concurrency requirements will remain regulatory due to interlocal agreements between the County, the School District and the five municipalities within the County.

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 concurrency 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 will impact the provision of regional parks and recreation and transportation infrastructure resources and facilities within the region. However, base upon staff review of the request, Council staff finds that the proposed changes do 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.

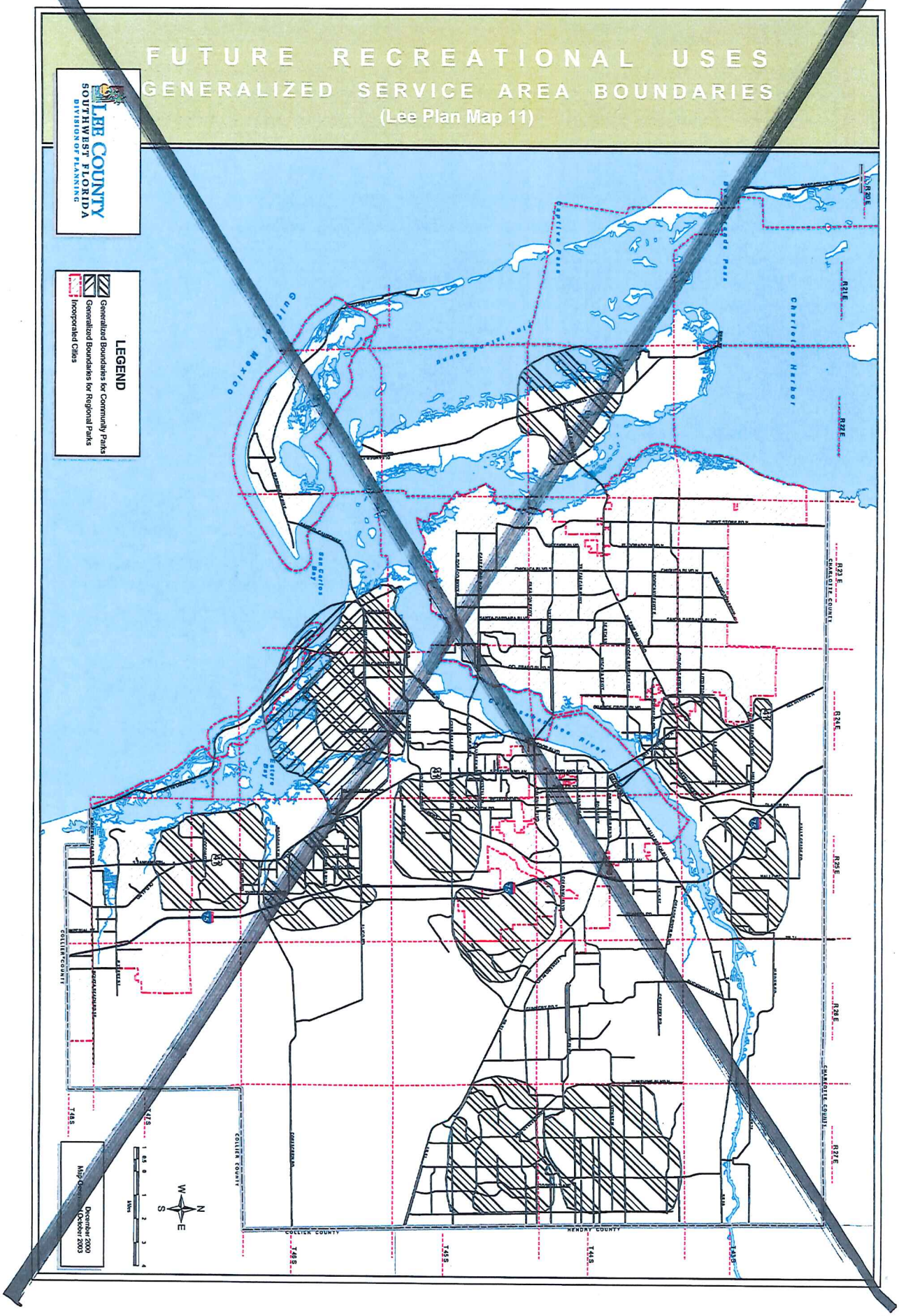
Request a copy of the adopted version of the amendment? _X_ Yes ___ No

Attachment III

Maps

Lee County
DEO 14-4ESR

Comprehensive Plan Amendments


FUTURE RECREATIONAL USES
GENERALIZED SERVICE AREA BOUNDARIES
(Lee Plan Map 11)
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
LEGEND
Generalized Boundaries for Community Parks
Generalized Boundaries for Regional Parks
Incorporated Cities
Gulf of Mexico
Charlotte Harbor
Punta Gorda
Cape Coral
Fort Myers
Fort Myers Beach
Sanibel
Captiva
Pine Island
Matlacha
North Fort Myers
Alva
Bonita Springs
Estero
Lehigh Acres
R21E
R22E
R23E
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CHARLOTTE COUNTY
COLLIER COUNTY
HENDRY COUNTY
December 2000
October 2003
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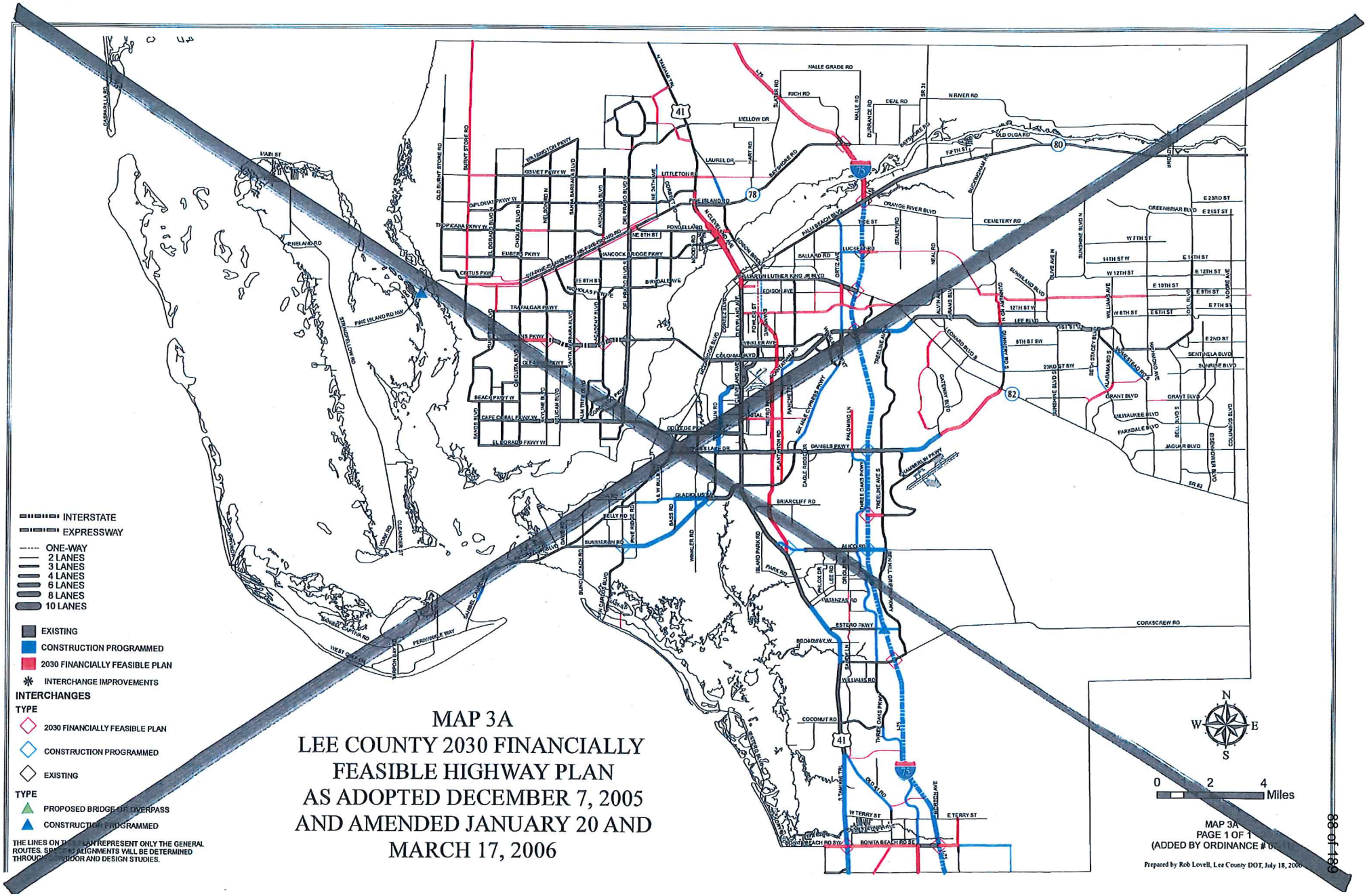
INTERSTATE
EXPRESSWAY
ONE-WAY
2 LANES
3 LANES
4 LANES
6 LANES
8 LANES
10 LANES
EXISTING
CONSTRUCTION PROGRAMMED
2030 FINANCIALLY FEASIBLE PLAN
INTERCHANGE IMPROVEMENTS
INTERCHANGES
TYPE
2030 FINANCIALLY FEASIBLE PLAN
CONSTRUCTION PROGRAMMED
EXISTING
TYPE
PROPOSED BRIDGE OR OVERPASS
CONSTRUCTION PROGRAMMED
THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.
MAP 3A
LEE COUNTY 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006
N
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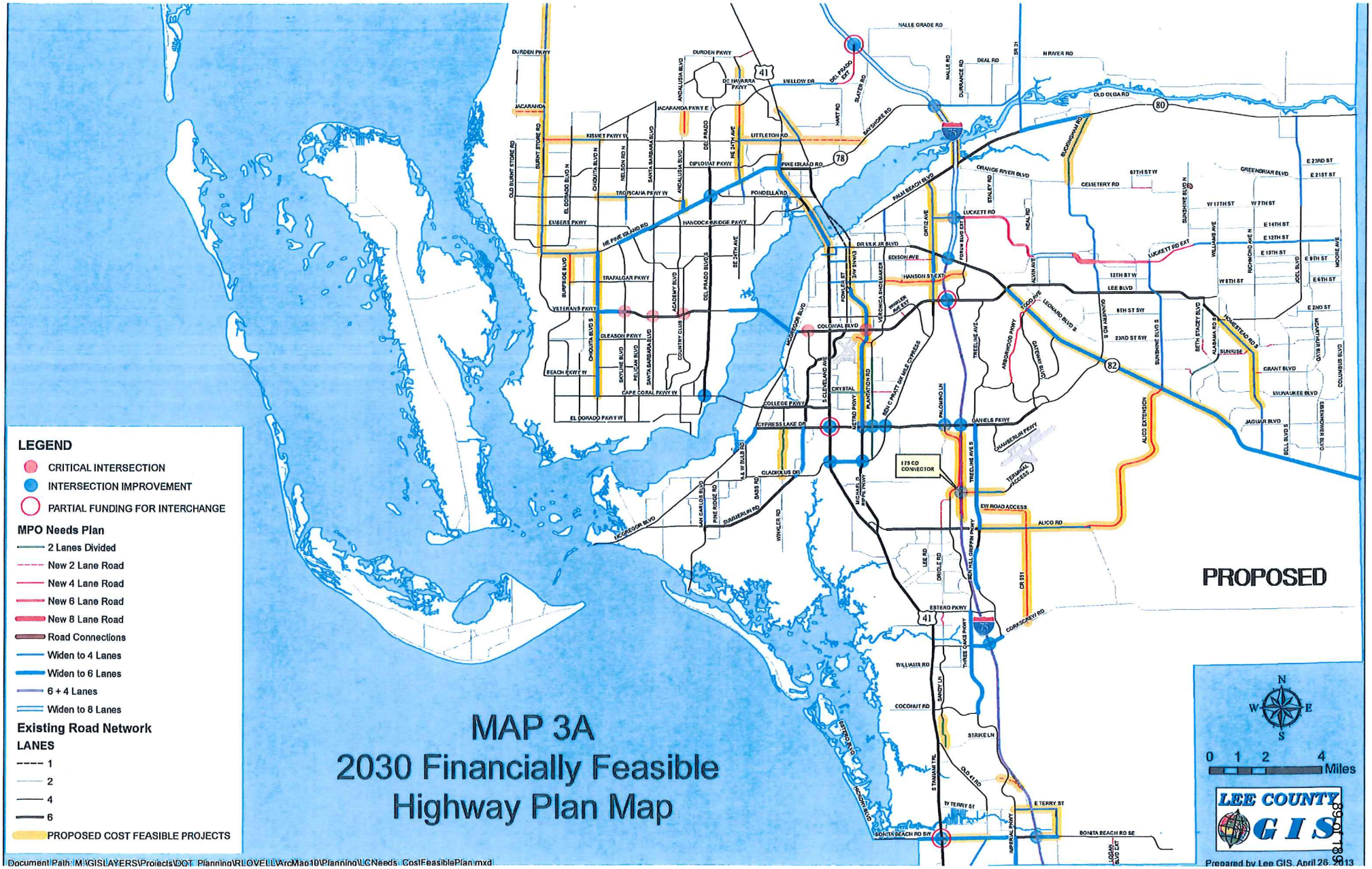
MAP 3A
PAGE 1 OF 1
(ADDED BY ORDINANCE # 0
Prepared by Rob Lovell, Lee County DOT, July 18, 2006


LEGEND
CRITICAL INTERSECTION
INTERSECTION IMPROVEMENT
PARTIAL FUNDING FOR INTERCHANGE
MPO Needs Plan
2 Lanes Divided
New 2 Lane Road
New 4 Lane Road
New 6 Lane Road
New 8 Lane Road
Road Connections
Widen to 4 Lanes
Widen to 6 Lanes
6 + 4 Lanes
Widen to 8 Lanes
Existing Road Network
LANES
1
2
4
6
PROPOSED COST FEASIBLE PROJECTS
MAP 3A
2030 Financially Feasible
Highway Plan Map
PROPOSED
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LEE COUNTY GIS
Document Path: M:\GISLAYERS\Projects\DOT_Planning\RLOVELL\ArcMap10\Planning\LCNeeds_CostFeasiblePlan.mxd
Prepared by Lee GIS, April 26, 2013

Agenda Item

10b

10b

Sarasota County Comprehensive Plan Amendment (DEO 14-4ESR)

10b

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
SARASOTA COUNTY

The Council staff has reviewed proposed amendments to the Sarasota County Comprehensive Plan (DEO 14-4ESR; CPA 2013-H). These amendments were 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. 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
DEO 14-4ESR (CPA 2013-H)	yes	no	yes	(1) regionally significant; and (2) consistent with SRPP

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

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).

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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

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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:

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- the regional planning council, or
- an affected person.

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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:

Sarasota County

DATE AMENDMENT RECIEVED:

March 24, 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.

April 7, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-4ESR (CPA 2013-H)
Sarasota County Resource Management Area Policy and Regulatory changes to Chapter 9 of the Sarasota Comprehensive Plan

2. DESCRIPTION OF AMENDMENT(S):

These County-initiated amendments change Chapter 9 of Sarasota County 2050 Plan and will amend the policies in the plan dealing with the Resource Management Area (RMA) areas of the County. Specifically, the requested changes are as follows:

1. **SP-3: Policy Language Updates** – These policy changes remove date specific language from the applicable policies in 2050 Plan. The revisions do not eliminate the substantive content of the policies and a majority of them have already been implemented through adopted County regulations;
2. **NU-3: Land-Use Mix** – These amendments are both policy and regulatory changes. The percentage of land use ranges allocated for the various uses within the Village Centers allowed by the plan are being increased so that the results of the required market study analysis and market demand estimates will be allowed to determine the

appropriate amounts of the uses. To assist in these changes and to simplify the zoning language, the Commercial/Retail and Office use categories will be combined to match existing policies in the Comprehensive Plan. These changes will allow greater flexibility in the planning and design of the future Village Centers;

3. **NU-18: Village Size** – These proposed policy and regulatory changes will allow smaller parcels to be considered for development with criteria that is consistent with the policies and objectives of the 2050 Plan. The changes are based upon the recognition that there are no provisions for smaller single (or multi-) owned parcels, less than 1000 acres of Developed Area (2,000 gross acres) in the 2050 Plan;
4. **OS-9a: Greenbelts Adjacent to Village Centers** – These policy and regulatory changes provide for possible reductions of the Greenbelt between a Village Center and an adjacent roadway to allow for design solutions that are more commercially viable in the market place;
5. **OS-9c: Protection of Roadway Character** – These proposed policy and regulatory changes will modify Policy VOS5.2 in the 2050 Plan to specify that the roadway rural character should be protected for lands east/south of the Countryside Line;
6. **OS-4: Lakes as Open Space** – These proposed policy and regulatory changes eliminate the size requirements for lakes, which would allow lakes to count as Open Space if they have a minimum of 25% public access along the lake edge. These lake features will only count towards the Open Space requirements if the native habitat and environmental objectives are satisfied first;
7. **OS-5: Greenways as Open Space** – These proposed policy and regulatory changes are intended to incentivize environmental enhancement of the Greenway RMA buffer by allowing it to be counted as Open Space. Of OS-10 is approved, it will allow for a reduced greenway buffer width, resulting in greater developed areas with the remaining greenway buffer width being counted as Open Space. This creates an incentive that remains consistent with the tenets of the Sarasota 2050 Plan. Additionally, recognizing Lands of High Environmental Value within the Greenway RMA as Open Space is recommended under specified circumstances; and
8. **OS-14: State Parks and Other Public Lands** – These propose policy and regulatory changes relate to issues raised by the Oscar Scherer State Park (OSSP) are also applicable to the Myakka River State Park and other publically owned environmentally sensitive lands. It will create a new policy in the Comprehensive Plan that addresses avoiding, minimizing, and mitigating impacts to these lands.

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

The changes requested to the Sarasota County Comprehensive Plan in these amendments include additional goals, objectives and policies to implement the County's Resource Management Area (RMA) System (see attached map) and in particular the Village/Open Space RMA requirements. The intent of the Village/Open Space RMAs is to create an opportunity for a new form of development in the County. The new form is for villages and hamlets to occur in the future to replace what previously had been a form of sprawl. The new development form is intended be developments which include a broad range of family sizes and incomes in a broad range of housing types, including affordable housing units, which are integrated with commercial, office

and public/civic land uses. Additionally, the new form of development is intended to support a fully connected street and road pattern that encourages alternative means of transportation such as pedestrian, bicycle, and transit. Finally, the new form in order to take place must permanently integrate dedicated Open Space that will be added to the Greenway RMA where appropriate.

The Village/Open Space development form will provide for densities greater than those provided through the baseline future land use designations of Rural or Semi-Rural as approved on properties as of the effective date of the Comprehensive Plan Amendment RMA-1 approval, but may only be achieved within the Village/Open Space RMA through the Transfer of Development Rights and density bonus programs approved by the County or through Conservation Subdivisions where such opportunity for increased densities is provided through the Comprehensive Plan. The affordable housing component of the new development form is one of the objectives of the Village/Open Space RMA and is provided through a density bonus program. It is one of the incentives for future development in the new development village and hamlet format.

Council staff has historically supported the Sarasota County Comprehensive Plan changes that implemented the Village, Hamlet, and Open Space form of development in areas of Sarasota County east of Interstate 75 in the past. This format of development provides a style of land use pattern that other Counties in the region have been emulating for the past 5 to 10 years (Babcock Ranch in Charlotte County and Ave Maria in Collier County). The Village/Hamlet/Open Space type of development has been located along the eastern edge the coastal urban areas of the region in order to prevent urban sprawl that has been a problem in the region historically. In Sarasota County, the original approvals for the Villages/Open Space development requirements have been extremely restrictive and have often caused development issues that tend to hinder the development of the desired and approved development style rather than promote it. It is important that the Sarasota village and hamlet development is successful in order to provide the rest of the region a model that can be used in the future. The subject changes to the Sarasota Comprehensive Plan provide some adjustments to the development requirements of the RMAs in order to provide more flexibility to the future village, hamlet and open space development pattern and to provide improvements in the marketability of this preferred development format.

Council staff has reviewed the requested amendments and finds that the proposed changes to the RMA development Comprehensive Plan and regulatory requirements identified above will not substantially impact the resources and facilities of the County and will provide more economically viable developments for the future of the County and region.

Council staff agrees with the substantial review and findings of the County staff and the County Board of County Commissioners that the proposed changes are consistent with the County's Comprehensive Plan RMAs and while the changes will allow the development requirements of these areas to be changed somewhat it will still facilitate improved development opportunities for the Villages, Hamlets, and Open Spaces in an environmental important area of Sarasota County. Council staff believes that the proposed changes will not significantly change the development pattern previously approved by the County in the RMA areas and that the proposed changes will continue to require significant open space and substantial conservation of important environmentally sensitive areas in the County. Because the proposed changes do not

substantively change the development patterns previously approved by the County and will make the future villages and hamlets more developable in the market place thereby improving the economy of the region, Council staff finds that the requested amendments will not produce significant adverse effects to regional resources or facilities that are identified in the Strategic Regional Policy Plan.

Based on the information submitted, Council staff finds that the requested change is regionally significant and consistent with the Goals, Strategies, and Actions found in the SRPP.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

As proposed, the areas of the County which the subject amendments will impact are not located adjacent to any other local jurisdiction. Therefore, Council staff finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region.

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

Attachment III

Maps

Sarasota County
DEO 14-4ESR

Growth Management Plan
Comprehensive Plan Amendments

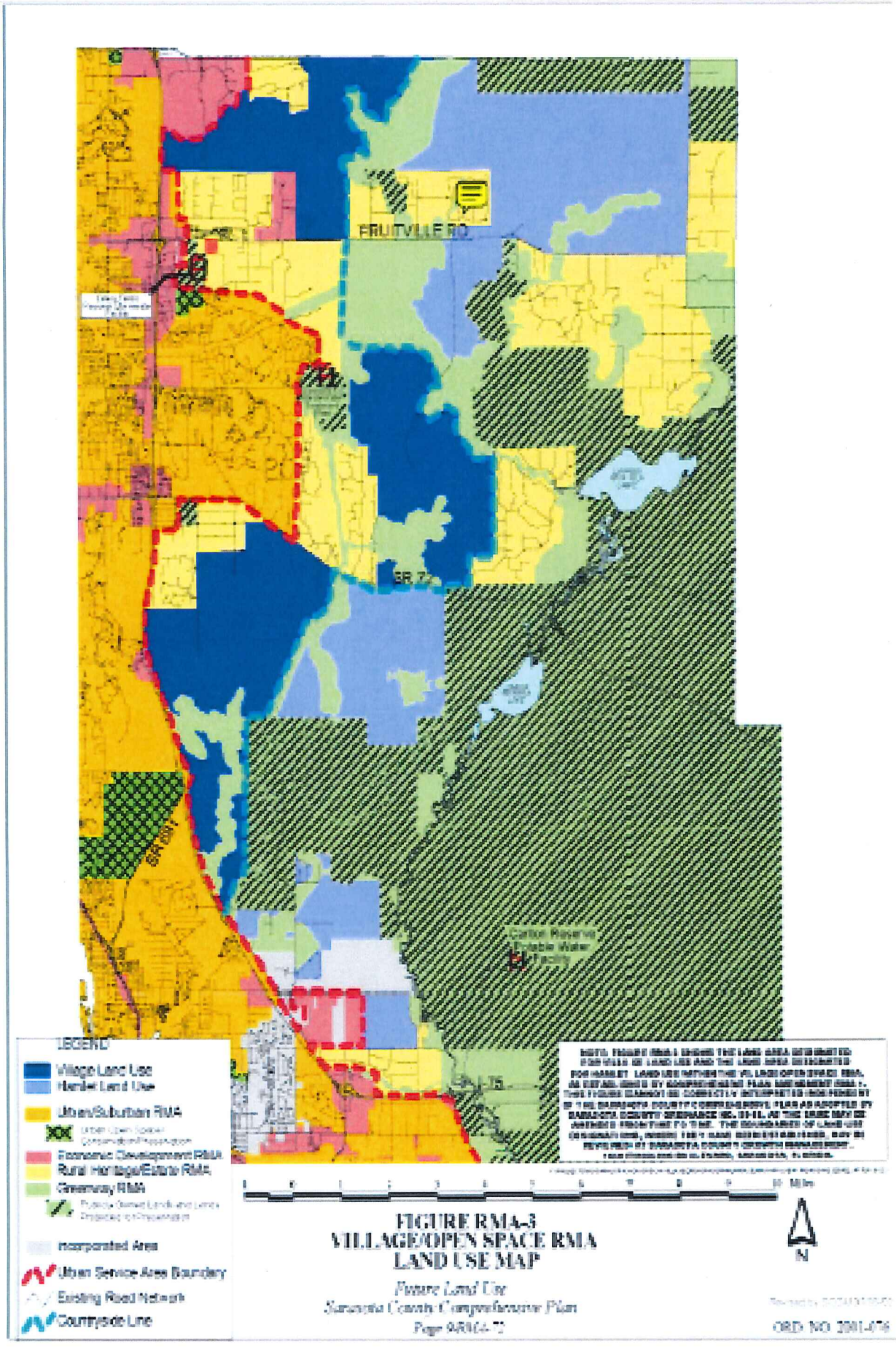


FIGURE RMA-3
VILLAGE/OPEN SPACE RMA
LAND USE MAP

Future Land Use
Sarasota County Comprehensive Plan
Page RMA-72

ORD NO 2001-076

Agenda Item

10c

10c

Villages of Lakewood Ranch South DRI - NOPC

10c

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

VILLAGES OF LAKEWOOD RANCH SOUTH
DRI # 11-0809-183
NOTICE OF PROPOSED CHANGE

BACKGROUND

The Villages of Lakewood Ranch Development of Regional Impact (DRI) is an approved mixed-use master-planned development located in north central Sarasota County, Florida. The DRI site contains 5,489.7± acres and is generally bounded on the west by I-75, on the south by Richardson Road, and on the north by University Parkway and the Lakewood Ranch Corporate Park DRI. The project is part of the 31,000 acre Schroeder-Manatee Ranch within Sarasota and Manatee counties.

The development is approved for 5,144 residential dwelling units (1,910 single family units and 3,234 multi-family Units), 300,000 square feet of commercial/retail/office uses in a Village Center, 90,000 square feet of Neighborhood Commercial Center uses, 60,000 square feet of public/civic space, and an elementary school. The proposed concept plan also includes 1,425.5± acres of development area (26% of the site), 408.6± acres wetland preservation areas, 993.4± acres of stormwater/open water, 385.6± acres of upland native habitat /other open space, and 2,276± acres of Long Swamp/Gum Slough Conservation Easement areas (total open space is 74%).

PREVIOUS CHANGES

On May 12, 2010, Sarasota County adopted Ordinance 2010-019 approving the Villages of Lakewood Ranch South DRI. The project has not commenced construction and no prior changes have been requested.

There have been several legislative extensions recognized by Sarasota County and the Southwest Florida Regional Planning Council (SWFRPC). These time extensions have extended the Buildout Date, Termination Date, Phase Dates, Commencement Date, and Limitation to Down Zoning and the expiration of the Facility Reservation Period. These extensions were acknowledged by Sarasota County in letters to the Developer dated August 3, 2011, March 6, 2012 and December 19, 2012.

PROPOSED CHANGES

On January 22, 2014 the SWFRPC received the Schroeder-Manatee Ranch, Inc. submittal of an application for a Notice of Proposed Change. The request is comprised of specific amendments to the Development Order intended to address the implementation of the proportionate share mitigation as set forth in the Revised and Restated Adequate Transportation Facilities Agreement ("ATFA") approved by the Sarasota County Board of County Commissioners on October 9, 2013. The ATFA resolves transportation impacts and mitigation of the project through buildout and therefore, the amendment provides for

specific approval for transportation for all phases of the DRI. Initially, only Phase 1 had received specific approval.

Other changes to the Development Order include the updating of commencement, phase, buildout and termination dates to reflect previously approved legislative extensions (see discussion above) and to update conditions of approval to address references, nomenclature and current practices. There are no changes to any of the development totals of the DRI.

STAFF ANALYSIS

Regional staff has reviewed the granting of the specific approval for transportation for Phases 2 and 3, based on the ATFA, and finds that the proposed changes appear to be subject to the criteria contained in Chapter 380.06: Section 380.06(19)(e)3, Florida Statutes, which states in pertinent part the following:

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

The transportation analysis related to the ATFA was prepared in conformance with DRI rules for transportation to support the request. The analysis identified the project's impacts at buildout and the proportionate share of the required improvements. The ATFA required mitigation in excess of the project's proportionate share and, therefore, no further DRI impact review is required. Based on this information, regional staff finds that the presumption of a substantial deviation has been rebutted by clear and convincing evidence.

With respect to the amended dates and conditions of approval to address references are considered to be updates and not changes and thereby are not subject to additional DRI review.

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 DRI.

REGIONAL RESOURCES AND FACILITIES IMPACT

The proposed change will not create additional impacts on regional resources or facilities since no additional residential units, commercial/retail/office or civic square-footages are proposed. There will be no changes to the storm water management system previously reviewed in the DRI. As indicated above no change to utilities capacity will be necessary. The environmental program reviewed and approved in the DRI will not be impacted by the requested change. The transportation mitigation addressed by the Revised and Restated Adequate Transportation Facilities Agreement ("ATFA") that is subject to this NOPC has been approved by the County and has been reviewed by the Florida Department of Transportation (FDOT). The FDOT identified no additional impacts to the regional transportation network and do not object.

MULTI-JURISDICTIONAL ISSUES

The Villages of Lakewood Ranch DRI is located in north 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 transportation analysis submitted in support of the ATFA identifies regional impacts; however, the mitigation required by the ATFA exceeds the proportionate share of the required improvements of the project's impacts at buildout. Regional 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 language changes to provide for the requested changes. regional staff finds that the proposed language adequately addresses the proposed changes to the DRI.

STAFF CONCLUSIONS

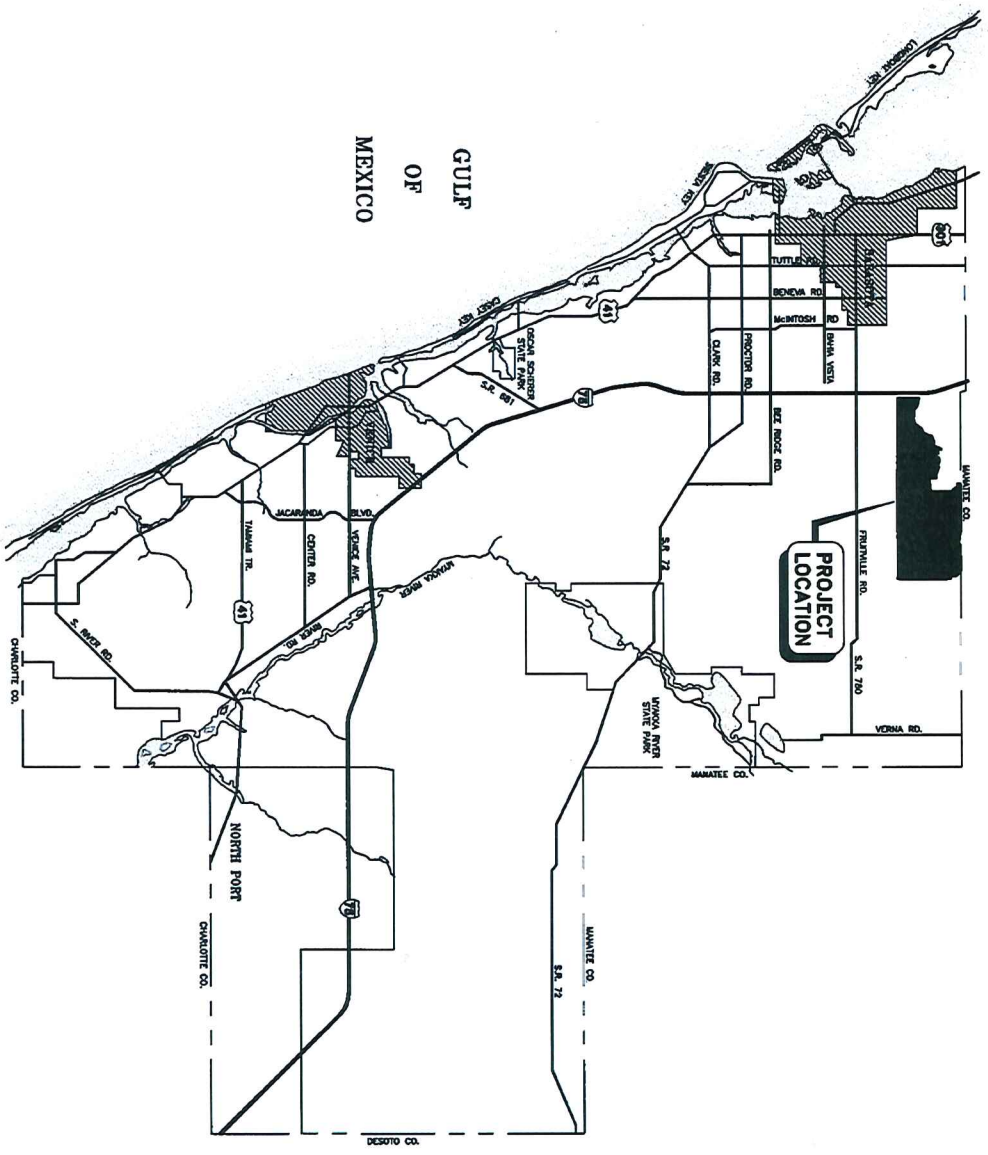
The SWFRPC role in coordinating the review process of NOPCs is to determine under the authority of Chapter 380.06(19)(a) F.S. if "any proposed change to a previously approved development creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change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

It is regional staff's conclusion that the applicant has successfully rebutted the presumption of a substantial deviation with the information provided in the NOPC. There are no additional regional impacts which are unmitigated and, therefore regional staff has no objection to the subject changes.

RECOMMENDED ACTIONS:

1. Notify Sarasota County, the Florida Department of Economic Opportunity (DEO) and the applicant that regional staff recommends approval of the proposed changes and that Council finds that the requests are not a substantial deviation.

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.



SCHROEDER - MANATEE RANCH, INC.

THE VILLAGES of LAKEWOOD RANCH SOUTH

SARASOTA, FLORIDA

GENERAL LOCATION

MAP A

DATE: NOVEMBER 2008
P/N: 03819-009-000

SCALE: 1" = 20,000'
0 10,000 20,000'

PREPARED BY:
WilsonMiller
New Directions in Planning, Design & Engineering
WilsonMiller, Inc.

Saved: 10/31/2008 1:35:08 PM RLARUE | Plotted: 10/31/2008 1:35:34 PM RLARUE | X:\PLA\03819\009-Villages_DRI\REV00\EP-03819-009-A.dwg|Layout1

Agenda Item

10d

10d

Collier County – Winding Cypress DRI - DO

10d

10d

WINDING CYPRES DRI
REVIEW OF COLLIER COUNTY
DEVELOPMENT ORDER

Council Recommendations (Attachment I)

On December 14, 1999, the Council recommended conditional approval of the Winding Cypress DRI Application for Development Approval. The Winding Cypress DRI is located at the northeast quadrant of the intersection of US 41 / Tamiami Trail East and CR 951/ Collier Boulevard in Collier County. The approval was subject to regional conditions relating to Stormwater Management, Transportation, Vegetation and Wildlife/Wetlands and Consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. On October 14, 2013, the Council approved a Notice of Proposed Change (NOPC) for the Winding Cypress DRI. The NOPC increased the number of residential dwelling units from 2,300 to 2,854 dwelling units; increase the gross floor area of the project village center district by 20,000 square feet for a total of 50,000 square feet; removed the previously approved 18-hole golf course; and extended the buildout date to December 31, 2020.

Collier County Development Order

On February 25, 2014, the Collier County Board of Commissioners approved the Winding Cypress Development Order. A copy of the development order (see Attachment I) was rendered to the SWFRPC on March 13, 2014. The 45-day appeal period for the development order expires on April 28, 2014. Staff review of the attached Development Order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the Development Order as rendered. Notify the Florida Department of Economic Opportunity and Collier County.

County of Collier
CLERK OF THE CIRCUIT COURT

Dwight E. Brock
Clerk of Courts

COLLIER COUNTY COURTHOUSE
3315 TAMIAMI TRL E STE 102
NAPLES, FLORIDA
34112-5324

P.O. BOX 413044
NAPLES, FLORIDA
34101-3044

Clerk of Courts
Accountant
Auditor
Custodian of County Funds

March 11, 2014

Ken Heatherington, Executive Director
SWFL Regional Planning Council
1926 Victoria Avenue
N. Fort Myers, FL 33901

Re: Collier County Development Order 2014-01/Resolution 2014-46
Winding Cypress Development of Regional Impact Proposed Changes

Attached for agency review is a certified copy of the document above referenced, Collier County Development Order 2014-01, adopted by the Board of County Commissioners of Collier County Florida on Tuesday, February 25, 2014 during Regular Session.

Sincerely,

DWIGHT E. BROCK, CLERK

Ann Jennejohn, Deputy Clerk

Attachment

DEVELOPMENT ORDER NO. 14-01

RESOLUTION NO. 14-46

A RESOLUTION AMENDING RESOLUTION NO. 99-467, AS AMENDED, (DEVELOPMENT ORDER 99-4) FOR THE WINDING CYPRESS DEVELOPMENT OF REGIONAL IMPACT BY PROVIDING FOR SECTION ONE, AMENDMENTS TO DEVELOPMENT ORDER BY INCREASING THE NUMBER OF RESIDENTIAL DWELLING UNITS FROM 2,300 TO 2,854; BY INCREASING THE RESIDENTIAL DEVELOPMENT AREA BY 44 ACRES TO 492 ACRES; BY INCREASING THE VILLAGE CENTER ACREAGE BY 2 ACRES FOR A TOTAL OF 17 ACRES; BY INCREASING THE GROSS FLOOR AREA OF THE VILLAGE CENTER DISTRICT BY 20,000 SQUARE FEET FOR A TOTAL OF 50,000 SQUARE FEET; BY INCREASING THE ACREAGE OF LAKES FROM 235 ACRES TO 272 ACRES; BY REMOVING THE 164 ACRES OF GOLF AREA AND ELIMINATING THE 18-HOLE GOLF COURSE; BY INCREASING THE PRESERVE AREA BY 44 ACRES TO 840 ACRES; BY INCREASING BUFFERS, WATERWAYS, CANAL AND FP&L EASEMENTS FROM 180 ACRES TO 219 ACRES; BY EXTENDING THE BUILD-OUT DATE TO DECEMBER 31, 2020 AND EXPIRATION DATE TO DECEMBER 31, 2025; AND BY AMENDING THE MASTER PLAN; BY PROVIDING FOR SECTION TWO, FINDINGS OF FACT; SECTION THREE, CONCLUSIONS OF LAW; AND SECTION FOUR, EFFECT OF PREVIOUSLY ISSUED DEVELOPMENT ORDERS, TRANSMITTAL TO DEPARTMENT OF ECONOMIC OPPORTUNITY AND EFFECTIVE DATE. THE SUBJECT PROPERTY IS LOCATED AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF TAMIAMI TRAIL EAST (US-41) AND COLLIER BOULEVARD (CR 951) IN SECTIONS 26, 34 AND 35, TOWNSHIP 50 SOUTH, RANGE 26 EAST, AND SECTIONS 2 AND 3, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 1,928± ACRES. (DOA-PL20120002856]]

WHEREAS, the Board of County Commissioners of Collier County approved Resolution No. 99-467 (Development Order No. 99-4), which approved a Development of Regional Impact (DRI) known as the Winding Cypress DRI on December 14, 1999; and

WHEREAS, the Application for Development Approval (ADA) was incorporated into and, by reference, made a part of the Development Order; and

CAO

WHEREAS, the real property which is the subject of the Development Order is legally described and set forth as Exhibit A to Resolution No. 99-467 (Development Order No. 99-4) as revised by Resolution 02-302 (Development Order 02-01); and

WHEREAS, the Development Order has been subsequently amended, to wit:

(i) Resolution No. 02-302 (Development Order No. 02-01), June 25, 2002;
(ii) Resolution No. 06-018 (to correct scriveners error), January 24, 2006; and

WHEREAS, DiVosta Homes, LP, through its authorized agent, has filed a Development Order Amendment (DOA) Application and Notice of Proposed Change to a Previously Approved DRI (NOPC), which NOPC is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, the Collier County Planning Commission reviewed and considered the report and recommendation of the Southwest Florida Regional Planning Council (SWFRPC) and held a public hearing on January 16, 2014; and

WHEREAS, the Board of County Commissioners, as the governing body of the unincorporated area of Collier County, Florida, with jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider proposed changes to the Winding Cypress DRI; and

WHEREAS, at a public hearing held on February 25, 2014, the Board of County Commissioners of Collier County, Florida, in accordance with Section 380.06, Florida Statutes, having considered (a) the DOA Application and the NOPC, (b) the record made at the aforementioned hearing, (c) the record of the documentary and oral evidence presented to the Collier County Planning Commission, (d) the report and recommendation of Collier County planning staff, and (d) the report and recommendation of the Southwest Florida Regional Planning Counsel, the Board of County Commissioners hereby approves the following Winding Cypress DRI Development Order amendments.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENTS TO DEVELOPMENT ORDER.

A. The Findings of Fact Section of Development Order 99-4, as amended by Development Order 02-01 and Resolution 2006-18, the Winding Cypress DRI, is hereby amended to read as follows:

FINDINGS OF FACT

1. The real property which is the subject of the ADA is legally described as set forth in Exhibit "A".

2. The application is consistent with Subsection 380.06(6), Florida Statutes (2013).

3. The Developer submitted to the County an ADA and sufficiency responses, hereby referred to as composite Exhibit "B", which by reference thereto are made a part hereof

to the extent that they are not inconsistent with the terms and conditions of this Order, as amended.

4. The Developer proposes development of the Winding Cypress Development of Regional Impact, as shown on the revised Master Plan attached hereto as Exhibit "C", and consisting of 1,928 acres, which includes:

A. A total of ~~2300~~ 2,854 residential dwelling units, on ~~488~~ 492 acres.

B. ~~A~~ Village ~~Center~~ Centers consisting of ~~10,000~~50,000 square feet of Gross Floor Area (GFA) ~~of~~

~~Retail use 5,000 square feet GFA of office space, and 15,000 square feet GFA of recreational facilities~~, in addition to a clubhouse;

~~C. Golf Club, 18 holes of golf course, practice range and maintenance facilities on 164 acres;~~

C. ~~D.~~ ~~235~~ 272 acres of lakes;

D. ~~E.~~ ~~81~~ 79 acres of right-of-way;

E. ~~F.~~ 9 acres of recreational lands; and

F. ~~G.~~ ~~796~~ 840 acres of preserves, and ~~180~~ 219 acres of miscellaneous buffers, waterways, canal, and FPL easements.

5. The development is consistent with the report and recommendations of the SWFRPC submitted pursuant to Subsection 380.06(12), Florida Statutes.

6. The development will not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

7. A comprehensive review of the impact generated by the development has been conducted by the appropriate County departments and agencies and by the SWFRPC.

8. The development is not in an area designated an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes, as amended.

9. The development is consistent with the current land development regulations and the Growth Management Plan of Collier County, as amended.

10. The development is consistent with the State Comprehensive Plan.

B. Paragraph 2, "Historical/Archaeological," of the Conclusions of Law Section of Development Order 99-4, as amended by Development Order 02-01, the Winding Cypress DRI, is hereby amended to read as follows:

CAO

2. HISTORICAL/ARCHAEOLOGICAL

A. Archaeological sites 8CR786, ~~8CR787, 8CR788, 8CR789, 8CR790,~~ 8CR791, 8CR792, 8CR793, 8CR794, 8CR795 and 8CR796 within the Winding Cypress property shall be preserved in perpetuity and shall be recorded as "Preserve" on all appropriate plats, site plans, and the Master Development Plan for the Winding Cypress DRI.

B. In areas where the sites are located in the vicinity of proposed development, a buffer or conservation easement averaging 25 feet in width, or equivalent protections, such as temporary fencing or other structural barriers, shall be preserved or constructed around the archaeological sites. Exotics removal within these areas shall be by hand labor.

C. The Developer shall cooperate with the Department of State, Division of Historical Resources ("DHR") property credentialed investigators, whenever such access can be reasonably accommodated.

D. If any additional archaeological/historical sites are uncovered during the proposed development activities, all work in the immediate vicinity of such sites shall cease immediately, and the Developer shall contact DHR, SWFRPC, and Collier County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

E. All commitments made by the Developer within the ADA and subsequent sufficiency round information, related to historical and Archaeological Sites are hereby incorporated by reference to the extent they are consistent with Paragraphs A – B above.

C. Paragraph 5, "transportation" of Development Order 99-4, the Winding Cypress DRI, is hereby amended to read as follows:

5. TRANSPORTATION

A. The Developer, or its successor or assigns, shall be fully responsible for site related roadway and intersection improvements required within the Winding Cypress DRI, including project access points on CR 951 and US 41. The following project access points onto CR 951 and US 41 shall be located consistent with the Winding Cypress Master Plan, attached hereto as Exhibit "C", and constructed consistent with Collier County and FDOT's permit requirements:

(1) CR 951 at North Project Entrance

(2) CR 951 at South Project Entrance

(3) US 41 at East Project Entrance

B. The Developer shall provide its proportionate share of the costs of necessary at grade intersection improvements including, but not limited to, right of way, cost of signalization, turn lanes, and other improvements deemed necessary by Collier County to maintain the adopted level of service of the following significantly impacted intersections through DRI project build out ~~in 2008~~ which is December 31, 2020.

(1) US 41 at CR 951/SR 951

(2) CR 951 at SR 84/Davis Blvd.

CAO

C. Improvements to the facilities outlined in condition 5.B, above, shall be made at the time that the intersection is expected to operate at worse than the level of service standard adopted in the Collier County Comprehensive Plan or shall be programmed for construction within three years of that time. No building permits for Phase 2 of this project shall be issued unless the improvements are: a) complete, b) under construction, c) the subject of a clearly identified, executed and recorded local government development agreement consistent with Sec. 163.3220 through 163.3243, F.S., ensuring completion concurrent with the impacts of development; d) the subject of a binding commitment from Collier County, ensuring completion concurrent with the impacts of development; e) the subject of a binding commitment by the County in the current three years of the Capital Improvements Element; or f) the subject of a binding and enforceable commitment by the Developer to provide the improvement concurrent with the impacts of development. Any combination of the above which ensures the improvement to the facility is also acceptable, provided the SWFRPC, Collier County, and DCA agree that the combination meets the intent of the transportation uniform standards rule.

As an alternative to this requirement, the Developer may pay a "proportionate share contribution", calculated consistent with the formula in Paragraph 9J-2.045(1)(h), F.A.C., to Collier County for this improvement. The proportionate share payment shall only be applied to the immediate construction of one or more improvements to regional facilities significantly impacted by the Winding Cypress DRI. A portion or the entirety of the Developer's proportionate share contribution may be provided through the Developer's payment of Collier County road impact fees. No building permits for Phase 2 shall be issued unless the proportionate share payment and a commitment to use the payment for the construction of a needed improvement, in accordance with the options listed in the paragraph above are received by the County. Any delay or change of the proportionate share payment shall require a reanalysis of the payment amount in a Notice of Proposed Change.

The proportionate share costs of the necessary at-grade improvements as referenced in this condition and condition 5.B. may be satisfied by the payment of roads impact fees.

D. To determine the project impact on regional facilities, ~~an~~ a ~~annual~~ biennial monitoring report shall be submitted to Collier County, Florida Department of Transportation, Florida Development of ~~Community Affairs~~ Economic Opportunity, and SWFRPC for review and approval. The first monitoring report shall be submitted one year after the recorded date of the approval of the Development Order for the Winding Cypress DRI. Successive reports shall be submitted ~~annually~~ biennially thereafter until build out of the project.

At a minimum, the report shall contain a summary of construction and development activities to date, in the categories of development as recorded in the Development Order. In addition, the report shall contain p.m. peak hour trip generation estimates and turning improvements at each of the project's access points and the off-site intersections listed in Paragraph 2 above. The report shall also provide a calculation of the existing level of service at the projects access points and the facilities listed in Paragraph B above. Finally, an estimate of the level of development expected to be added by the project for the forthcoming year(s) will be provided. The monitoring report shall identify the status of the road improvements assumed to be committed and address any deviations from the identified schedule.

E. The Developer shall promote efficient pedestrian and bicycle movement within and between the development's components, and to adjacent properties as deemed necessary by Collier County.

F. The Developer shall promote transit service through the inclusion of bus stops or other appropriate transit access points in site design, consistent with Collier County transit plans.

G. The Developer may select one or more of the options listed in Paragraph C above to the extent that options provide adequate commitments for improvements indicated above to significantly impacted regional roadways and intersections. Whatever options are exercised, however, shall be done with the understanding that the following conditions shall be met:

CAO

(1) If ~~annual~~ biennial monitoring reports lead to the conclusion that one or more of the regional intersections are operating at worse than the adopted level of service and the project is contributing more that 5% of the adopted level of service capacity, then further building permits and certificates of occupancy shall not be granted until the standards of the County's Concurrency Management System have been met.

(2) The transportation impact to the intersections identified in Paragraph B above shall be appropriately addressed consistent with the County's Concurrency Management Ordinance and any Local Government Development Agreement or commitment by the Developer and/or the local government to insure concurrency on all significantly impacted regional roads and intersections.

H. Within 180 days of the County's written request, the Owner shall convey to the County a road easement for the road right of way needed for a section of Benfield Road up to a width of 140 feet free and clear of all liens and financial encumbrances. The road right of way shall be adjacent to the Picayune State Forest and shall be in the location identified on the PUD Master Plan. The length of the proposed 140' ROW reservation is approximately 6,000', extending approximately 830' north of the Hacienda Lakes PUD southern section line and approximately 650' south of the Picayune State Forest southern section line. The County acknowledges that the area in which the road reservation is located is designated preserve on the PUD Master Plan and is required to be a conservation area for purposes of the project obtaining required state and federal permits. The County has agreed to be responsible for all permitting and construction costs, including but not limited to noise mitigation, and mitigation costs associated with permitting and constructing Benfield Road. The Owner and Developer shall not be responsible to obtain or modify any state or federal permits related to the extension of Benfield Road. Upon recordation of the road easement in the public records of Collier County, the Owner shall be paid the fair market value of the road easement. The Developer shall disclose (in writing) to all property buyers within 300' of the reserved 140' Benfield Road corridor of their proximity to the future roadway corridor.

D. Paragraph 6, "Vegetation and Wildlife/Wetlands" of Development Order 99-4, as amended by Order 02-01, the Winding Cypress DRI, is hereby amended to read as follows:

6. VEGETATION AND WILDLIFE/WETLANDS

A. The need for wildlife crossings and fencing designs for roadway crossings of the preserve areas shall be reviewed in coordination with the Florida Fish and Wildlife Conservation Commission ("FFWC") as part of the ERP permit process.

B. Review of State listed species and habitat impacts/mitigation shall be addressed in coordination with FFWCC during the ERP permit process based on specific site plan details. At a minimum, the draft Preserve Area Wildlife/Habitat Management Plan submitted on June 13, 1999, shall be implemented for the preserve area.

C. A minimum of ~~776~~ 840 acres of wetland and upland enhancement preserve area shall remain in conservation areas post development; a conservation easement shall be placed over all conservation areas.

~~D. Native landscaping shall be used to the greatest extent practical. The Project will meet the criteria of Section 2.4.4.1. of the Collier County Land Development Code which requires 75% of the required trees and 50% of the required shrubs to be native plants.~~

CAO

~~F. Impacts to any gopher tortoise burrows shall be handled through the FFWCC Take and/or Relocation Permit process.~~

~~F. Upland and/or appropriate structural buffers will be provided per the SFWMD Basis of Review.~~

E. Paragraph 11, "PUD Document," of Development Order 99-4 as amended by Development Order 02-01, the Winding Cypress DRI, is hereby amended to read as follows:

11. PUD DOCUMENT

There is a PUD document (Ordinance ~~02-35~~ 14-09) approved by the Collier County Board of County Commissioners on ~~June 25, 2002~~ Feb 25 2014, which also governs the Winding Cypress DRI. The Developer acknowledges that the conditions and commitments of the PUD Document also govern the development and use of property within Winding Cypress, even though the PUD Document (Ordinance ~~02-35~~ 2014-09), is specifically not made a part of this Development Order.

SECTION TWO: FINDINGS OF FACT.

A. The real property which is the subject of this Development Order, including the Winding Cypress Addition, is legally described as set forth in Exhibit "A", attached hereto and by reference made apart hereof.

B. The application is in accordance with Section 380.06(19), Florida Statutes.

C. The applicant submitted to the County a Notice of Change to a Previously Approved DRI, marked as Exhibit "B", and by reference made a part hereof.

D. The applicant's predecessor in interest proposed the development of Winding Cypress on 1928 acres of land for a mixed-use development consisting of residential, commercial and golf club uses as described in Development Order 99-4.

E. A comprehensive review of the impact generated by the proposed changes to the previously approved development has been conducted by the County's departments and the SWFRPC.

F. The Southwest Florida Regional Planning Council notified the County, in writing, that the Department of Economic Opportunity and Southwest Florida Regional Planning Council agree that the changes to this DRI do not create any additional regional impacts.

G. The buildout date shall be December 31, 2020. The Development Order shall remain in effect until December 31, 2025.

SECTION THREE: CONCLUSIONS OF LAW.

A. The proposed changes to the previously approved Development Order as presented does not constitute a substantial deviation pursuant to Section 380.06(19)(e)2.l, Florida Statutes. The scope of the development to be permitted pursuant to this Development Order Amendment includes operations described in the Notice of Change to a Previously Approved DRI, Exhibit "B", by reference made a part hereof.

B. The proposed changes to the previously approved development are consistent with the report and recommendations of the SWFRPC.

C. The proposed changes to the previously approved development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. The proposed changes to the previously approved Development Order are consistent with the Collier County Growth Management Plan, as amended, and the Land Development Regulations adopted pursuant thereto.

E. The proposed changes to the previously approved Development Order are consistent with the State Comprehensive Plan.

SECTION FOUR: EFFECT OF PREVIOUSLY ISSUED DEVELOPMENT ORDER, AS AMENDED; TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND EFFECTIVE DATE.

A. Except as amended hereby, Development Order 99-4 as amended by Development Order 02-21, and Resolution 06-18 shall remain in full force and effect, binding in accordance with its terms on all parties thereto.

B. Copies of this Development Order 14-01 shall be transmitted immediately upon execution to the Department of Economic Opportunity, and the Southwest Florida Regional Planning Council.

C. This Development Order shall take effect as provided by law.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote of the Board of County Commissioners of Collier County, Florida, this 25th day of February, 2014.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____
Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
TOM HENNING, Chairman

State of Florida
County of COLLIER

I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Board Minutes and Records of Collier County WITNESS my hand and official seal this 11th day of March, 2014

DWIGHT E. BROCK, CLERK OF COURTS

By: _____ D.C.

CAO

Approved as to form and legality:

Heidi A Cicko HAC 2/12/14

Heidi Ashton-Cicko
Managing Assistant County attorney

Attachments: Exhibit A – Legal Description (from D.O. 02-01)
Exhibit B - Notice of Proposed Change
Exhibit C – Revised Master Plan

CP\13-CPS-01229\44

CAO

WilsonMiller
New Directions In Planning, Design & Engineering

Description of Part of Sections 26, 34 and 35 of
Township 50 South, Range 26 East,
and Sections 2 and 3 of
Township 51 South, Range 26 East
Collier County, Florida.
(PARCELS "A" and "B")

All of Section 26, Township 50 South, Range 26 East, Collier County, Florida; less and except the north 30.00 feet (for road right-of-way) and the west 100 feet (for canal right-of-way) therefrom;
AND ALSO All of Section 35, Township 50 South, Range 26 East, Collier County, Florida, less and except the west 60.00 feet (for canal right-of-way);
AND ALSO Part of Section 34, Township 50 South, Range 26 East, Collier County, Florida;
AND ALSO Part of Section 2 Township 51 South, Range 26 East, Collier County, Florida;
AND ALSO Part of Section 3, Township 51 South, Range 26 East, Collier County, Florida;
Being more particularly describes as follows:
PARCEL "A":
BEGINNING at the Southeast corner of Section 2, Township 51 South, Range 26 East, Collier County, Florida;
thence along the south line of said Section 2 North 87°02'48" West 2717.79 feet to the South Quarter Corner of said Section 2;
thence continuing along said line North 89°27'31" West 233.96 feet;
thence leaving said line North 54°21'26" West 3802.70 feet along the northeast right-of-way line of U.S. 41 (Tamiami Trail);
thence North 20°14'55" East 2036.85 feet;
thence North 69°45'05" West 45.00 feet;
thence South 89°15'14" East 60.00 feet to a point on a line lying 60 feet east of and parallel to the West Line of said Section 2;
thence along said line thence North 00°44'46" East 1350.52 feet to a point on the North Line of Section 2, said point on a line lying 60 feet east of the west line of said Section 35;
thence along said line North 00°50'06" East 2614.26 feet;
thence continuing along said line North 00°52'55" East 2619.36 feet to a point on the North Line of said Section 35;
thence along said line South 89°33'56" East 40.00 to a point on a line lying 100 feet east of and parallel to the west line of Section 26;
thence along said line North 00°50'24" East 2633.11;
thence continuing along said line North 00°50'18" East 2604.58 feet to a point on the Southerly Right of Way line of Sabal Palm Road, said line being 30.00' south of the north line of said Section 26;
thence along said Right of Way line South 89°37'03" East 2541.99 feet;
thence continuing along said line South 89°37'26" East 2642.08 feet to a point on the East line of said Section 26;
thence along the East Line of said Section 26 South 00°14'00" East 2606.72 feet to the East Quarter Corner of said Section 26;
thence continuing along said line South 00°14'36" East 2636.75 feet to the Southeast Corner of said Section 26;
thence along the East Line of said Section 35 South 00°24'57" West 2638.06 feet to the East Quarter Corner of said Section 35;
thence continuing along said line South 00°23'29" West 2637.20 feet to the Southeast Corner of said Section 35;
thence along the East Line of said Section 2 South 00°40'26" West 2801.59 feet to the East Quarter Corner of said Section 2;
thence continuing along said line South 00°40'46" West 2750.15 to the Southeast Corner of said Section 2 and the POINT OF BEGINNING of the parcel herein described (PARCEL "A");
Parcel Contains 1922.2 acres more or less.
Subject to easements, restrictions and reservations of record.
Bearings are based on the east half of the south line of Section 2 being North 87°02'48" West.

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee
3200 Bailey Lane, Suite 200 Naples, Florida 34105-8507 · 941-649-4040 ☎ 941-643-5716
www.wilsonmiller.com
WilsonMiller, Inc. — FL Lic.# LC-C000170 CA 43

Exhibit A

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WilsonMiller

Description of Part of Sections 26, 34 and 35 of
Township 50 South, Range 26 East, and Sections 2 and 3 of
Township 51 South, Range 26 East Collier County, Florida.
(PARCELS "A" and "B") Continued;

PARCEL "B": ALSO INCLUDING THE FOLLOWING:

COMMENCING at the Southwest Corner of said Section 26;
thence along the West Line of said Section 35 South 00°52'55" West 674.12 feet;
thence leaving said line North 89°07'05" West 40.00 feet to a point on a line 40 feet west of the West Line of Section 35 and the POINT OF BEGINNING of the parcel herein described (PARCEL 'B");
thence along said line South 00°52'55" West 1110.23 feet;
thence leaving said line North 89°07'05" West 539.68 feet;
thence North 35°39'05" East 175.97 feet;
thence northeasterly 1066.66 feet along the arc of a tangential circular curve concave to the northwest having a radius of 2964.93 feet through a central angle of 20°36'46" subtended by a chord which bears North 25°20'42" East 1060.92 feet to the POINT OF BEGINNING of the parcel herein described (PARCEL "B").

Parcel Contains 5.7 acres more or less.
Subject to easements, restrictions and reservations of record.
Bearings are based on the east half of the south line of Section 2 being North 87°02'48" West

Total parcel (including Parcels "A" and "B") contains 1927.9 acres more or less.

WILSONMILLER, INC.
Registered Engineers and Land Surveyors
Certificate of authorization #LB-43.

By: Michael H. Maxwell
Michael H. Maxwell, PSM 4650

Not Valid unless embossed with the Professional's seal.

Ref. 4E-50
W.O.: N0506-000-000-MABS1
Date: October 15, 1999
Revised : January 13, 2000

V

Exhibit A

CAO

FORM DEO-BCP-PROPCHANGE-1
Rule 73C-40.010, FAC. Effective 11-20-90
(Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, CHRIS HASTY, the undersigned owner/authorized representative of DiVosta Homes, LP., hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the WINDING CYPRESS development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Collier County, to the Southwest Florida Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

(developer)

(original & current project names)

(local government)

6/9/13
Date

Signature

2. Applicant (name, address, phone).

CAO

DiVosta Homes, LP
24311 Walden Center Drive, Suite 300
Bonita Springs, FL 34134
(239) 248-5309

3. Authorized Agent (name, address, phone).
Richard Yovanovich, Esq.
Coleman Yovanovich & Koester, P.A.
4001 Tamiami Trail N., Suite 300
Naples, FL 34103
(239) 435-3535

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.
Collier County, T50 South, R26 East, Sec. 35 and T51 South, R26 East, Sec. 2.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Winding Cypress was approved as a DRI on December 14, 1999 in Resolution No. 99-467 and Development Order 99-4. On the same date the property was rezoned to PUD by Ordinance 99-93. The developer requested amendments to the PUD which were approved on June 25, 2002 by the Board of County Commissioners through Resolution No. 02-302 and Development Order 02-01. A scriveners error was corrected in 2006 through Resolution 2006-018

The Winding Cypress DRI consists of 1,928 acres of land located in Collier County between U.S. 41 (to the south), C.R. 951 (to the west), Sabal Palm Road (to the north) and Picayune Strand State Forest and Naples Reserve (to the east). The purpose of this application is to amend the PUD, which will contain the following changes:

a) **An increase in residential dwelling units from 2,300 to 2,854 on 492 acres of land (previously 448 acres). Both Single Family and Multi-Family units (as defined by Collier County. The gross density will be a maximum of 1.4 UPA.**
b) **An increase in the acreage of lakes will be from 235 acres to 272 acres.**
c) **A reduction in the amount of golf course, golf club, golf course maintenance and practice range from 164 acres to 0 acres. 18 holes, one clubhouse, one maintenance facility, and one practice range were removed, resulting in the complete removal of golf as a use.**
d) **An increase of 44 acres in preserve area, for a total of 840 acres.**
e) **Buffers, waterways, canal and FP&L easements are increased from 180 acres to 219 acres.**
f) **The build-out date will change to 2020.**

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change. **See attached Chart**

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).

DATE WINDING CYPRESS APPROVED BY BCC 12/14/99
RESOLUTION NUMBER 1999-467

A Winding Cypress amendment was filed that reduced the number of units from 2,892 to 2,300, reduced the golf from 45 holes to 18 holes, and increased the preserve area from 713 acres to 796 acres.
DATE AMENDMENT FILED 3/18/02
DATE APPROVED BY BCC 6/25/02
RESOLUTION NUMBER 2002-302

Planning staff determined that the approved Resolution 2202-302 was not revised to be consistent with the PUD document that removed references to specific numbers for the different residential dwelling unit types as was intended.
SCRIVENER'S ERROR CORRECTED 1/24/06
RESOLUTION NUMBER 2006-18

Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? **No.**

If so, has the annexing local government adopted a new DRI development order for the project? **N/A**

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.
N/A.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.	
YES _____	NO _____X_____

10. Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.
Yes. The project includes six phases and the build-out date will change to 2020. The DRI expiration date has been revised to December 31, 2025

11. Will the proposed change require an amendment to the local government comprehensive plan?
No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions. **See Attached Master Plan**

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify: **See attached proposed amendment to the development order.**

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The proposed changes to the Winding Cypress DRI involve removing Golf as an approved use, increasing the number of residential units from 2300 to 2854 and changing the build-out date to 2020. The following land use summary depicts the proposed changes:

Land Use	Proposed Acres	Existing Acres
Residential	492	448
Village Center	17	15
Lake	272	235
Right-of-Way	79	81
Recreational	9	9

Preserve	840	796
Miscellaneous, Buffers, Waterways, Canal and FPL Easements	219	180
Golf Course, Golf Club, Golf Course Maintenance and Practice Range	0	164
Total	1928	1928

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;
See attached legal description

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
N/A.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
The build-out date has been extended to 2020 and the DRI expiration date to 2025

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and
N/A.

f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.
The specifications for the annual report have been revised to reflect a biennial timeline.

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces		N/A	
	# Spectators		N/A	
	# Seats		N/A	
	Site locational changes		Eliminating Golf Use	
GOLF	Acreage, including drainage, ROW, easements, etc.	0	358	164, 6/25/02
	External Vehicle Trips	0	24	19, 6/25/02
	D.O. Conditions			
	ADA Representations			
Airports N/A	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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Exhibit B
Page 6 of 26

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	D.O. Conditions			
	ADA representations			
Hospitals N/A	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial N/A	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			
Industrial (cont.)	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

Exhibit B
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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Mining Operations N/A	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office No Change	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Petroleum/Chemical Storage N/A Petroleum/Chemical	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

Exhibit B
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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Storage (cont'd) N/A	Facility Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas) N/A	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Residential	# Dwelling units	2,854	2,892	2,300, 6/25/02
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.	492	437	448, 6/25/02

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
	Site locational changes	In Southern Portion of DRI		
	# External vehicle trips	1,028	1,007	879, 6/25/02
	D.O. Conditions			
Wholesale, Retail, Service No change.	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Hotel/Motel N/A	# Rental Units			
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
	D.O. Conditions			
	ADA representations			
R.V. Park N/A	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	1,059	1,394	1375, 6/25/02
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.)	Acreage	840	801	976, 6/25/02
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

Exhibit B
Page 11 of 26

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
	ADA representations			

Exhibit B
Page 12 of 26

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

RESOLUTION NO. 2013-_____
DEVELOPMENT ORDER NO. 2013-_____

A RESOLUTION AMENDING DEVELOPMENT ORDER NO.94-4 AS AMENDED BY DEVELOPMENT ORDER 02-01, FOR THE WINDING CYPRESS DEVELOPMENT OF REGIONAL IMPACT ("DRI") BY PROVIDING FOR AMENDMENTS TO INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS; TO ELIMINATE THE ACREAGE OF THE GOLF COURSE AND CORRESPONDING NUMBER OF HOLES; TO INCREASE THE AMOUNT OF PRESERVE AREA AND BUFFERS, WATERWAYS, CANALS AND FP&L EASEMENTS, AND TO FURTHER AMEND; THE HISTORICAL/ARCHEOLOGICAL SECTION; THE TRANSPORTATION SECTION; THE VEGTATION AND WILDLIFE/WETLANDS SECTION; AND THE PUD DOCUMENTS SECTION; TO PROVIDE FOR FINDINGS OF FACT; CONCLUSIONS OF LAW; EFFECT OF PREVIOUSLY ISSUED DEVELOPMENT ORDER; TRANSMITTAL TO DEPARTMENT OF ECONOMIC OPPORTUNITY AND EFFECTIVE DATE.

WHEREAS, on September 2, 1998, Barron Collier Company, in accordance with Subsection 380.06(6), Florida Statutes, filed an Application for Development Approval (ADA) of a Development of Regional Impact (DRI) known as Winding Cypress with Collier County and Southwest Florida Regional Planning Council ("SWFRPC"); and

WHEREAS, on December 14, 1999, the Board of County Commissioners, at an open public hearing in accordance with Section 380.06, Florida Statutes, having considered the Application for Development Approval of a Development of Regional Impact submitted by Developer; the report and recommendations of the SWFRPC; the record of the documentary and oral evidence presented to the Collier County Planning Commission; the report and recommendations of the Collier County Staff and Advisory Boards; and the record made at said hearing, issued Resolution No. 99-467 and Development Order 99-4 approving the Winding Cypress DRI; and

WHEREAS, on March 8, 2002, George Varnadoe, on behalf of Barron Collier Company, Ltd. (hereinafter "Developer"), the successor in interest to Barron Collier Company, and the owner and developer of the Winding Cypress DRI, filed a Notice of Proposed Change ("NOPC") requesting that the Board of County Commissioners approve the following changes to the Winding Cypress DRI: an increase in the number of residential units; an increase of 83 acres of preserve area; a reduction in the amount of

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golf course uses by 18 holes, one clubhouse, one maintenance facility and one practice range; a redesign and relocation of approved uses within the Winding Cypress DRI as depicted on the DRI Master Plan marked "H-1" and the amendments to the terms and conditions of the Winding Cypress DRI Development Order as approved below; and

WHEREAS, the Collier County Planning Commission has reviewed the considered the report and recommendations of the Southwest Florida Regional Planning Council (SWFRPC) and held a public hearing on the NOPC on June 10, 2002; and

WHEREAS, on June 25, 2002, the Board of County Commissioners, at an open public hearing in accordance with Section 380.06, Florida Statutes, considered the NOPC and approved the amendments to the Winding Cypress DRI development Order and approved the revised Winding Cypress DRI Master Plan, marked "H-1" by the adoption of Resolution 02-302 and Development Order 02-01.

WHEREAS, on_____, Richard Yovanovich, on behalf of Barron Collier Company, Ltd. (hereinafter "Developer"), the owner and developer of the Winding Cypress DRI, filed a Notice of Proposed Change ("NOPC") requesting that the Board of County Commissioners approve the following changes to the Winding Cypress DRI: an increase in the number of residential units; an increase of ____acres of preserve area; a redesign and relocation of approved uses within the Winding Cypress DRI as depicted on the DRI Master Plan marked "H-1" and the amendments to the terms and conditions of the Winding Cypress DRI Development Order as approved below; and

WHEREAS, the Board of County Commissioners as the governing body of the unincorporated area of Collier County having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval (ADA) for Developments of Regional Impact and Notices of Proposed Change (NOPC) thereto; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and the requirements of the Collier County Zoning Ordinance have been satisfied; and

WHEREAS, the Board of County Commissioners passed Ordinance 2-35 on July 9, 2002 which rezoned the subject property to PUD and the Developer has requested the County to approve amendments to the Winding Cypress PUD to conform with this DRI Development Order; and

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WHEREAS, the issuance of an amended Development Order pursuant to Section 380.06, Florida Statutes, does not constitute a waiver of any powers or rights regarding the issuance of other development permits consistent herewith by the County or State; and

WHEREAS, on _____, the Board of County Commissioners, at an open public hearing in accordance with Section 380.06, Florida Statutes, considered the NOPC and approved the amendments to the Winding Cypress DRI development Order and approved the revised Winding Cypress DRI Master Plan, marked "H-1"attached hereto as Exhibit "C".

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Collier County, Florida that:

SECTION ONE: AMENDMENTS TO DEVELOPMENT ORDER

A. The Findings of Fact Section of Development Order 99-4, as amended by Development Order 02-01the Winding Cypress DRI, is hereby amended to read as follows:

FINDINGS OF FACT

1. The real property which is the subject of the ADA is legally described as set forth in Exhibit "A".

2. The application is consistent with Subsection 380.06(6), Florida Statutes (2013).

3. The Developer submitted to the County an ADA and sufficiency responses, hereby referred to as composite Exhibit "B", which by reference thereto are made a part of hereof to the extent that they are not inconsistent with the terms and conditions of this Order, as amended.

4. The Developer proposes development of the Winding Cypress Development of Regional Impact, as shown on the master Plan attached hereto as Exhibit "C", and consisting of 1,928 acres, which includes:

~~A.~~ A total of ~~2395~~2,854 residential dwelling units, on ~~467~~536 492 acres with a maximum gross density of 1.4.

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B. Village ~~Center~~ Centers consisting of~~10,000~~50,000 square feet of Gross Floor Area (GFA) of

~~Retail use 5,000 square feet GFA of office space, and 15,000 square feet GFA of recreational facilities~~, in addition to a clubhouse;

~~C. Golf Club, 18 holes of golf course, practice range and maintenance facilities on 164 acres;~~

D. ~~235~~ 272 acres of lakes;

E. ~~81~~ 79 acres of right-of-way;

F. 9 acres of recreational lands; and

G. ~~796~~ acres of preserves, and ~~180~~219 acres of miscellaneous buffers, waterways, canal, and FPL easements.

5. The development is consistent with the report and recommendations of the SWFRPC submitted pursuant to Subsection 380.06(12), Florida Statutes.

6. The development will not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

7. A comprehensive review of the impact generated by the development has been conducted by the appropriate County departments and agencies and by the SWFRPC.

8. The development is not in an area designated an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes, as amended.

9. The development is consistent with the current land development regulations and the Growth Management Plan of Collier County, as amended.

10. The development is consistent with the State Comprehensive Plan.

B. Paragraph 2, "Historical/Archeological," of the Conclusions of Law Section of Development Order 99-4 as amended by Development Order 02-01, the Winding Cypress DRI, is hereby amended to read as follows:

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HISTORICAL/ARCHAEOLOGICAL

1. Archaeological sites 8CR786, ~~8CR787, 8CR788, 8CR789, 8CR790,~~ 8CR791, 8CR792, 8CR793, 8CR794, 8CR795 and 8CR796 within the Winding Cypress property shall be preserved in perpetuity and shall be recorded as "Preserve" on all appropriate plats, site plans, and the Master Development Plan for the Winding Cypress DRI.

2. In areas where the sites are located in the vicinity of proposed development, a buffer or conservation easement averaging 25 feet in width, or equivalent protections, such as temporary fencing or other structural barriers, shall be preserved or constructed around the archaeological sites. Exotics removal within these areas shall be by hand labor.

3. The Developer shall cooperate with the Department of State, Division of Historical Resources ("DHR") property credentialed investigators, whenever such access can be reasonably accommodated.

4. If any additional archaeological/historical sites are uncovered during the proposed development activities, all work in the immediate vicinity of such sites shall cease immediately, and the Developer shall contact DHR, SWFRPC, and Collier County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

5. All commitments made by the Developer within the ADA and subsequent sufficiency round information, related to historical and Archaeological Sites are hereby incorporated by reference to the extent they are consistent with Paragraphs 1 – 4 above.

C. Paragraph 5, "transportation" of Development Order 99-4, the Winding Cypress DRI, is hereby amended to read as follows:

TRANSPORTATION

1. The Developer or its successor or assigns shall be fully responsible for site related roadway and intersection improvements required within the Winding Cypress DRI, including project access points on CR 951 and US 41. The following project access points onto CR 951 and US 41 shall be located consistent with the Winding Cypress master Plan, attached hereto as Exhibit "C", and constructed consistent with Collier County and FDOT's permit requirements:

CAO

(a) CR 951 at North Project Entrance

(b) CR 951 at South Project Entrance

(c) US 41 at East Project Entrance

2. The Developer shall provide its proportionate share of the costs of necessary at grade intersection improvements including, but not limited to, right of way, cost of signalization, turn lanes, and other improvements deemed necessary by Collier County to maintain the adopted level of service of the following significantly impacted intersections through DRI project build out in~~2008~~which is December 31, 2020.

(a) US 41 at CR 951/SR 951

(b) CR 951 at SR 84/Davis Blvd.

3. Improvements to the facilities outlined in condition C.2, above, shall be made at the time that the intersection is expected to operate at worse than the level of service standard adopted in the Collier County Comprehensive Plan or shall be programmed for construction within three years of that time. No building permits for Phase 2 of this project shall be issued unless the improvements are: ~~a0~~ a)complete, b) under construction, c) the subject of a clearly identified, executed and recorded local government development agreement consistent with Sec. 163.3220 through 163.3243, F.S., ensuring completion concurrent with the impacts of development; d) the subject of a binding commitment from Collier County, ensuring completion concurrent with the impacts of development; e) the subject of a binding commitment by the County in the current three years of the Capital Improvements Element; or f) the subject of a binding and enforceable commitment by the Developer to provide the improvement concurrent with the impacts of development. Any combination of the above which ensures the improvement to the facility is also acceptable, provided the SWFRPC, Collier County, and DCA agree that the combination meets the intent of the transportation uniform standards rule.

As an alternative to this requirement, the Developer may pay a "proportionate share contribution", calculated consistent with the formula in Paragraph 9J-2.045(1)(h), F.A.C., to Collier County for this improvement. The proportionate share payment shall only be applied to the immediate construction of one or more improvements to regional facilities significantly impacted by the Winding Cypress DRI. A portion or the entirety of the Developer's proportionate share contribution may be provided through the Developer's payment of Collier County road impact fees. No building permits for Phase 2 shall be issued unless the proportionate share payment and a commitment to use the payment for the construction of a needed improvement, in accordance with the options listed in the paragraph above

are received by the County. Any delay or change of the proportionate share payment shall require a reanalysis of the payment amount in a Notice of Proposed Change.

The proportionate share costs of the necessary at-grade improvements as referenced in this condition and condition C.2. have been satisfied by the payment of roads impact fees.

4. To determine the project impact on regional facilities, ~~an~~ ~~annual~~ biennialmonitoring report shall be submitted to Collier County, Florida Department of Transportation, Florida Development of ~~Community Affairs~~ Economic Opportunity, and SWFRPC for review and approval. The first monitoring report shall be submitted one year after the recorded date of the approval of the Development Order for the Winding Cypress DRI. Successive reports shall be submitted ~~annually~~ biennially thereafter until build out of the project.

At a minimum, the report shall contain a summary of construction and development activities to date, in the categories of development as recorded in the Development Order. In addition, the report shall contain p.m. peak hour trip generation estimates and turning improvements at each of the project's access points and the off-site intersections listed in Paragraph 2 above. The report shall also provide a calculation of the existing level of service at the projects access points and the facilities listed in Paragraph 2 above. Finally, an estimate of the level of development expected to be added by the project for the forthcoming year(s) will be provided. The monitoring report shall identify the status of the road improvements assumed to be committed and address any deviations from the identified schedule.

5. The Developer shall promote efficient pedestrian and bicycle movement within and between the development's components, and to adjacent properties as deemed necessary by Collier County.

6. The Developer shall promote transit service through the inclusion of bus stops or other appropriate transit access points in site design, consistent with Collier County transit plans.

7. The Developer may select one or more of the options listed in Paragraph 3 above to the extent that options provide adequate commitments for improvements indicated above to significantly impacted regional roadways and intersections. Whatever options are exercised, however, shall be done with the understanding that the following conditions shall be met:

(a) The ~~annual~~ biennialmonitoring reports lead to the conclusion that one or more of the regional intersections are operating at worse than the adopted level of service and the project is

contributing more that 5% of the adopted level of service capacity, the further building permits and certificates of occupancy shall not be granted until the standards of the County's Concurrency Management System have been met.

(b) The transportation impact to the intersections identified in Paragraph 2 above, shall be appropriately addressed consistent with the County's Concurrency management Ordinance and any Local Government Development Agreement or commitment by the Developer and/or the local government to insure concurrency on all significantly impacted regional roads and intersections.

D. Paragraph 6, "Vegetation and Wildlife/Wetlands" of Development Order 99-4, the Winding Cypress DRI, is hereby amended to read as follows:

However, Chapter 163, F.A. has been amended to remove transportation concurrency. If transportation concurrency is removed from the Collier County Growth Management Plan or the County's Land Development Code, the developer would no longer be subject to these conditions.

VEGETATION AND WILDLIFE/WETLANDS

1. The need for wildlife crossings and fencing designs for roadways crossings of the preserve areas shall be reviewed in coordination with the Florida Fish and Wildlife Conservation Commission ("FFWC") as part of the ERP permit process.

2. Review of State listed species and habitat impacts/mitigation shall be addressed in coordination with FFWCC during the ERP permit process based on specific site plan details. At a minimum, the draft Preserve Area Wildlife/Habitat Management Plan submitted on June 13, 1999, shall be implemented for the preserve area.

3. A minimum of ~~776~~_____ acres of wetland and upland enhancement preserve area shall remain in conservation areas post development; a conservation easement shall be ~~place dover~~placed over all conservation areas.

4. Native landscaping shall be used to the greatest extent practical. The Project will meet the criteria of Section 2.4.4.1. of the Collier County Land Development Code which requires 75% of the required trees and 50% of the required shrubs to be native plants.

CAO

5. Impacts to any gopher tortoise burrows shall be handled through the FFWCC ~~Take and/or~~ Relocation Permit process.

6. Upland and/or appropriate structural buffers will be provided per the SFWMD Basis of Review.

E. Paragraph 11, "PUD Document," of Development Order 99-4 as amended by Development Order 02-01, the Winding Cypress DRI, is hereby amended to read as follows:

PUD DOCUMENT

There is a PUD document (Ordinance ~~02-35~~ 13-___) approved by the Collier County Board of County Commissioners on ~~June 25, 2002~~ ____, 2013, which also governs the Winding Cypress DRI. The Developer acknowledges that the conditions and commitments of the PUD Document also govern the development and use of property within Winding Cypress, even though the PUD Document (Ordinance ~~02-35~~ 2013-____), is specifically not made a part of this Development Order.

SECTION TWO: FINDINGS OF FACT

A. The real property which is the subject of this Development Order, including the Winding Cypress Addition, is legal described as set forth in Exhibit "A", attached hereto and by reference made apart hereof.

B. The application is in accordance with Section 380.06(19), Florida Statutes.

C. The applicant submitted to the County a Notice of Change to a Previously Approved DRI, marked as Exhibit "B", and be reference made a part hereof.

D. The applicant's predecessor in interest proposed the development of Winding Cypress on 1928 acres of land for a mixed-use development consisting of residential, commercial and golf club uses as described in Development Order 99-4.

E. A comprehensive review of the impact generated by the proposed changes to the previously approved development has been conducted by the County's departments and the SWFRPC.

CAO

F. The Development Order shall remain in effect until December 31, 2025.

SECTION THREE: CONCLUSIONS OF LAW

A. The proposed changes to the previously approved Development Order as presented does constitute a substantial deviation pursuant to Section 380.06(1), Florida Statutes. The scope of the development to be permitted pursuant to this Development Order Amendment includes operations described in the Notice of Change to a Previously Approved DRI, Exhibit "B", by reference made a part hereof.

B. The proposed changes to the previously approved development are consistent with the report and recommendations of the SWFRPC.

C. The proposed changes to the previously approved development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. The proposed changes to the previously approved Development Order are consistent with the Collier County Growth Management Plan, as amended, and the Land Development Regulations adopted pursuant thereto.

E. The proposed changes to the previously approved Development Order are consistent with the State Comprehensive Plan.

SECTION FOUR: EFFECT OF PREVIOUSLY ISSUED DEVELOPMENT ORDER, TRANSMITTAL TO DCA AND EFFECTIVE DATE

A. Except as amended hereby, Development Order 99-4 as amended by Development Order 02-01, shall remain in full force and effect, binding in accordance with its terms on all parties thereto.

B. Copies of this Development Order ~~06~~13-____ shall be transmitted immediately upon execution to the ~~Department of Community Affairs, Bureau of Local~~

CAO

~~Planning~~Department of Economic Opportunity, and the Southwest Florida Regional Planning Council.

C. This Development Order shall take effect as provided by law.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote.

Done this_____day of 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

_____

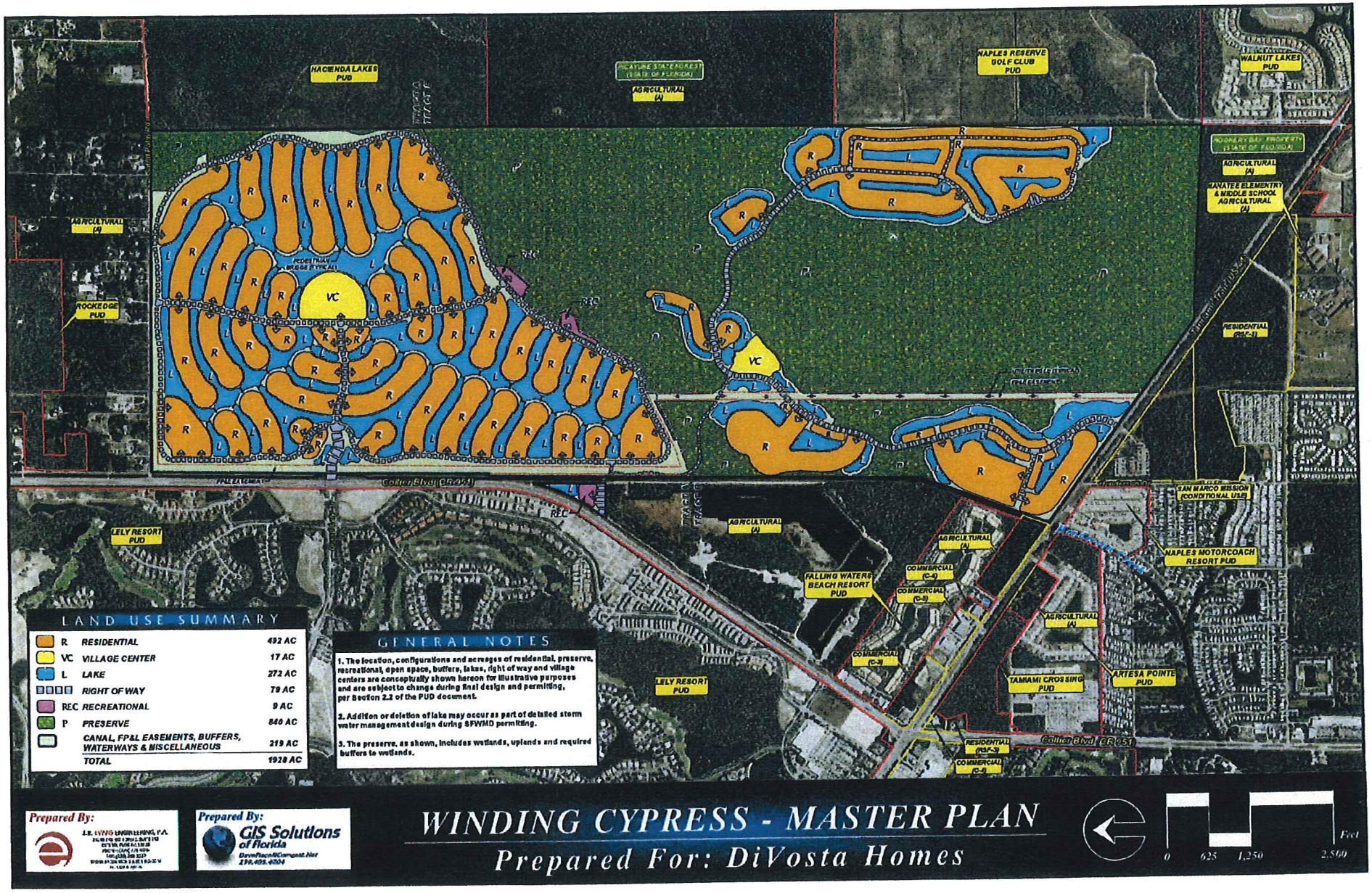
Approved as to form and legal sufficiency:

_____
Assistant County Attorney

BOARD OF COUNTY COMMISSIOMERS
COLLIER COUNTY, FLORIDA

By:_____
CHAIRMAN

CAO


HACIENDA LAKES PUD
AGRICULTURAL (A)
NAPLES RESERVE GOLF CLUB PUD
WALNUT LAKES PUD
AGRICULTURAL (A)
MANATEE ELEMENTRY & MIDDLE SCHOOL AGRICULTURAL (A)
AGRICULTURAL (A)
ROCKEDGE PUD
VC
VC
RESIDENTIAL (RSF-3)
Collier Blvd (CR 951)
SAN MARCO MISSION (CONDITIONAL USE)
LELY RESORT PUD
AGRICULTURAL (A)
AGRICULTURAL (A)
COMMERCIAL (C-4)
COMMERCIAL (C-5)
FALLING WATERS BEACH RESORT PUD
NAPLES MOTORCOACH RESORT PUD
AGRICULTURAL (A)
COMMERCIAL (C-3)
TAMIAMI CROSSING PUD
ARTESA POINTE PUD
LELY RESORT PUD
RESIDENTIAL (RSF-3)
COMMERCIAL (C-4)
Collier Blvd (CR 951)
LAND USE SUMMARY
R RESIDENTIAL 492 AC
VC VILLAGE CENTER 17 AC
L LAKE 272 AC
RIGHT OF WAY 79 AC
REC RECREATIONAL 9 AC
P PRESERVE 840 AC
CANAL, FP&L EASEMENTS, BUFFERS, WATERWAYS & MISCELLANEOUS 219 AC
TOTAL 1928 AC
GENERAL NOTES
1. The location, configurations and acreages of residential, preserve, recreational, open space, buffers, lakes, right of way and village centers are conceptually shown hereon for illustrative purposes and are subject to change during final design and permitting, per Section 2.2 of the PUD document.
2. Addition or deletion of lake may occur as part of detailed storm water management design during SFWMD permitting.
3. The preserve, as shown, includes wetlands, uplands and required buffers to wetlands.
Prepared By:
Prepared By:
GIS Solutions of Florida
WINDING CYPRESS - MASTER PLAN
Prepared For: DiVosta Homes
0 625 1,250 2,500 Feet

CAO

WilsonMiller
New Directions In Planning, Design & Engineering

Description of Part of Sections 26, 34 and 35 of
Township 50 South, Range 26 East,
and Sections 2 and 3 of
Township 51 South, Range 26 East
Collier County, Florida.
(PARCELS "A" and "B")

All of Section 26, Township 50 South, Range 26 East, Collier County, Florida; less and except the north 30.00 feet (for road right-of-way) and the west 100 feet (for canal right-of-way) therefrom;
AND ALSO All of Section 35, Township 50 South, Range 26 East, Collier County, Florida, less and except the west 60.00 feet (for canal right-of-way);
AND ALSO Part of Section 34, Township 50 South, Range 26 East, Collier County, Florida;
AND ALSO Part of Section 2 Township 51 South, Range 26 East, Collier County, Florida;
AND ALSO Part of Section 3, Township 51 South, Range 26 East, Collier County, Florida;
Being more particularly describes as follows:
PARCEL "A":
BEGINNING at the Southeast corner of Section 2, Township 51 South, Range 26 East, Collier County, Florida;
thence along the south line of said Section 2 North 87°02'48" West 2717.79 feet to the South Quarter Corner of said Section 2;
thence continuing along said line North 89°27'31" West 233.96 feet;
thence leaving said line North 54°21'26" West 3802.70 feet along the northeast right-of-way line of U.S. 41 (Tamiami Trail);
thence North 20°14'55" East 2036.85 feet;
thence North 69°45'05" West 45.00 feet;
thence South 89°15'14" East 60.00 feet to a point on a line lying 60 feet east of and parallel to the West Line of said Section 2;
thence along said line thence North 00°44'46" East 1350.52 feet to a point on the North Line of Section 2, said point on a line lying 60 feet east of the west line of said Section 35;
thence along said line North 00°50'06" East 2614.26 feet;
thence continuing along said line North 00°52'55" East 2619.36 feet to a point on the North Line of said Section 35;
thence along said line South 89°33'56" East 40.00 to a point on a line lying 100 feet east of and parallel to the west line of Section 26;
thence along said line North 00°50'24" East 2633.11;
thence continuing along said line North 00°50'18" East 2604.58 feet to a point on the Southerly Right of Way line of Sabal Palm Road, said line being 30.00' south of the north line of said Section 26;
thence along said Right of Way line South 89°37'03" East 2541.99 feet;
thence continuing along said line South 89°37'26" East 2642.08 feet to a point on the East line of said Section 26;
thence along the East Line of said Section 26 South 00°14'00" East 2606.72 feet to the East Quarter Corner of said Section 26;
thence continuing along said line South 00°14'36" East 2636.75 feet to the Southeast Corner of said Section 26;
thence along the East Line of said Section 35 South 00°24'57" West 2638.06 feet to the East Quarter Corner of said Section 35;
thence continuing along said line South 00°23'29" West 2637.20 feet to the Southeast Corner of said Section 35;
thence along the East Line of said Section 2 South 00°40'26" West 2801.59 feet to the East Quarter Corner of said Section 2;
thence continuing along said line South 00°40'46" West 2750.15 to the Southeast Corner of said Section 2 and the POINT OF BEGINNING of the parcel herein described (PARCEL "A");
Parcel Contains 1922.2 acres more or less.
Subject to easements, restrictions and reservations of record.
Bearings are based on the east half of the south line of Section 2 being North 87°02'48" West.

Naples Fort Myers Sarasota Tampa Tallahassee Panama City Beach
3200 Bailey Lane, Suite 200 Naples, Florida 34105 941-649-4040 941-643-5716
www.wilsonmiller.com
WilsonMiller, Inc. — FL Lic.# LC-C000170

WilsonMiller

New Directions In Planning, Design & Engineering

Description of Part of Sections 26, 34 and 35 of
Township 50 South, Range 26 East, and Sections 2 and 3 of
Township 51 South, Range 26 East Collier County, Florida.
(PARCELS "A" and "B") Continued;

ALSO INCLUDING THE FOLLOWING:

PARCEL "B":

COMMENCING at the Southwest Corner of said Section 26;
thence along the West Line of said Section 35 South 00°52'55" West 674.12 feet;
thence leaving said line North 89°07'05" West 40.00 feet to a point on a line 40 feet west of the West Line of Section 35 and the POINT OF BEGINNING of the parcel herein described (PARCEL 'B");
thence along said line South 00°52'55" West 1110.23 feet;
thence leaving said line North 89°07'05" West 539.68 feet;
thence North 35°39'05" East 175.97 feet;
thence northeasterly 1066.66 feet along the arc of a tangential circular curve concave to the northwest having a radius of 2964.93 feet through a central angle of 20°36'46" subtended by a chord which bears North 25°20'42" East 1060.92 feet to the POINT OF BEGINNING of the parcel herein described (PARCEL "B").
Parcel Contains 5.7 acres more or less.
Subject to easements, restrictions and reservations of record.
Bearings are based on the east half of the south line of Section 2 being North 87°02'48" West

Total parcel (including Parcels "A" and "B") contains 1927.9 acres more or less.

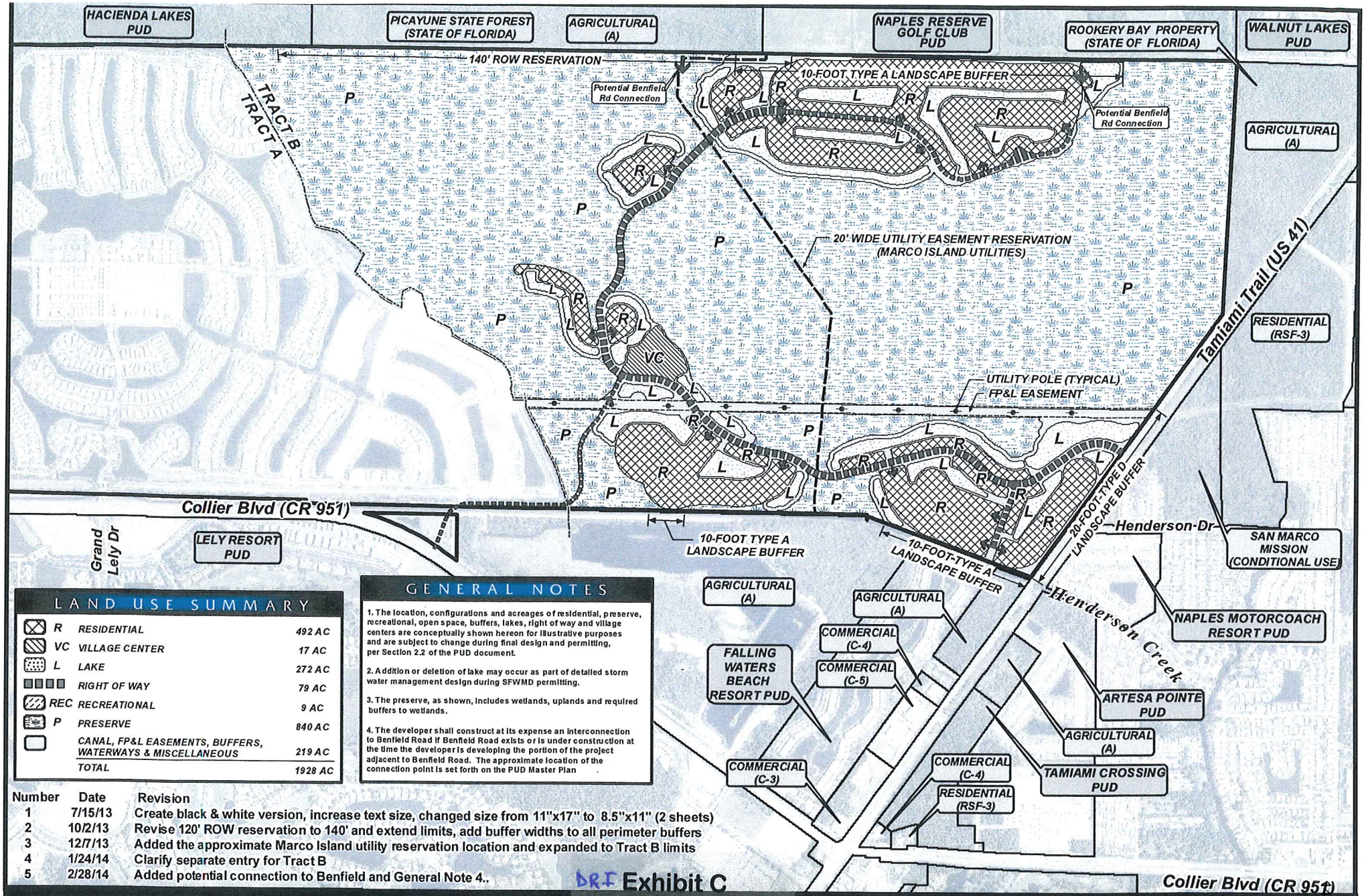
WILSONMILLER, INC.
Registered Engineers and Land Surveyors
Certificate of authorization #LB-43.

By: _____
Marcus L. Berman, P.S.M. #5086

Not Valid unless embossed with the Professional's seal.

Ref. 4E-50
W.O.: N0506-000-000-MABS1
Date: October 15, 1999
Revised : January 13, 2000

CAO



LAND USE SUMMARY

R	RESIDENTIAL	492 AC
VC	VILLAGE CENTER	17 AC
L	LAKE	272 AC
	RIGHT OF WAY	79 AC
REC	RECREATIONAL	9 AC
P	PRESERVE	840 AC
	CANAL, FP&L EASEMENTS, BUFFERS, WATERWAYS & MISCELLANEOUS	219 AC
	TOTAL	1928 AC

GENERAL NOTES

1. The location, configurations and acreages of residential, preserve, recreational, open space, buffers, lakes, right of way and village centers are conceptually shown hereon for illustrative purposes and are subject to change during final design and permitting, per Section 2.2 of the PUD document.

2. Addition or deletion of lake may occur as part of detailed storm water management design during SFWMD permitting.

3. The preserve, as shown, includes wetlands, uplands and required buffers to wetlands.

4. The developer shall construct at its expense an interconnection to Benfield Road if Benfield Road exists or is under construction at the time the developer is developing the portion of the project adjacent to Benfield Road. The approximate location of the connection point is set forth on the PUD Master Plan

Number	Date	Revision
1	7/15/13	Create black & white version, increase text size, changed size from 11"x17" to 8.5"x11" (2 sheets)
2	10/2/13	Revise 120' ROW reservation to 140' and extend limits, add buffer widths to all perimeter buffers
3	12/7/13	Added the approximate Marco Island utility reservation location and expanded to Tract B limits
4	1/24/14	Clarify separate entry for Tract B
5	2/28/14	Added potential connection to Benfield and General Note 4..

DRI Exhibit C

Prepared By:
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ESTERO, FLORIDA 33928
PHONE: (239) 768-4056
FAX: (239) 288 2537
WWW.JREVANSENGINEERING.COM
FLORIDA #7975
GIS Solutions
daveplace@comcast.net

WINDING CYPRESS, TRACT B EXHIBIT "A" MASTER PLAN

Prepared For: DiVosta Homes

0 750 1,500 Feet

Agenda Item

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Regional Issues

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Agenda Item

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Florida Energy Resiliency Presentation

11a

EXECUTIVE SUMMARY

The Florida Energy Resiliency Report is the first of its kind developed by the Florida's eleven Regional Planning Councils (RPCs) in their capacity as Economic Development Districts (EDDs). This effort began developing an Energy Resiliency Report in November 2011. This effort was a result of the BP Deepwater Horizon oil spill that led to the discharge of an estimated 206 million gallons of oil into the Gulf of Mexico. The statewide Energy Resiliency Study is about creating a more diverse energy supply and the actions that we take in advance or before an energy event to reduce or minimize the impact of an interruption to the energy supply.

TIMEFRAME

The expansive timeframe of the Energy Resiliency Report allowed the RPCs to thoroughly analyze Florida's robust energy needs and concerns. Over 3,000 survey results helped create discussions to craft strategies and future scenarios at 9 statewide workshops. Twenty-one Case Studies were analyzed to identify early adopters and programs for new energy resiliency solutions. Confabs and discussions between the RPCs helped develop 27 strategies to help Florida become more energy resilient.

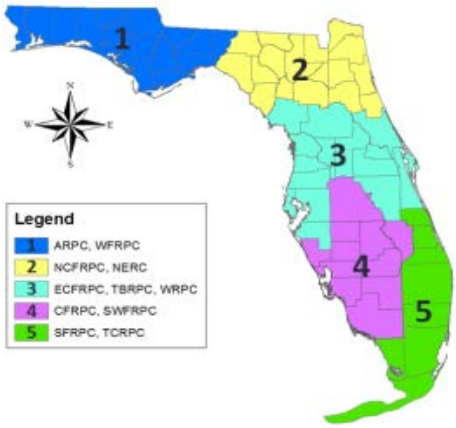
WORKSHOPS

As part of the Energy Resiliency Study, energy workshops were held to determine each Energy Planning Area's strengths, weaknesses, opportunities, and threats, as well as general happenings in each EPA related to energy. These findings also included relative strengths of each area with respect to renewable and alternative energy technologies.

SURVEYS

Phone and internet surveys were conducted to understand the residential and business price elasticity, temperament towards energy policies, and potential energy-related investments. The surveys interviewed both businesses and residents, which overall indicated that over 50% of Floridians were willing to invest in energy efficiency. Additional guidance was provided by stakeholders from each of five "Energy Planning Areas".

ENERGY PLANNING AREAS



In order to address the uniqueness of Florida's regions, we divided up the state into 5 Energy Planning Areas. The EPA's were divided to align with more appropriate energy resources.

The Panhandle EPA has great wind potential along the i10 corridor and portions of it are in Plant Hardiness Zone 8 which allows for additional trees and biomass vegetation.

The South Florida EPA has access to the gulfstream, a number of islands, and Plant Hardiness Zone 10 which allows for additional trees and biomass vegetation.

The Southwest and Central Florida EPA have access to the gulf, lakes, and available land in their RACEC.

The Tampa Bay/Orlando EPA has access to the I4 Corridor, containing UF, UCF, USF, NASA, Florida Solar Energy Center, etc.

In order to address the uniqueness of Florida's regions, for purposes of this study the state is divided into five Energy Planning Areas (EPAs), which are comprised of partnerships among the eleven regional planning councils.

www.florida-energy.org

EXECUTIVE SUMMARY

SCENARIO MODELING

Scenario modeling was performed by the regional planning councils to determine the impacts of hypothetical energy or resiliency situations. A dozen hypothetical scenarios were modeled and analyzed using REMI to determine what would happen if the scenario came to fruition. The benefits of the scenarios are of interest to decision makers and Floridians in general. Overall, these scenarios were analyzed with the following results:

Natural Gas Disruption:

This fuel has become increasingly important in Florida, and currently is plentiful and inexpensive. Analysis shows however that a mere six month disruption or period of significant price increase could cause the state to lose $4.2B in Gross Domestic Product in that short timeframe.

Gas Price Increase:

Florida is very dependent on gasoline. Increase prices by 50%-175% for five years and the State loses $28B-$82B in Gross Domestic Product.

Renewable Portfolio Standards:

Increase the percentage of renewable fuel sources used in Florida from the current 1% to 10% in five years, and $6B is added to Gross Domestic Product.

Private Energy Market:

An increase in solar installations that added 1% to construction sales and reduced electric costs by .05% each year has only a minimal impact on Gross Domestic Product.

Electric Vehicles:

If 1% of all new vehicles sold in Florida in 2030 were electric, $27M would be added to Gross Domestic Product.

STRATEGY DEVELOPMENT

Strategy development and Implementation steps were the final steps in the strategy. Over 27 strategies were created to address the issue of energy resiliency in Florida. Once implemented, this preparation will counter concerns related to Florida's energy vulnerability.

The top five strategies were ranked by ease of implementation, as shown below. All these strategies were deemed to be easy or moderate to carry out, and could be implemented by different stakeholders through facilitation by Regional Planning Councils. The majority of these strategies also have a strong outreach and educational component, and some might require changes to local policies and ordinances.

	STRATEGY
1	Provide comprehensive education on the goals, costs and benefits, obstacles, and quality of life implications related to energy efficient community design and planning.
2	Adopt a broad-based program to promote efficiency and conservation using all available tools, and market a consistent message of energy efficiency and conservation through comprehensive planning and school district curricula.
3	Continue to conduct public opinion polling and economic modeling to support the adoption of renewable energy goals by the state and its public and private partners.
4	Encourage innovative energy project development through collaboration of universities, entrepreneurs, and regional expertise.
5	Develop and encourage Property Assessed Clean Energy (PACE) and other locally established financing programs for energy efficiency, energy conservation, and energy generation improvement programs and make available to all sectors

Agenda Item

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SWFRPC Committee Reports

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Agenda Item

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Budget & Finance Committee

12a

12a

SWFRPC BUDGET & FINANCE COMMITTEE MEETING
MARCH 20, 2014

The SWFRPC's Budget & Finance Committee held a meeting on March 20, 2014, at the offices of the Southwest Florida Regional Planning Council. The following members and staff were in attendance:

Committee Members

Councilman Forrest Banks, City of Fort Myers
Councilman Kit McKeon, City of Venice (Chair)

Staff

Ms. Margaret Wuerstle, Executive Director
Ms. Nancy Doyle, SWFRPC Administrative Services Coordinator
Ms. Nichole Gwinnett, Administrative Specialist II
Wally Cordell, CPA, Accountant for the Council

Call to Order – Councilman Kit McKeon (Chair)

Chair McKeon called the meeting to order at 11:40 AM.

Refinancing Options for the SWFRPC Building

Ms. Wuerstle explained that she didn't want to wait until the Council was six months out from the end of the current note, June 2016, on the building. Chair McKeon said that he remembered the Council's previous discussions last year where they said that they would rather try to refinance the building due to the low interest rates. Mr. Wuerstle explained that if the Council was to refinance today there would be a penalty of $106,000. She noted the Council's Auditor, Mr. Jeff Tuscan, will be giving staff a few names of other potential funding resources for the building. She explained that she would like a couple of proposals because her concern was that Bank of America didn't want to write commercial loans for less than $2 million and the Council owes approximately $1 million. The other concern is that they didn't want any terms over 10 years and would prefer a loan for only 8 years.

Ms. Wuerstle said that her biggest concern with the length of the term is whether or not the building has held its value. She explained that when the building was listed previously an offer came in at $700,000 and since the Council owes $1 million she had to turn down the offer; otherwise the counties would be responsible for the difference. She said that staff will continue to look at other options and will be bringing back the information to the committee. Ms. Doyle is running the amortization schedules for the current proposal in order to see if it would be worth the effort. She said that she is concerned that if she waits to re-finance at the end of the loan that she wouldn't be able to get a loan.

Chair McKeon asked if it would be beneficial to sell the building if someone was willing to pay $1 million. Ms. Wuerstle noted that it costs the Council approximately $128,000 annually for the building. She is unsure if the Council would be able to rent adequate space for the same price. She also has to consider

the costs involved in relocating, rent, etc. She said that if we were unable to rent out some of the space within the building, then it probably would be better to sell the building.

Ms. Doyle noted that what Bank of America had offered was a 10 year loan with an interest rate of 4.03%, which would equal a monthly payment of $11,238 with a loan amount of $1.3 million. However, it just wouldn't work for the Council. Also at the end of the note, the monthly payment would be $8,392.90 at 4.3% without a penalty. We are hoping for a good rate with an extended period of time.

FY2015 Annual Budget

Ms. Wuerstle noted that the Council's budget needs to be adopted by August 15 for the fiscal year beginning on October 1. Generally the Council doesn't hold a meeting in July, and then the budget needs to be prepared for the June meeting or have the Council move their August meeting up in order to meet the August 15 deadline. She explained that staff is currently working on the budget since Ms. Doyle will be going out on medical leave from the end of April and returning the beginning of June. She noted that staff does have a preliminary budget and she is aiming to have it presented at the Council's June meeting.

Ms. Wuerstle announced that the CHNEP is going to be going out with an RFI for a new host. Ms. Doyle stated that the CHNEP's budget is approximately the same amount as the Council's. Ms. Wuerstle stated that having the CHNEP leave the Council could be an issue because they pay an indirect rate to the Council through their grants. She explained that the indirect goes towards the electric, utilities and IT support. There is an indirect rate that is charged against the CHNEP hourly rate. Currently, the indirect rate is at 65% and it had substantially decreased over the last two years from 88%.

Ms. Wuerstle explained that the CHNEP said that they would like the indirect rate reduced down to 30% within a year, but she doesn't see that being a possibility. The CHNEP is looking for the Council to give them some breaks because their budget is very tight. However, it was found that the Council had been subsidizing the CHNEP with the Council's local funds annually ranging between $20-50,000. She noted that the CHNEP currently owes the Council $40,000 and she knows that the CHNEP doesn't have the funds to pay it. She made an offer to the CHNEP where instead of paying the $40,000 she would be willing to have the CHNEP staff work on RPC projects in order to pay the $40,000. She said that the problem is that she doesn't know what is going on because the CHNEP hasn't responded back to her. Staff has asked for budget numbers from them in order to put together the Council's budget and understand where or if there are any gaps.

Councilman Banks said that he doesn't want to see the Council forgive the $40,000. Ms. Wuerstle said that she wasn't going to forgive the $40,000; she would rather have them pay back the $40,000 through their staff time, because it would be just as valuable to her. Councilman Banks said he felt that the CHNEP thought that the $40,000 would be excused. Ms. Wuerstle said that she will not excuse the $40,000 and she had just turned the Lee County MPO's debt over to a credit agency because they didn't pay what was owed to the Council when they left.

Discussion ensued.

Ms. Wuerstle stated that she would be able to close the Council's FY2014/15 budget without the CHNEP. She said she would like to tell the CHNEP that they need to make up their mind. If they are going out for an RFI and will be leaving the Council, then they will need to be out by October 1st or she would need a

one year commitment from them. She said that she didn't want them to end up pulling out of the Council in mid-year and then not being able to close the Council's budget.

Ms. Doyle explained that the Council had been paying for the CHNEP's benefits and all the Council would need is to be awarded a $50,000 grant in order to cover the difference. Ms. Wuerstle said that she didn't want to approach the CHNEP with those options until she has the support from both this committee and also the Executive Committee.

Chair McKeon asked if the CHNEP reports to a board. Ms. Wuerstle said yes, it is their Policy Board. Ms. Doyle explained the CHNEP had supplied her with their work plan which contains their FY15 budget. However, it has carry over funds from FY13 and FY14 budgets, so in order for her to be able to create a "total" budget is almost impossible. She said that she needs to know their expense items, such as office supplies, computer related, etc. and all she gets for an answer is that it is listed under "other" in the work plan. This causes her to have a programmatic budget versus actual at the end of the year.

Discussion ensued.

Ms. Wuerstle explained that she has discovered issues with the NEP's 501(c) 3 entity where an CHNEP staff member was taking in money, writing checks and being the director of the 501(c) 3. She said that it needed to be cleaner, so she separated those functions so that the Council's staff members are not signing checks. The money comes in and goes through the regular process that any check does and purchase orders are now issued for their projects. She said that she can't have the CHNEP writing checks and then reimbursing themselves, because those things could lead to very severe problems if they are not monitored.

Ms. Wuerstle said the other issue is from day one there has been a "no work from home" policy. Until there is a culture of discipline within the office, she is not even going to look at that incentive. There may have been one or two times where she had agreed to have staff work from home, but it is not going to be opened up at this time because it is too hard to control. She said when she came on board she felt the staff was out of control.

Councilman Banks said that if the Council can get along without the CHNEP then that is a strong point. He said that as long as the budget can be balanced without the CHNEP, let's move forward. Ms. Wuerstle said that she will speak with Dr. Beever and explain that they have until October 1, 2014 or they will need to sign an agreement to extend their stay until October 1, 2015.

Chair McKeon asked what would be the ramifications if the CHNEP leaves the Council. Ms. Wuerstle explained that the CHNEP's grants go through the Council because the CHNEP is not its own separate entity; it is a program of the Council. The Council is the fiscal agent for the CHNEP and she believes that since the grants for the NEP are in the Council's name that they would stay with the Council. She said that she will give the CHNEP the option of contracting with the Council or the Council will go with another entity. However, the CHNEP may contact the funding agencies and have the funds pulled from the Council and given to them, but it will be difficult for them to do that.

Chair McKeon said that the CHNEP should go by the Council's rules and policies as long as they are part of the Council. Ms. Wuerstle said that she doesn't want to see the CHNEP leave because she really likes the program.

Other Business

Ms. Wuerstle explained that Ms. Doyle has begun working on the budget amendments since the audit had closed with a $165,000 surplus. She noted that of the $165,000, $83,000 had already been approved for the current budget. The remaining amount needs to be allocated and also there were some additional grants that were awarded since the budget was adopted which needs to be included within the budget amendment. She explained that she had asked the Executive Committee during her contract discussion if a portion of the $80,000 be used to give staff a merit increase. Staff hasn't had a merit increase for five or six years. Originally, the $21,000 included the CHNEP staff, but since they will be leaving they won't be receiving the merit increases, so the total would be lower. She is requesting that the $21,000 be added to the salaries for the merit increase and also include $10,000 for travel and training.

Ms. Doyle reviewed the distributed handout of the proposed budget amendments and explained that the Council's additional revenue ($110,000 to $150,000) came from grants and contracts, in addition to the $165,000 from the closing of the audit. Ms. Wuerstle stated that the remaining $50,000 from the carry-over would go into the Council's reserves.

Councilman Banks said that he agrees with Ms. Wuerstle's proposal and also agreed that if the CHNEP is leaving that their staff does not receive the merit increases.

Chair McKeon asked Ms. Wuerstle if she had any discussion regarding her proposal with the Executive Committee. Ms. Wuerstle explained that she had met with each member of the Executive Committee on a one-on-one basis. They are aware that the CHNEP is going out for an RFI for a new host and they were also made aware of her proposal for the budget allocations.

Set Next Meeting Date and Time

The next meeting was scheduled to be held on Thursday, April 17 at 8:30 AM.

Adjournment

The meeting concluded at 12:15 PM.

Minutes taken and drafted by Administrative Specialist II, Nichole Gwinnett

Reviewed by Margaret Wuerstle on April 4, 2014

Agenda Item

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Economic Development Committee

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Agenda Item

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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: April 7, 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

We are past the halfway point of the 2014 Legislative Session. The Senate meeting schedule can be found here; the House meeting schedule can be found here. The 2014 session convened on March 4 and is scheduled to end on May 2.

FY 2014-2015 STATE BUDGET

The budgets are available at the Florida Fiscal Portal:
http://floridafiscalportal.state.fl.us/Documents.aspx?FY=2015&AGY=9999&EXID=162&DisplayAgy=N

Both the Senate and House have released preliminary budgets, and the two chambers' budgets are closer than they have been in recent years, in part because there is a $1.2 billion projected surplus. The House proposed a $75.3 billion budget plan, the Senate proposed a $74.9 billion plan; the House budget, HB 5001, was approved 100-16,

and the Senate budget, SB 2500, was approved 38-2. The differences will be worked out in the remaining weeks of the session.

On April 3, Senate President Don Gaetz announced the senators selected for the Appropriations Conference Committee on General Government, which includes environmental appropriations; the committee members are Alan Hays as chairman, and senators Jeff Brandes, Oscar Braynon, Charlie Dean, Wilton Simpson, Darren Soto and Kelli Stargel.

Regional Planning Councils

The House budget includes $2,500,000 for regional planning councils; however, there is no placeholder in the Senate budget for regional planning councils. The reference in PCB APC 14-09, the House budget bill:

> 2226A SPECIAL CATEGORIES
>
> GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
>
> FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,500,000
>
> Funds in Specific Appropriation 2226A are provided to the Regional Planning Councils, 70 percent of which must be divided equally among the councils, and 30 percent of which must be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

LEGISLATIVE CALENDAR

- March 4, 2014: Regular Session Convenes
- 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 on Council's 2014 Legislative Agenda[1]:

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. 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.

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: The Homeowner Flood Insurance Affordability Act was signed into law by President Obama on March 21, 2014; FEMA issued a Congressional advisory on the Act on April 3, which is included in this document in the Legislative News & Supplemental Materials section.

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.

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

[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.

the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

Update: 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.

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. Over the past month, numerous groups have advocated for the SWFREC funding request in Tallahassee, including the Florida Cattlemen's Association, the Farm Bureau, and FFVA members. In the preliminary legislative budgets, there was a placeholder in the Senate budget for the SWFREC, but not in the House budget. The Southwest Florida Agricultural community will continue to seek approval of the SWFREC appropriation as the session progresses.

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.

Policy Updates

Water Policy

SB 1576. Springs and Aquifer Protection Act

On 3/31/14, the Senate Committee on Agriculture approved SB 1576, the Springs and Aquifer Protection Act. The latest version of the bill includes many important protections for 38 Outstanding Florida Springs. As the bill currently reads it shows the result of more than six months of collaborative work by environmental groups and other stakeholders under the guidance and leadership of Senators Dean, Simmons, Simpson, Montford, and Hays.

While optimistic that this bill will see final passage in the Senate, the fight for our springs and water is far from over. The House companion, HB 1313,by Representatives Brodeur, Stewart and Clovis Watson has not been heard in any committees in the Florida House of Representatives.

ENVIRONMENTAL APPROPRIATIONS

GOVERNOR SCOTT'S FY 2014-2015 POLICY & BUDGET RECOMMENDATIONS

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
Drinking Water/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.

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 10/7/13; Introduced 3/4/14

HB 71: FRACTURING CHEMICAL USAGE DISCLOSURE ACT (RODRIGUES)

(Similar - HB 157, Rodrigues)

Official description: Fracturing Chemical Usage Disclosure Act; Creates "Fracturing Chemical Usage Disclosure Act"; directs DEP to designate or establish online hydraulic fracturing chemical registry; requires service providers, vendors, & owners or operators of wells on which hydraulic fracturing treatments are performed to disclose certain information; provides exceptions; authorizes DEP to adopt rules.

Analysis: Hydraulic fracturing is the use of fluid and material to create fractures in a formation to stimulate production from new and existing oil and gas wells. The composition of hydraulic fracturing fluid varies with the

nature of the formation, but typically contains mostly water, a proppant that keeps the fractures open such as sand, and a small percentage of chemical additives. The number of chemical additives used in a typical hydraulic fracture treatment varies depending on the conditions of the specific well.

Currently, there is no federal law or regulation that requires the disclosure of the chemicals added to the fluid used in hydraulic fracturing. Of the states that produce oil, natural gas, or both, at least 15 require some disclosure of information about the chemicals added to the hydraulic fracturing fluid used to stimulate a particular well. Currently in Florida, there is no hydraulic fracturing taking place; however, fracturing is not prohibited under Florida law.

The bill establishes the "Fracturing Chemical Usage Disclosure Act" (Act). The bill directs the Department of Environmental Protection (DEP) to designate or establish an online hydraulic fracturing chemical registry for all wells on which hydraulic fracturing treatments are performed. DEP may designate the Chemical Disclosure Registry, known as FracFocus.org, as the state's official registry. If DEP designates FracFocus.org as the state's official registry, DEP must provide a link to the FracFocus.org website on the department's website. Any registry established by DEP pursuant to the Act must include, at a minimum, the total volume of water used in the hydraulic fracturing treatment and specific chemical ingredients for each well on which hydraulic fracturing treatments are performed, by a service provider or vendor, or by the well owner or operator if the owner or operator provides such chemical ingredients. Solely for the purpose of this Act, DEP may not require chemical ingredients to be identified by concentration or based on the additive in which they are found. If the chemical disclosure registry is unable to accept and make publicly available any information, the service provider, vendor, or well owner or operator must submit the information to DEP.

The bill also specifies that the service provider, vendor, or owner or operator of a well on which hydraulic fracturing treatment is performed must report information within 60 days after the initiation of hydraulic fracturing operations for each well on which hydraulic fracturing treatment is performed; must update the Chemical Disclosure Registry; and must notify DEP of any chemical ingredients not previously reported that are intentionally included and used for the purpose of hydraulically fracturing a well.

The reporting and disclosure requirements in the bill do not apply to certain ingredients that were not purposefully added or occur incidentally.

The bill authorizes DEP to adopt rules to administer the registry.

The bill appears to have a minimal fiscal impact on DEP for establishing a registry and rulemaking; no fiscal impact on local government; and an indeterminate, insignificant negative fiscal impact to the private sector for reporting certain information.

Status: CS by Agriculture and Natural Resources Subcommittee 1/14/14; Introduced 3/4/14

CS/SB 236: RENAMING OF FLORIDA COLLEGE SYSTEM INSTITUTIONS

Official description: Renaming of Florida College System Institutions; Renaming Edison State College and Pasco-Hernando Community College as "Florida SouthWestern State College" and "Pasco-Hernando State College," respectively, etc.

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: 4/1/2014 Senate - Ordered enrolled.

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; Introduced 3/4/14

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; Introduced 3/4/14; Favorable by Local and Federal Affairs Committee 3/12/14; Favorable by- Economic Affairs Committee 3/21/14

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; Introduced 3/4/14; 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; Introduced 3/4/14; CS/CS by Appropriations Subcommittee on Finance and Tax 4/2/14

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 12/13/13; Introduced 3/4/14

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; Introduced 3/4/14; Placed on Special Order Calendar 3/13/14; Amendment(s) adopted, ordered engrossed 3/20/14; passed as amended 3/26/14

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; Introduced 3/4/14; CS by Appropriations 3/27/14. SB 372 has one more committee stop. The House companion bill, HB 241, has not been heard in its first of three committee stops.

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.

At the Senate Committee on Appropriations hearing on 3/27/14, the bill was amended to restrict the application of the law change to those designated urban service areas in Dade County, which was one of the eight original exempted counties; the committee passed the bill with 11 yes and 5 no votes. Questions from senators focused on requirements in state law for coordination between state agencies and local governments; groups opposing the legislation claim that current coordination requirements are weak. When questioned by Sen. Lee, Sen. Galvano said that he would consider strengthening coordination requirements in state law.

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 1/8/14; Introduced 3/4/14

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; Introduced 3/4/14; CS by Appropriations Subcommittee on Finance and Tax, 3/19/14; now in Appropriations

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; Introduced 3/4/14; CS/CS/CS Banking and Insurance 3/11/14; Placed on Special Order Calendar, 03/20/14; CS passed as amended 3/26/14

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: Referred to Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee 1/27/2014; Introduced 3/4/14

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: CS by Environmental Preservation and Conservation 2/5/14; Introduced 3/4/14; Favorable by Community Affairs 3/5/14; CS/CS by Judiciary 4/1/14

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: In Committee on Ethics and Elections; Introduced 3/4/14

HB 611: RURAL AREAS OF OPPORTUNITY (BESHEARS)

Similar: HB 7023 (Trujillo)

Official description: Rural Areas of Opportunity; Increases value of tax credits for certain eligible businesses; provides additional tax credit for certain businesses located within rural area of opportunity; authorizes certain eligible businesses to apply for ad valorem tax reimbursement in specified amount; provides for sales tax refund for certain eligible businesses; increases maximum amount of grant funds that regionally based economic development organizations may receive from DEO; deletes provision that caps tax refund amount for certain qualified target industry business tax refund applicants; exempts certain businesses from requirement that tax refunds be reduced in absence of specified amount of local financial support; revises definition of term "rural enterprise zone" to include rural areas of opportunity; specifies that rural area of opportunity shall be designated as rural enterprise zone; renames "rural areas of critical economic concern" as "rural areas of opportunity."

Summary: The bill would rename "Rural Areas of Critical Economic Concern" under state law to "Rural Areas of Opportunity."

Status: Referred to Economic Development and Tourism Subcommittee; Finance and Tax Subcommittee; Economic Affairs Committee 1/27/14; Introduced 3/4/14

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; Introduced 3/4/14

HB 703/SB 1464: 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.

SB 1464

SB 1464 is the companion to HB 703 by Rep. Jimmy Patronis, R-Panama City. Patronis has removed several controversial sections from the bill; however, the bill is still opposed by environmental advocacy groups.

Sections that were removed include section 1 of the bill, which would have prevented counties from enforcing against farms those springs or wetland regulations that were modified or readopted since 2003, and the section that excluded certain drainage districts from regulation by local government.

Status: Referred to Agriculture and Natural Resources Subcommittee, Local and Federal Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee, State Affairs Committee 2/3/2014; Introduced 3/4/14; CS by Agriculture and Natural Resources Subcommittee 3/4/14; CS referred to Agriculture and Natural Resources Appropriations Subcommittee, State Affairs Committee; Now in Agriculture and Natural Resources Appropriations Subcommittee 3/13/14; Favorable by Agriculture and Natural Resources Appropriations Subcommittee 3/31/14.

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 2/6/14; Introduced 3/4/14; CS by Governmental Oversight and Accountability 3/13/14; Favorable by Judiciary 4/1/14

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: Introduced 3/4/14; 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; Introduced 3/4/14

SB 1576: FLORIDA SPRINGS AND AQUIFER PROTECTION ACT (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; CS by Environmental Preservation and Conservation 03/20/14; CS/CS by Agriculture 03/31/14; CS/CS by Agriculture read 1st time, 4/3/2014.

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 1/27/14; Introduced 3/4/14; CS by Transportation and Economic Development Appropriations Subcommittee 3/24/14; Now in Economic Affairs Committee 3/28/14

CS/HB 7015: MILITARY AND VETERAN SUPPORT (SMITH) AKA “FLORIDA GI BILL”

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

The bill creates the Congressman C. W. Bill Young Veteran Tuition Waiver Program, which requires a state university or college to waive out-of-state charges for honorably discharged veterans returning to or resettling in

Florida. Young, the longest-serving Republican member of Congress when he died last year, represented Pinellas County and was a staunch supporter of the military.

Veterans going back to school have been paying out-of-state tuition; universities generally require 12 months of residency for in-state tuition. The bill just requires veterans to be Florida residents when they apply.

The savings are significant. For example, the University of South Florida's out-of-state full-time undergraduate cost is $19,664 per academic year, compared with a cost of about $6,409 for in-state students, records show.

Florida is home to more than 1.5 million veterans, the third-largest population behind California and Texas, according to the U.S. Department of Veterans Affairs.

Among other highlights, the state GI Bill would:

- Fund scholarships for Florida National Guard members.
- Pay for exams to get a license and for licensing fees.
- Pay for training to get industry certifications — such as welder, nursing assistant or database administrator — or pay for continuing education classes needed to maintain those certifications.
- Allow some courses to be taken online, including those offered by Florida State University and the University of Florida, the state's designated "pre-eminent research universities."
- Allow for stipends to pay for books, based on funding availability.

Status: CS by Appropriations Committee 2/4/14; CS/CS by- Economic Affairs Committee 02/20/14; CS passed, certified 3/4/14; Senate, Substituted for CS/SB 860, CS passed, certified 3/11/14; House, ordered enrolled, 3/11/14 (final passage); signed by governor.

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: Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee 2/5/2014; Favorable by Transportation and Economic Development Appropriations Subcommittee 3/5/14; CS by Economic Affairs Committee 4/4/14

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: Passed Governmental Oversight and Accountability Committee 03/06/14; Submit as committee bill by Governmental Oversight and Accountability (SB 1648), 3/7/14.

LEGISLATIVE NEWS & SUPPLEMENTAL MATERIALS

CONGRESSIONAL ADVISORY ON THE HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT ISSUED BY FEMA:

FEMA

Homeowner Flood Insurance Affordability Act

Overview

On March 21, 2014, President Obama signed the Homeowner Flood Insurance Affordability Act of 2014 into law.

This law repeals and modifies certain provisions of the Biggert-Waters Flood Insurance Reform Act, which was enacted in 2012, and makes additional program changes to other aspects of the program not covered by that Act. Many provisions of the Biggert-Waters Flood Insurance Reform Act remain and are still being implemented.

While FEMA actively works to implement the new law, we encourage policyholders to maintain and keep current flood insurance policies. FEMA does NOT recommend cancelling a flood insurance policy. Cancelling flood insurance policies now will leave policyholders unprotected during spring flooding and may cause policyholders to lose important discounts on their rate if they reinstate in the future.

- The new law lowers the recent rate increases on some policies, prevents some future rate increases, and implements a surcharge on all policyholders. The Act also repeals certain rate increases that have already gone into effect and provides for refunds to those policyholders. The Act also authorizes additional resources for the National Academy of Sciences (NAS) to complete the affordability study.

- FEMA looks forward to working with Congress, the private Write Your Own insurance companies, and other stakeholders to implement these Congressionally mandated reforms and to working toward our shared goals of helping families maintain affordable flood insurance, ensuring the financial stability of the NFIP, and reducing the risks and consequences of flooding nationwide. FEMA will also continue to identify and publish special flood hazards and flood risk zones as authorized and required by Congress.

- FEMA has actively begun analyzing and prioritizing implementation of the new law. We will be working with the private Write Your Own insurance companies in the next few weeks to seek their input and expertise prior to issuing business practice bulletins.

- It is not possible for changes to happen immediately. While the new law does require some changes to be made retroactively, applying to certain policies written after July 6, 2012, other changes require establishment of new programs, processes and procedures.

- FEMA's initial priority is assessing potential changes to the NFIP's business processes to stop policy increases for certain subsidized policyholders as outlined in the Act.

- FEMA also plans to issue guidance in the months ahead for the Write Your Own insurance companies to begin issuing refunds as outlined in the law for some policyholders who were previously impacted by subsidy phase outs.

- More information on the new law and its impacts on the NFIP will be forthcoming.

REFUNDS

- For certain flood insurance policies affected by the Pre-Flood Insurance Rate Map (Pre-FIRM) subsidy elimination required by BW-12, the new law mandates refunds of the excess premiums that those policyholders were charged pursuant to the requirements of BW-12. Refunds will not affect all subsidized policyholders who received rate increases as directed by Congress in BW-12, only policyholders for whom the rate increases under BW-12 were revoked by the new law. Refunds will affect only a small percentage of the overall NFIP policy base.
    - Prior to restoring and refunding premiums, FEMA is required by the Homeowner Flood Insurance Affordability Act to consult with its partner insurers (Write-Your-Own insurance companies or WYOs) to develop guidance and rate tables.
    - In accordance with the new law, FEMA will work to develop and finalize its guidance and rate tables within eight months.
    - The law provides WYO insurance companies between six and eight months to implement the changes and update systems to implement the guidance.
- FEMA is working closely with the WYO insurance companies to develop a timetable for processing refunds expediently.
- REFUNDS APPLY TO:
    - Policyholders in high-risk areas who were required to pay their full-risk rate after purchasing a new flood insurance policy on or after July 6, 2012.
- REFUNDS MAY APPLY TO:
    - Policyholders who renewed their policy after the Homeowner Flood Insurance Affordability Act was enacted on March 21, 2014 and whose premium increased more than 18 percent .
- REFUNDS DO NOT APPLY TO:
    - Policyholders paying the 25 percent annual rate increases, as required by Congress in BW-12, for a Pre-FIRM subsidized non-primary residence, business, Severe Repetitive Loss property, or building that was substantially damaged or improved.
    - Policyholders whose full-risk premium is less than the Pre-FIRM subsidized premium, or who were not overcharged according to any retroactive revisions to the Pre-FIRM subsidized rates required by the new law.
- Policyholders who saw usual, annual rate increases in 2013 or 2014, or policyholders who paid the 5 percent fee, as required by BW-12, for the NFIP Reserve Fund, will only see a refund if their premium renewal was after March 21, 2014 and their total premium, including the reserve fund, exceeded 18 percent.

PREMIUM RATES FOR SUBSIDIZED POLICIES

- The new law requires gradual rate increases to properties now receiving artificially low (or subsidized) rates instead of immediate increases to full-risk rates required in certain cases under BW-12.
- FEMA is required to increase premiums for most subsidized properties by no less than 5 percent annually until the class premium reaches its full-risk rate. It is important to note that close to 80 percent of NFIP policyholders paid a full-risk rate prior to either BW-12 or HFIAA, and are minimally impacted by either law.
- With limited exceptions flood insurance premiums cannot increase more than 18 percent annually.
    - There are some exceptions to these general rules and limitations, The most important of these exceptions is that policies for the following properties will continue to see up to a 25 percent

annual increases as required by BW-12 until they reach their full-risk rate: Older business properties insured with subsidized rates;
  - Older non-primary residences insured with subsidized rates;
  - Severe Repetitive Loss Properties insured with subsidized rates;
  - and buildings that have been substantially damaged or improved built before the local adoption of a Flood Insurance Rate Map (known as Pre-FIRM properties).

- In order to enable new purchasers of property to retain Pre-FIRM rates while FEMA is developing its guidelines, a new purchaser will be allowed to assume the prior owner's flood insurance policy and retain the same rates until the guidance is finalized. Also, lapsed policies receiving Pre-FIRM subsidized rates may be reinstated with Pre-FIRM subsidized rates pending FEMA's implementation of the rate increases required by the Homeowner Flood Insurance Affordability Act.

NEW SURCHARGE ON ALL POLICIES

- A new surcharge will be added to all policies to offset the subsidized policies and achieve the financial sustainability goals of BW-12. A policy for a primary residence will include a $25 surcharge. All other policies will include a $250 surcharge. The fee will be included on all policies, including full-risk rated policies, until all Pre-FIRM subsidies are eliminated.

GRANDFATHERING

- The new law repeals a provision of BW-12 that required FEMA, upon the effective date of a new or updated Flood Insurance Rate Map, to phase in premium increases over five years by 20 percent a year to reflect the current risk of flood to a property, effectively eliminating FEMA's ability to grandfather properties into lower risk classes.
- Also for newly mapped in properties, the new law sets first year premiums at the same rate offered to properties located outside the Special Flood Hazard Area (preferred risk policy rates).
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually.

FLOOD INSURANCE ADVOCATE

- The new law requires FEMA to designate a Flood Insurance Advocate to advocate for the fair treatment of NFIP policy holders.
- The Advocate will:
  - Educate property owners and policyholders on individual flood risks; flood mitigation; measures to reduce flood insurance rates through effective mitigation; the flood insurance rate map review and amendment process; and any changes in the flood insurance program as a result of any newly enacted laws;
  - Assist policy holders and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;
  - Assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;
  - Coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

- Aid potential policy holders in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

OTHER PROVISIONS

- The new law permits FEMA to account for property specific flood mitigation that is not part of the insured structure in determining a full-risk rate.
- The law requires that residential basement floodproofing be considered when developing full-risk rates after a map changes increasing the Base Flood Elevation in an area where residential basement floodproofing is permitted.
- The law mandates that FEMA develop an installment plan for non-escrowed flood insurance premiums, which will require changes to regulations and the Standard Flood Insurance Policy contract.
- The law increases maximum deductibles.
- The law encourages FEMA to minimize the number of policies where premiums exceed 1-percent of the coverage amount, and requires FEMA to report such premiums to Congress.

DRAFT AFFORDABILITY FRAMEWORK

- The new law requires FEMA to prepare a draft affordability framework, which is due to Congress 18 months after completion of the affordability study required by BW-12. The Affordability Study required by BW-12 is underway and is being conducted by the National Academies of Sciences, as specified in the BW-12 law.
- In developing the affordability framework, FEMA must consider:
  - accurate communication to customers of the flood risk,
  - targeted assistance based on financial ability to pay,
  - individual and community actions to mitigate flood risk or lower cost of flood insurance,
  - the impact of increases in premium rates on participation in NFIP,
  - and the impact of mapping update on affordability of flood insurance.
- The affordability framework will include proposals and proposed regulations for ensuring flood insurance affordability among low-income populations.

MAPPING

- The Homeowner Flood Insurance Affordability Act requires the Technical Mapping Advisory Council (TMAC) to review the new national flood mapping program authorized under the 2012 and 2014 flood insurance reform laws. The law requires the Administrator to certify in writing to Congress that FEMA is utilizing "technically credible" data and mapping approaches. The law also requires FEMA to submit the TMAC review report to Congress.

- FEMA will be looking to the TMAC for recommendations on how best to meet the legislatively mandated mapping requirements for the new mapping program including the identification of residual risk areas, coastal flooding information, land subsidence, erosion, expected changes in flood hazards with time, and others.

- As the new national flood mapping program is being established, FEMA expects there will be opportunities to make incremental improvements to current procedures as it provides flood hazard data and information under the National Flood Insurance Program (NFIP). FEMA will make those improvements where necessary to ensure all ongoing changes to flood hazards continue to be effectively communicated, mitigated, and properly insured against.
- The law lifts the $250,000 limit on the amount that FEMA can spend to reimburse homeowners for successful map appeals based on a scientific or technical error. Federal rulemaking is required in order to implement this provision.
- FEMA is authorized to account for reconstruction or improvements of flood protection, not just new construction. It authorizes FEMA to consider the existing present value of a levee when assessing adequate progress for the reconstruction of an existing flood protection system. The law extends certain provisions related to NFIP requirements in areas restoring disaccredited flood protection systems to coastal levees and clarifies that the levee needs to be considered without regard to the level of federal funding for the original construction or the restoration.
- The law exempts mapping fees for flood map changes due to habitat restoration projects, dam removal, culvert re-design or installation, or the installation of fish passages.
- The law requires FEMA to consider the effects of non-structural flood control features, such as dunes, and beach and wetland restoration when it maps the special flood hazard area.
- The law requires FEMA to enhance coordination with communities before and during mapping activities and requires FEMA to report certain information to members of Congress for each State and congressional district affected by preliminary maps.

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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]

[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.

Agenda Item

12g

12g

Quality of Life & Safety Committee

12g

Agenda Item

12h

12h

Regional Transportation Committee

12h