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Fort Myers, FL 33906



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www.swfrpc.org

# VIRTUAL EXECUTIVE BOARD MEETING AGENDA

**June 24, 2021**

**9:00am – 10:00am**

## ***Join Zoom Meeting:***

<https://zoom.us/j/91588729954?pwd=OVerTVNQVVpRZiQrY1Jab1dpMDBPUT09>

### ***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.*

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<b>5</b>	<b>MEETING ATTENDANCE PROCEDURE DISCUSSION</b>	
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**NEXT SWFRPC EXECUTIVE  
BOARD MEETING DATE:  
JULY 15, 2021**

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 (844) 988-8244; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

_____	Agenda	
_____	Item	2

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Minutes

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**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
JANUARY 21, 2021 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on January 21, 2021 virtually via GoToMeeting. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:04AM. Ms. Margaret Wuerstle conducted the roll call and announced that a quorum was present.

**MEMBERS PRESENT**

**Charlotte County:** Councilman Jaha Cummings, Mr. Don McCormick, Commissioner Joe Tiseo

**Collier County:** Commissioner Bill McDaniel, Commissioner Rick LoCastro

**Glades County:** Commissioner Donna Storter-Long, Mr. Thomas Perry

**Hendry County:** Mr. Mel Karau, Commissioner Mitchell Wills

**Lee County:** Councilman Jesse Purdon

**Sarasota County:** Vice-Mayor Erik Arroyo, Commissioner Ron Cutsinger

**Ex-Officio:** Mr. Phil Flood–SFWMD, Mr. Dennis Ragosta-SFWMD

**MEMBERS ABSENT**

**Charlotte County:** Commissioner Ken Doherty, Ms. Suzanne Graham

**Collier County:** None

**Glades County:** None

**Hendry County:** Commissioner Emma Byrd, Vice-Mayor Greg Thompson

**Lee County:** Councilman Fred Burson, Commissioner Frank Mann, Vice- Mayor Ray Murphy, Commissioner Cecil Pendergrass

**Sarasota County:** Councilwoman Mitzie Fiedler

**Ex-Officio:** Mr. Wayne Gaither-FDOT, Mr. Jon Iglehart-FDEP

**AGENDA ITEM #4  
PUBLIC COMMENTS**

There were no public comments.

**AGENDA ITEM #5  
AGENDA**

Commissioner McDaniel stated that the important business that the group needed to take care of should be moved to the top of the agenda. Item 12(e) Proposed Changes to Interlocal Agreement was moved ahead to item 8 in front of Financials.

**A motion was made by Commissioner McDaniel to move item 12(e) ahead of Financials to item 8. This motion was seconded by Mr. Mel Karau and passed unanimously.**

**AGENDA ITEM #6  
NOMINATING COMMITTEE: APPOINTMENT OF OFFICERS**

Ms. Margaret Wuerstle explained that there was not a meeting in November 2020 due to lack of a quorum, so instead there was a meeting of the Executive Board to approve items with a deadline and act as the nominating committee for the 2021 officers. The nominating committee recommended the following individuals to fill the seats: Mr. Don McCormick for the Chairman position, Councilman Fred Burson for Vice-Chairman, Councilman Jaha Cummings for the Treasurer position, and Mr. Tommy Perry will stay on for another term as the outgoing member. There is still a vacancy for the Secretary position that needs to be filled.

**A motion was made by Mr. Mel Karau to accept the new appointment of officers. This motion was seconded by Commissioner Joe Tiseo and passed unanimously.**

**AGENDA ITEM #7  
MINUTES OF THE SEPTEMBER 17, 2020 MEETING**

There were no corrections or additions to the minutes of the September 17, 2020 meeting.

**A motion was made by Mr. Mel Karau to accept the minutes of the September 17, 2020 meeting. This motion was seconded by Councilman Jaha Cummings and passed unanimously.**

**AGENDA ITEM #12(e)  
PROPOSED CHANGES TO INTERLOCAL AGREEMENT**

Ms. Wuerstle explained that the pending Senate Bill #62, if passed would remove the Regional Planning Councils from the statutes. Regional Planning Councils will still be able to exist by interlocal agreement only. Ms. Wuerstle went on to add that when Commissioner McDaniel



and herself worked on this item several months back Senate Bill #62 did not exist, and their work on this item was to clean up the interlocal agreement and bylaws to ensure that they were consistent with the state statutes. She stated that now that the bill is pending it may be premature to do this. It is still important to consider relevancy issues and the interlocal agreement, but this may change depending on if the bill passes in the legislative session. Commissioner McDaniel stated that there is way more to this item than the pending bill. He went on to say that the bill has a long way to go before the statute could be changed and that it is incumbent upon the organization to adjust what it is that the RPC is doing. He added that he would prefer that the Council start the process of having the organization minimally be conforming to the state statutes. Ms. Wuerstle added that she just wanted everyone to be aware that things could change significantly.

Mr. McCormick commented that he would like to commend Ms. Wuerstle and Commissioner McDaniel for seizing the opportunity to try and clarify the RPC's relationship.

Ms. Wuerstle added that if Senate Bill #62 does pass, the RPC is going to need an interlocal agreement more than ever. As far as reviewing and making the interlocal agreement relevant to how we want to operate is very important. Commissioner McDaniel stated that the goal with this process is to reconstitute, rebrand and repeal the existing interlocal agreement along with an adjustment to our bylaws and bring the documents into the current statutory compliance. He went on to say that the RPC has been way out of conformity with the statutes for quite some time. His recommendation was to move forward with this reconstitution with the repeal of the interlocal agreement. He added that this is our organization agreeing to reconstitute and repeal the existing charter and replace it and rename, rebrand, and do whatever needs to be done to make the RPC as relevant as possible. Each member of the RPC will need to take the new agreement back to their individual commissions for a response. Commissioner McDaniel stated that this is a process which is why he does not concur with Ms. Wuerstle's theory of waiting until there is a decision with the Senate Bill #62 that may or may not come. He added that an RPC of some sort is always necessary for the counties to come together and discuss matters and the common issues throughout this area.

**A motion was made by Commissioner McDaniel to adjust the RPC meetings to be held monthly rather than quarterly in order to begin repealing, reconstituting and rebranding the organization. This motion was seconded by Commissioner Joe Tiseo.**

Vice- Mayor Arroyo questioned if monthly meetings will be in person once it is safe to do so according to COVID regulations. Commissioner McDaniel stated that he would like monthly meetings in person. Ms. Wuerstle added that attendance for RPC meetings can include a call-in option or virtual presence, as it has always been allowed.

Commissioner Storter-Long mentioned that in the last RPC meeting she stated that she did not see a reason for monthly meetings and also nothing has changed. Ms. Wuerstle keeps everyone informed, she is always available and there seems to be no advantage of holding monthly meetings and regardless of what happens with legislature there does not seem to be a purpose

of monthly meetings. She went on to say it is a waste of time to hold monthly meetings whenever there are no imperative issues. Bi-monthly meetings would be better but quarterly is most convenient and makes the most sense and due to the currently situation. She asked what Commissioner McDaniel wanted to achieve with monthly meetings. Commissioner McDaniel stated that he has proposed a repeal and reconstitution and rebrand and rename along with a new set of bylaws for the organization. He went on to add that the premise of this is to bring the organization up to date with the current statutes because currently the organization is outside of the statutes on what the RPC can and cannot do. He then stated the new proposal mentions way to start funding the RPC again and he feels that there is a lot of housekeeping to be taken care of so monthly meetings for a period of time are necessary.

**A motion was made by Commissioner McDaniel to adjust the RPC meetings to be held monthly rather than quarterly. This motion was seconded by Commissioner Joe Tiseo. The motion did not pass unanimously.**

**At this time Ms. Wuerstle began taking a row call to vote on the motion. There was not a quorum present at this time.**

Ms. Wuerstle explained that the Council could not adopt this item without a quorum.

**A motion was made by Commissioner McDaniel to begin repealing, reconstituting, and rebranding the organization regardless of if meetings are held monthly or not.**

**Commissioner McDaniel repealed the original motion of moving to monthly meetings. This motion was seconded by Commissioner Joe Tiseo and passed unanimously.**

**Ms. Wuerstle called roll call once again and a quorum was still no longer present.**

Mr. McCormick recommended moving forward with the agenda while waiting for a quorum.

## **AGENDA ITEM #8 FINANCIALS**

### **AGENDA ITEM #8(a) AUGUST 2020 FINANCIALS**

### **AGENDA ITEM #8(b) SEPTEMBER 2020 FINANCIALS**

### **AGENDA ITEM #8(c) BUDGET AMENDMENT**

Ms. Wuerstle stated that although none of the financial items can be voted on without a quorum, the Executive Board did already meet and vote on these items to continue with last year's audit. The year did end in the hole \$174,000, but it was better than the \$250,000 that was expected. Part of the reason the RPC was able to do this was because of grants that were received. Since the adoption of the budget for the current year, the RPC has been able to bring in over \$1 million in new funding and grants for this region. There was \$400,000 from the CARES Act to develop a resiliency plan, \$175,000 for Clewiston's Waterfront Master Plan, \$100,000 to create a Food Policy Council in Collier County and \$350,000 to develop a regional strategy for local food systems.

Ms. Wuerstle added that when there is a quorum the financials can be brought back to vote on, but they have already been approved by the Executive Committee.

### **AGENDA ITEM #10 CONSENT AGENDA**

Ms. Wuerstle stated that we cannot move forward with the consent agenda without a quorum.

### **AGENDA ITEM #12(a) SB 0062**

Ms. Wuerstle explained that this Senate Bill removes all reference to the 10 Regional Planning Councils from the state statutes. She went on to state that she is working with FRCA to address the issues. The bill will go before the Community Affairs Committee at the upcoming Tuesday Committee hearing and there will be representatives from FRCA at the hearing to address this. If the bill does pass it does not mean that RPCs cannot exist, it just means that they will need to exist by an interlocal agreement and not by state statutes.

### **AGENDA ITEM #12(c) POWERPOINT: SWFRPC RELEVANCY**

Ms. Wuerstle explained that right now there are four items that are required by state statutes for Regional Planning Council's to do. They are required to 1) keep and update the strategic regional policy plan 2) to be the regional cleaning house for intergovernmental coordination and review 3) to do an audit every year and 4) to dispute resolutions.

Ms. Wuerstle added that the ongoing funded programs by the federal government are 1) The Local Emergency Planning Committee 2) Hazardous Material Emergency Planning and 3) Economic Development District. Currently, the Regional Planning Councils are delegated 37 duties within 11 chapters, SB 62 is removing these different chapters. The primary focus for the 10 Regional Planning Council's is economic development, transportation, quality of life, emergency preparedness and being regional conveners.

Ms. Wuerstle shared in her PowerPoint that some of the operational changes that were needed and approved in June 2020 were to authorize the Executive Board to approve items between meetings and that approved items would be brought to the next full board meeting. This was used in November when the RPC was unable to achieve a quorum and items had to be approved to move forward.

**AGENDA ITEM #12(d)  
POWERPOINT: SWFRPC PROGRAMS**

Ms. Wuerstle shared information on the RPC's current programs. FDEM HazMat Contracts include \$80,000 for the Local Emergency Planning Committee, \$62,000 for Hazardous Material Emergency Preparedness and \$20,000 for Hazardous Analysis which totally roughly \$162,000 annually with no match required. The SWFRPC also has the Economic Development Administration (EDA) grant on a 3-year cycle. It is a \$210,000 grant with a 70/30 match. Ms. Wuerstle explained how the SWFRPC rewrites the Comprehensive Economic Development Strategy (CEDS) every year with the EDA funds. The Brownfield grant is another grant the SWFRPC has been awarded for \$600,000. Ms. Wuerstle went on to discuss the VISTA Volunteer Grant and others that the SWFRPC receives and manages.

**AGENDA ITEM #12(f)  
FY20-21 MEETING SCHEDULE**

The meeting schedule was in the packet for informational purposes.

**AGENDA ITEM #13  
COMMITTEE REPORTS**

**AGENDA ITEM #13(a)  
EXECUTIVE COMMITTEE**

**AGENDA ITEM #13(b)  
QUALITY OF LIFE & SAFETY**

Chair Don McCormick stated that there were no updates aside from the Executive Committee meeting in November. Everything is on track. The financials will have to be approved at the next council meeting.

**AGENDA ITEM #14  
NEW BUSINESS**

There was no new business.

**AGENDA ITEM #15  
STATE AGENCIES COMMENTS/REPORTS**

Phil Flood of SFWMD shared a reminder that SWFL is currently in the dry season and it is expected to be a drier season than normal so everyone should be mindful of the water that they use and the COVID pandemic has not slowed the Water Management District down at all. All of their projects are still moving forward.

Dennis Ragosta of SFWMD added that thankfully COVID has not slowed down any of the WMD's construction with future or current projects. Counties and Municipalities in the area are also coming in with the cost share funding initiative program which kicks off shortly. Operationally they are full steam ahead and operating at almost 100% capacity.

### **AGENDA ITEM #16 COUNCIL MEMBERS' COMMENTS**

Commissioner Storter-Long spoke out and extended an apology to Commissioner McDaniel, she did not mean to interrupt his comments. She stated that she is calling by telephone and there is a delay on the line, so she was unable to determine when he was completed with his statements. She added that if the RPC is unable to achieve a quorum for quarterly meetings, how will a monthly quorum be achieved. She stated that she is aware Margaret and Commissioner McDaniel have worked hard on the revisions to the interlocal agreement and she understands the frustrations and part of the frustrations come from being unable to meet in person. She went on to say that she appreciates the Commissioner's concern and his work, and she wanted to express that to everyone.

Ms. Wuerstle added that there will be a meeting scheduled by the Department of Economic Opportunity (DEO) on February 2, 2021 from 10am until 12pm regarding Broadband and the need for changes in Broadband. All RPC's will be having meetings on this issue.

### **AGENDA ITEM #16 ADJOURN**

The next meeting will be on March 18, 2021. The meeting adjourned at 10:12 a.m.

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Don McCormick, Chairman

**The meeting was duly advertised in the January 14, 2021 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 47, Number 10.**

Agenda

Item

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Financials

3

# Agenda Item

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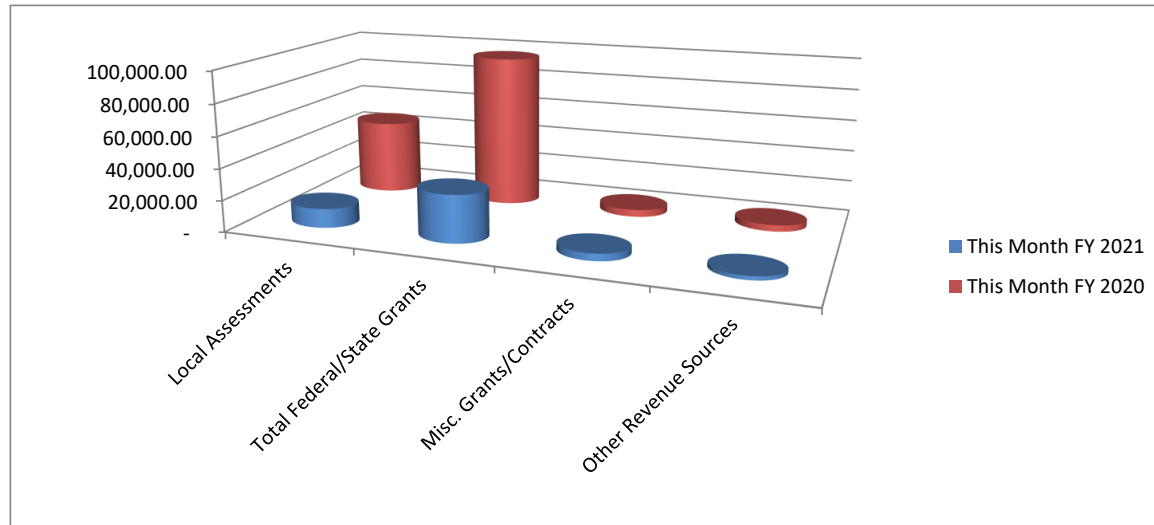
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## 2020 - 2021 Workplan & Budget Financial Snapshot Jan-21

### Revenues

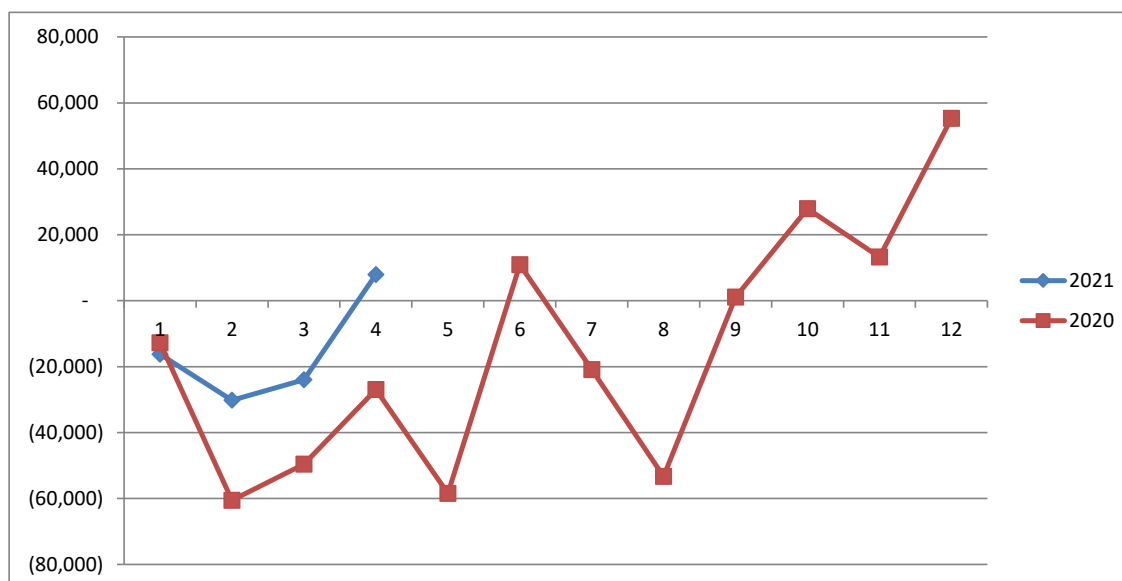
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
State/Federal Grants billed quarterly: LEPC, HMEP  
Federal Grants billed Semi Annually: Economic Development  
Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S  
Other(DRI) billed /recorded monthly as cost reimbursement

**Monthly Net Income (Loss)**



**YTD: Net Income (\$62,427) Unaudited**



# SWFRPC

## Detail of Reserve

### As of January 31, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	36,997
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<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 37,197</b>

***Investments:***

FineMark Money Market	\$ 195,676
Local government Surplus Trust Fund Investment Pool (Fund A)	145,823
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<b><i>Total Investments</i></b>	<b>\$ 341,499</b>

Total Reserves	<hr/>
	<b>\$ 378,696</b>
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**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

**FOR THE ONE MONTH ENDING JANUARY 31, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	984	1,968	3,936	50%	\$ 1,968
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	6,590	13,181	26,361	50%	\$ 13,181
TOWN OF FORT MYERS BEACH INC	489	978	1,956	50%	\$ 978
BONITA SPRINGS	4,083	8,166	16,331	50%	\$ 8,166
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ 12,146</b>	<b>\$ 27,301</b>	<b>\$ 51,593</b>	<b>53%</b>	<b>\$ 24,292</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	9,300	9,300	80,000	0%	\$ 70,700
DEM - HMEP 20/21	-	-	61,006	0%	\$ 61,006
DEM - Collier Hazard Analysis 20/21	7,751	7,751	19,251	40%	\$ 11,500
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	-	70,000	0%	\$ 70,000
EDA CARES Act COVID	-	-	-	N/A	\$ -
Food Policy Coordinator	3,795	19,579	-	N/A	\$ (19,579)
Vista Supervisor	9,332	9,332	15,000	62%	\$ 5,668
Brownfields - EPA	-	49,969	200,000	25%	\$ 150,031
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 30,178</b>	<b>\$ 95,931</b>	<b>\$ 445,257</b>	<b>22%</b>	<b>\$ 349,326</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	4,500	4,500	4,500	100%	\$ -
Statewide Regional Evacuation Study	-	21,467	-	N/A	\$ (21,467)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ 4,500</b>	<b>\$ 25,967</b>	<b>\$ 10,500</b>	<b>247%</b>	<b>\$ (15,467)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	2,292	4,461	-	N/A	\$ -
<b>TOTAL</b>	<b>\$ 2,292</b>	<b>\$ 4,461</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					
Misc. Income	-	214	1,000	21%	\$ -
INTEREST INCOME - Money Market	84	429	1,000	43%	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	21	107	1,000	11%	\$ -
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 106</b>	<b>\$ 749</b>	<b>\$ 3,000</b>	<b>25%</b>	<b>\$ -</b>
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
<b>TOTAL REVENUES</b>	<b>\$ 49,221</b>	<b>\$ 154,410</b>	<b>\$ 724,975</b>		<b>\$ 572,776</b>

### EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 19,395	\$ 76,611	\$ 261,747	29%	\$ 185,136
FICA EXPENSE	1,473	5,787	20,024	29%	\$ 14,237
RETIREMENT EXPENSE	5,950	14,336	40,396	35%	\$ 26,060
HEALTH INSURANCE EXPENSE	3,036	13,067	39,005	33%	\$ 25,938
WORKERS COMP. EXPENSE	-	448	1,246	36%	\$ 798
UNEMPLOYMENT COMP. EXPENSE	275	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 30,130</b>	<b>\$ 111,623</b>	<b>\$ 362,418</b>	<b>31%</b>	<b>250,795</b>
OPERATIONAL EXPENSES					
CONSULTANTS	\$ 2,292	\$ 5,017	\$ 41,000	12%	\$ 35,983
GRANT/CONSULTING EXPENSE	6,848	81,426	220,913	37%	\$ 139,487
AUDIT SERVICES EXPENSE	-	1,000	24,000	4%	\$ 23,000
TRAVEL EXPENSE	-	-	22,000	0%	\$ 22,000
TELEPHONE EXPENSE	189	809	800	101%	\$ (9)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	643	1,796	4,596	39%	\$ 2,800
INSURANCE EXPENSE	82	5,597	5,275	106%	\$ (322)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	33	839	1,500	56%	\$ 661
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	91	762	800	95%	\$ 38
OTHER MISC. EXPENSE	-	450	-	N/A	\$ (450)
BANK SERVICE CHARGES	7	7	-	N/A	\$ (7)
OFFICE SUPPLIES EXPENSE	106	222	1,000	22%	\$ 778
COMPUTER RELATED EXPENSE	852	7,209	11,000	66%	\$ 3,791
DUES AND MEMBERSHIP	-	60	300	20%	\$ 240
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	20	1,000	2%	\$ 980
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
FUND BALANCE			\$ 631,414		
OPERATIONAL EXP.	\$ 11,141	\$ 105,213	\$ 968,062	11%	231,435
TOTAL OPERATIONAL EXP.			\$ 968,062		
TOTAL CASH OUTLAY	\$ 41,271	\$ 216,837	\$ 1,330,480		\$ 482,229
NET INCOME (LOSS)	\$ 7,951	\$ (62,427)			

SWFRPC  
Balance Sheet  
January 31, 2021

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ASSETS

Current Assets		
Cash - Florida Prime	\$	145,823.43
Cash - FineMark Oper.		36,996.98
Cash - FineMark MM		195,675.52
Petty Cash		200.00
Accounts Receivable		36,998.83
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Total Current Assets		415,694.76
Property and Equipment		
Property, Furniture & Equip		237,172.31
Accumulated Depreciation		(221,019.57)
		<hr/>
Total Property and Equipment		16,152.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		2,881.29
Rental Deposits		3,500.00
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
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Total Other Assets		106,168.73
		<hr/>
Total Assets	\$	538,016.23
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LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		25,129.13
Deferred PalmerRanch NOPC_5357		997.55
Deferred_Babcock_Ranch_5358		10,955.46
FICA Taxes Payable		1,113.47
Federal W/H Tax Payable		171.80
United way Payable		322.00
Deferred Compensation Payable		(25.00)
FSA Payable		(1,255.49)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		38,328.63
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
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Total Liabilities		138,116.07
Capital		
Fund Balance-Unassigned		(60,026.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		8,353.74
Net Income		(62,426.59)
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Total Capital		399,900.16
		<hr/>
Total Liabilities & Capital	\$	538,016.23
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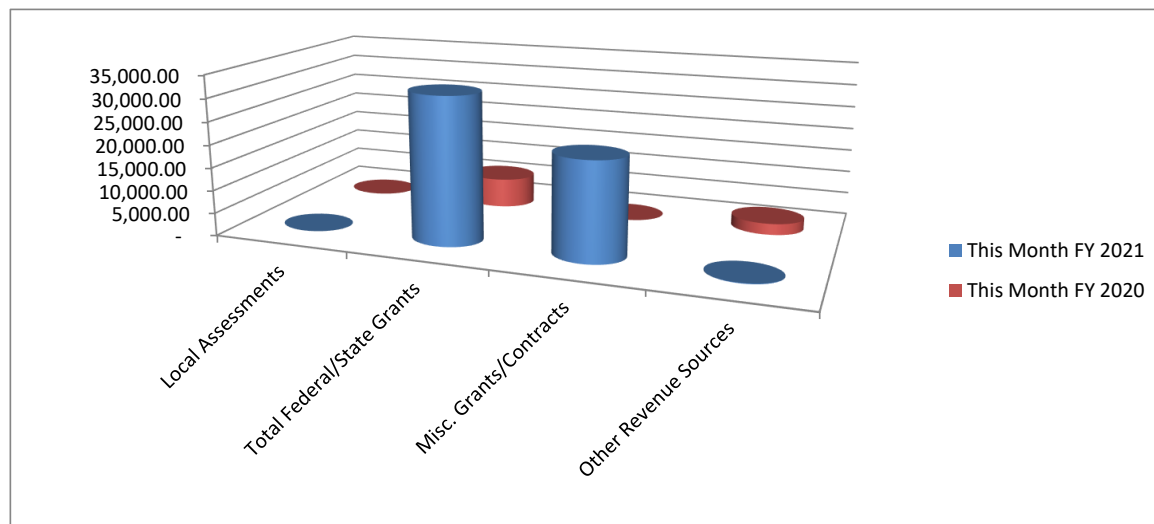
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## 2020 - 2021 Workplan & Budget Financial Snapshot Feb-21

### Revenues

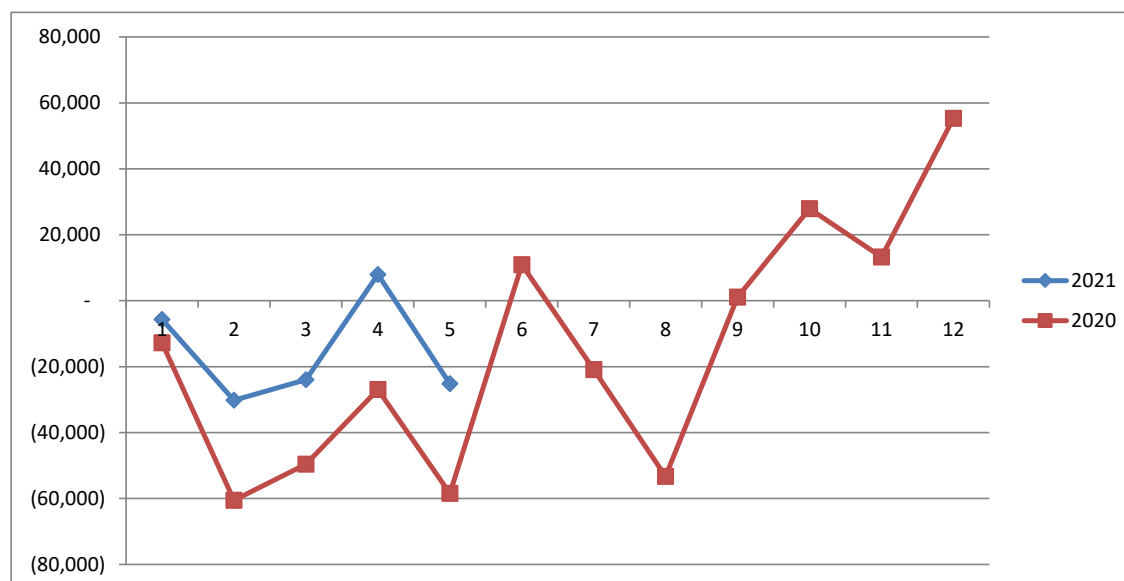
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
 State/Federal Grants billed quarterly: LEPC, HMEP  
 Federal Grants billed Semi Annually: Economic Development  
 Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S  
 Other(DRI) billed /recorded monthly as cost reimbursement

**Monthly Net Income (Loss)**



**YTD: Net Income (\$77,087) Unaudited**

# SWFRPC

## Detail of Reserve

### As of February 28, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	22,991
	<hr/>
<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 23,191</b>

***Investments:***

FineMark Money Market	\$ 195,706
Local government Surplus Trust Fund Investment Pool (Fund A)	145,840
	<hr/>
<b><i>Total Investments</i></b>	<b>\$ 341,546</b>

Total Reserves	<hr/>
	<b>\$ 364,736</b>
	<hr/>

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

**FOR THE ONE MONTH ENDING FEBRUARY 28, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	-	1,968	3,936	50%	\$ 1,968
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	-	13,181	26,361	50%	\$ 13,181
TOWN OF FORT MYERS BEACH INC	-	978	1,956	50%	\$ 978
BONITA SPRINGS	-	8,166	16,331	50%	\$ 8,166
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ -</b>	<b>\$ 27,301</b>	<b>\$ 51,593</b>	<b>53%</b>	<b>\$ 24,292</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	-	9,300	80,000	0%	\$ 70,700
DEM - HMEP 20/21	-	-	61,006	0%	\$ 61,006
DEM - Collier Hazard Analysis 20/21	-	7,751	19,251	40%	\$ 11,500
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	-	70,000	0%	\$ 70,000
EDA CARES Act COVID	-	-	-	N/A	\$ -
Food Policy Coordinator	4,860	24,439	-	N/A	\$ (24,439)
Vista Supervisor	-	9,332	15,000	62%	\$ 5,668
Brownfields - EPA	27,222	77,192	200,000	39%	\$ 122,808
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 32,082</b>	<b>\$ 128,014</b>	<b>\$ 445,257</b>	<b>29%</b>	<b>\$ 317,243</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
Statewide Regional Evacuation Study	21,467	42,934	-	N/A	\$ (42,934)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ 21,467</b>	<b>\$ 47,434</b>	<b>\$ 10,500</b>	<b>452%</b>	<b>\$ (36,934)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	- \$	- \$	-	N/A	\$ -
DRIS/NOPCS INCOME		4,461	-	N/A	-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 4,461</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					
Misc. Income	61	275	1,000	28%	\$ -
INTEREST INCOME - Money Market	30	459	1,000	46%	\$ -



	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	17	123	1,000	12%	\$ -
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 108</b>	<b>\$ 857</b>	<b>\$ 3,000</b>	<b>29%</b>	<b>\$ -</b>
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
<b>TOTAL REVENUES</b>	<b>\$ 53,657</b>	<b>\$ 208,067</b>	<b>\$ 724,975</b>		<b>\$ 519,226</b>

### EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 19,395	\$ 96,006	\$ 261,747	37%	\$ 165,741
FICA EXPENSE	1,473	7,260	20,024	36%	\$ 12,764
RETIREMENT EXPENSE	4,644	18,979	40,396	47%	\$ 21,417
HEALTH INSURANCE EXPENSE	3,335	16,402	39,005	42%	\$ 22,603
WORKERS COMP. EXPENSE	112	560	1,246	45%	\$ 686
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 28,959</b>	<b>\$ 140,583</b>	<b>\$ 362,418</b>	<b>39%</b>	<b>221,835</b>
OPERATIONAL EXPENSES					
CONSULTANTS	\$ -	\$ 1,060	\$ 41,000	3%	\$ 39,940
GRANT/CONSULTING EXPENSE	34,047	115,472	220,913	52%	\$ 105,441
AUDIT SERVICES EXPENSE	14,000	15,000	24,000	63%	\$ 9,000
TRAVEL EXPENSE	93	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	-	686	800	86%	\$ 114
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	427	2,223	4,596	48%	\$ 2,373
INSURANCE EXPENSE	82	5,679	5,275	108%	\$ (404)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	38	877	1,500	58%	\$ 623
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	113	(1,224)	800	-153%	\$ 2,024
OTHER MISC. EXPENSE	-	352	-	N/A	\$ (352)
BANK SERVICE CHARGES	12	18	-	N/A	\$ (18)
OFFICE SUPPLIES EXPENSE	-	222	1,000	22%	\$ 778
COMPUTER RELATED EXPENSE	882	3,838	11,000	35%	\$ 7,162
DUES AND MEMBERSHIP	199	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	20	1,000	2%	\$ 980
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
FUND BALANCE			\$ 631,414		
OPERATIONAL EXP.	\$ 49,892	\$ 144,574	\$ 968,062	15%	192,074
TOTAL OPERATIONAL EXP.			\$ 968,062		
TOTAL CASH OUTLAY	\$ 78,852	\$ 285,156	\$ 1,330,480		\$ 413,910
NET INCOME (LOSS)	<u>\$ (25,194)</u>	<u>\$ (77,089)</u>			

SWFRPC  
Balance Sheet  
February 28, 2021

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ASSETS

Current Assets		
Cash - Florida Prime	\$	145,840.17
Cash - FineMark Oper.		22,990.72
Cash - FineMark MM		195,705.54
Petty Cash		200.00
Accounts Receivable		20,992.45
		<hr/>
Total Current Assets		385,728.88
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	486,211.35
		<hr/> <hr/>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		20,268.98
Deferred PalmerRanch NOPC_5357		997.55
Deferred_Babcock_Ranch_5358		10,955.46
FICA Taxes Payable		1,113.51
Federal W/H Tax Payable		171.80
United way Payable		322.00
Deferred Compensation Payable		25.00
FSA Payable		(1,217.01)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		33,557.00
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		133,344.44
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(77,088.84)
		<hr/>
Total Capital		352,866.91
		<hr/>
Total Liabilities & Capital	\$	486,211.35
		<hr/> <hr/>

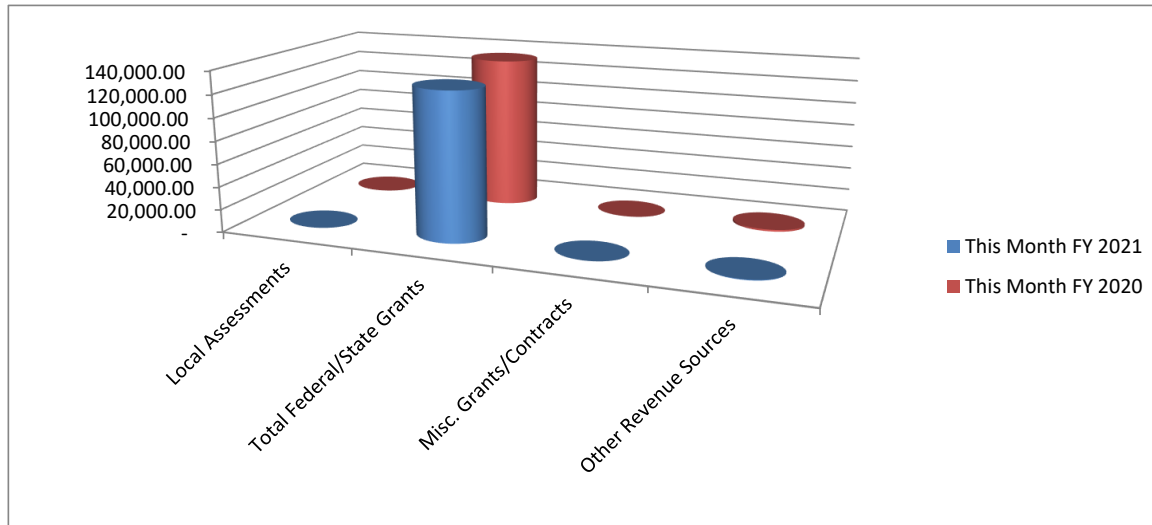
Unaudited - For Management Purposes Only

## 2020 - 2021 Workplan & Budget Financial Snapshot Mar-21

### Revenues

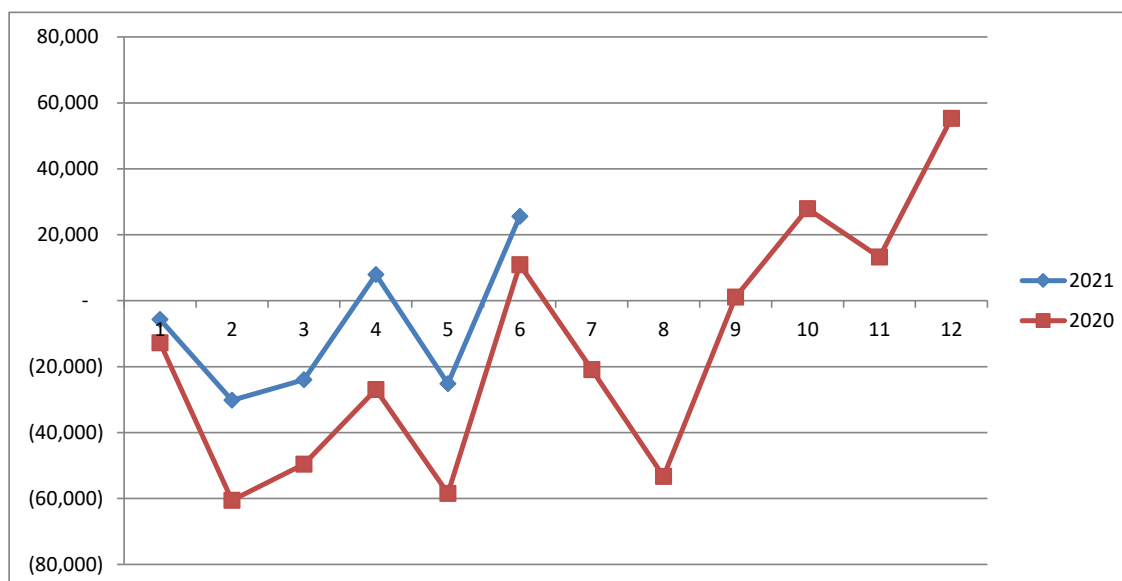
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
 State/Federal Grants billed quarterly: LEPC, HMEP  
 Federal Grants billed Semi Annually: Economic Development  
 Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S  
 Other(DRI) billed /recorded monthly as cost reimbursement

**Monthly Net Income (Loss)**



**YTD: Net Income (\$51,520) Unaudited**

# SWFRPC

## Detail of Reserve

### As of March 31, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	5,693
	<hr/>
<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 5,893</b>

***Investments:***

FineMark Money Market	\$ 130,734
Local government Surplus Trust Fund Investment Pool (Fund A)	145,857
	<hr/>
<b><i>Total Investments</i></b>	<b>\$ 276,590</b>

Total Reserves	<hr/>
	<b>\$ 282,483</b>
	<hr/> <hr/>

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

**FOR THE ONE MONTH ENDING March 31, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	-	1,968	3,936	50%	\$ 1,968
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	-	13,181	26,361	50%	\$ 13,181
TOWN OF FORT MYERS BEACH INC	-	978	1,956	50%	\$ 978
BONITA SPRINGS	-	8,166	16,331	50%	\$ 8,166
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ -</b>	<b>\$ 27,301</b>	<b>\$ 51,593</b>	<b>53%</b>	<b>\$ 24,292</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	-	9,300	80,000	0%	\$ 70,700
DEM - HMEP 20/21	-	-	61,006	0%	\$ 61,006
DEM - Collier Hazard Analysis 20/21	7,751	15,502	19,251	81%	\$ 3,749
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	35,000	35,000	70,000	50%	\$ 35,000
EDA CARES Act COVID	76,007	76,007	-	N/A	\$ (76,007)
Food Policy Coordinator	3,560	27,999	-	N/A	\$ (27,999)
Vista Supervisor	-	9,332	15,000	62%	\$ 5,668
Brownfields - EPA	6,875	84,067	200,000	42%	\$ 115,933
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 129,193</b>	<b>\$ 257,207</b>	<b>\$ 445,257</b>	<b>58%</b>	<b>\$ 188,050</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
Statewide Regional Evacuation Study	-	42,934	-	N/A	\$ (42,934)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ -</b>	<b>\$ 47,434</b>	<b>\$ 10,500</b>	<b>452%</b>	<b>\$ (36,934)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	- \$	- \$	-	N/A	\$ -
DRIS/NOPCS INCOME	417	4,878	-	N/A	-
<b>TOTAL</b>	<b>\$ 417</b>	<b>\$ 4,878</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					
Misc. Income		275	1,000	28%	\$ -
INTEREST INCOME - Money Market	28	487	1,000	49%	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	16	140	1,000	14%	\$ -
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 45</b>	<b>\$ 902</b>	<b>\$ 3,000</b>	<b>30%</b>	<b>\$ -</b>
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
<b>TOTAL REVENUES</b>	<b>\$ 129,655</b>	<b>\$ 337,722</b>	<b>\$ 724,975</b>		<b>\$ 390,033</b>

## EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 24,244	\$ 120,250	\$ 261,747	46%	\$ 141,497
FICA EXPENSE	1,841	9,102	20,024	45%	\$ 10,923
RETIREMENT EXPENSE	4,498	23,478	40,396	58%	\$ 16,918
HEALTH INSURANCE EXPENSE	3,338	19,740	39,005	51%	\$ 19,265
WORKERS COMP. EXPENSE	112	672	1,246	54%	\$ 574
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 34,033</b>	<b>\$ 174,616</b>	<b>\$ 362,418</b>	<b>48%</b>	<b>187,802</b>

OPERATIONAL EXPENSES					
CONSULTANTS	\$ 4,117	\$ 5,176	\$ 41,000	13%	\$ 35,824
GRANT/CONSULTING EXPENSE	48,685	164,157	220,913	74%	\$ 56,756
AUDIT SERVICES EXPENSE	10,000	25,000	24,000	104%	\$ (1,000)
TRAVEL EXPENSE	-	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	123	808	800	101%	\$ (8)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	264	2,487	4,596	54%	\$ 2,109
INSURANCE EXPENSE	82	5,761	5,275	109%	\$ (486)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	36	913	1,500	61%	\$ 588
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	308	(916)	800	-114%	\$ 1,716
OTHER MISC. EXPENSE	-	352	-	N/A	\$ (352)
BANK SERVICE CHARGES	31	50	-	N/A	\$ (50)
OFFICE SUPPLIES EXPENSE	239	461	1,000	46%	\$ 539
COMPUTER RELATED EXPENSE	6,170	10,008	11,000	91%	\$ 992
DUES AND MEMBERSHIP	-	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	20	1,000	2%	\$ 980
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
FUND BALANCE			\$ 631,414		
OPERATIONAL EXP.	\$ 70,055	\$ 214,628	\$ 968,062	22%	122,020
TOTAL OPERATIONAL EXP.			\$ 968,062		
TOTAL CASH OUTLAY	\$ 104,088	\$ 389,244	\$ 1,330,480		\$ 309,822
NET INCOME (LOSS)	\$ 25,567	\$ (51,522)			



SWFRPC  
Balance Sheet  
March 31, 2021

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ASSETS

Current Assets		
Cash - Florida Prime	\$	145,856.61
Cash - FineMark Oper.		5,692.67
Cash - FineMark MM		130,733.77
Petty Cash		200.00
Accounts Receivable		139,750.39
Accounts Receivable-RC&D		(61.25)
		<hr/>
Total Current Assets		422,172.19
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	522,654.66
		<hr/> <hr/>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	12,944.46
Deferred Food Policy_3340		16,708.98
Deferred PalmerRanch NOPC_5357		997.55
Deferred_Babcock_Ranch_5358		10,955.46
Deferred PalmerR XIV NOPC_5359		2,083.34
FICA Taxes Payable		1,113.56
Federal W/H Tax Payable		171.80
United way Payable		322.00
FSA Payable		(1,168.91)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		44,433.49
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		144,220.93
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(51,522.02)
		<hr/>
Total Capital		378,433.73
		<hr/>
Total Liabilities & Capital	\$	522,654.66
		<hr/> <hr/>

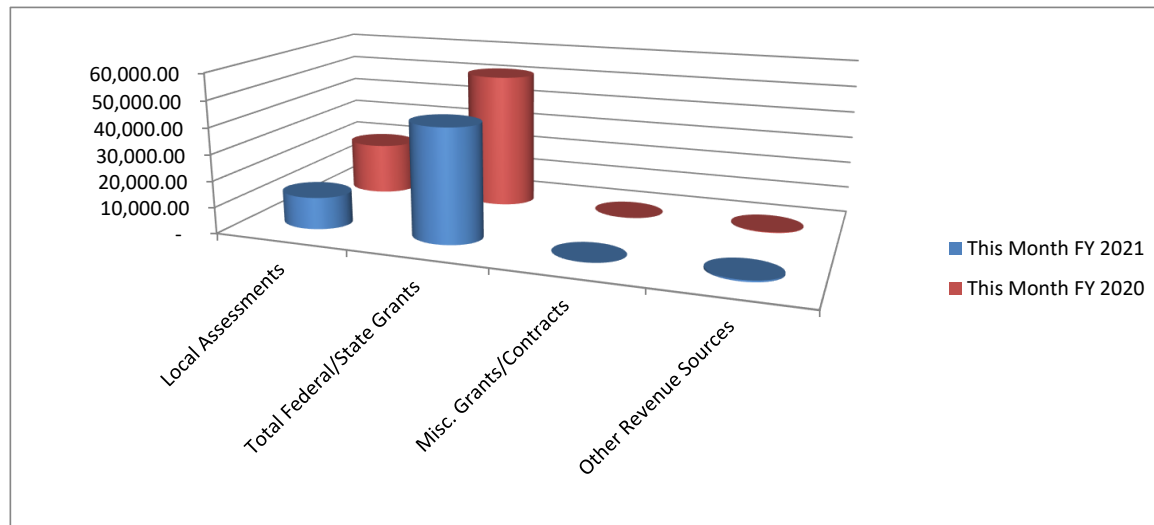
Unaudited - For Management Purposes Only

## 2020 - 2021 Workplan & Budget Financial Snapshot Apr-21

### Revenues

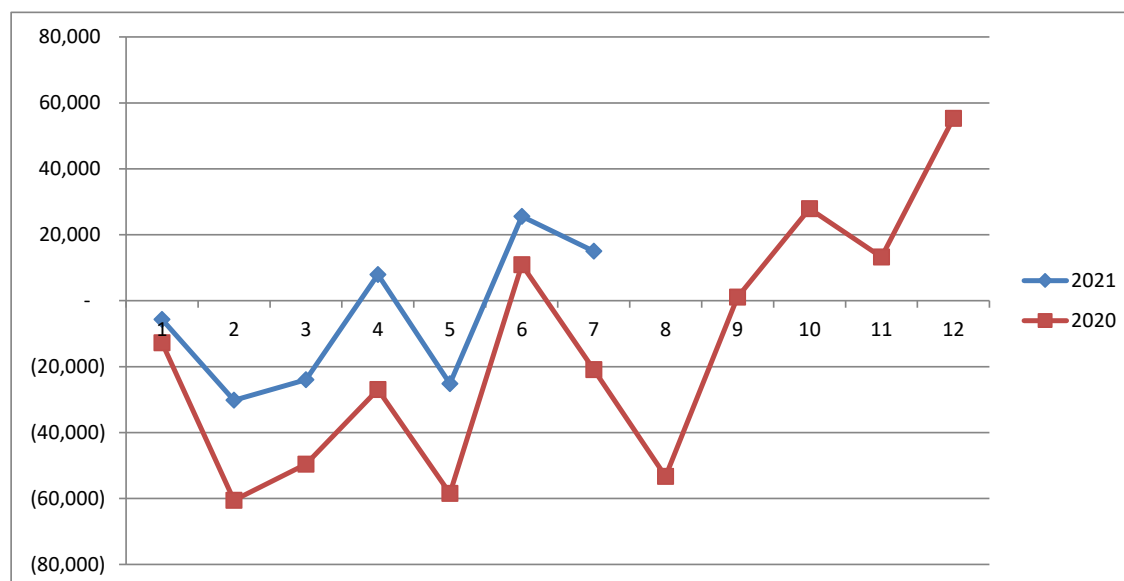
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
 State/Federal Grants billed quarterly: LEPC, HMEP  
 Federal Grants billed Semi Annually: Economic Development  
 Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S  
 Other(DRI) billed /recorded monthly as cost reimbursement

**Monthly Net Income (Loss)**



**YTD: Net Income (\$36,493) Unaudited**

# SWFRPC

## Detail of Reserve

### As of April 30, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	103,323
	<hr/>
<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 103,523</b>

***Investments:***

FineMark Money Market	\$ 130,754
Local government Surplus Trust Fund Investment Pool (Fund A)	145,871
	<hr/>
<b><i>Total Investments</i></b>	<b>\$ 276,625</b>

Total Reserves	<hr/>
	<b>\$ 380,149</b>
	<hr/> <hr/>

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

**FOR THE ONE MONTH ENDING April 30, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	984	2,952	3,936	75%	\$ 984
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	6,590	19,771	26,361	75%	\$ 6,590
TOWN OF FORT MYERS BEACH INC	489	1,467	1,956	75%	\$ 489
BONITA SPRINGS	4,083	12,248	16,331	75%	\$ 4,083
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ 12,146</b>	<b>\$ 39,447</b>	<b>\$ 51,593</b>	<b>76%</b>	<b>\$ 12,146</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	27,700	37,000	80,000	0%	\$ 43,000
DEM - HMEP 20/21	-	-	61,006	0%	\$ 61,006
DEM - Collier Hazard Analysis 20/21	-	15,502	19,251	81%	\$ 3,749
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	35,000	70,000	50%	\$ 35,000
EDA CARES Act COVID	-	76,007	-	N/A	\$ (76,007)
Food Policy Coordinator	2,848	30,847	-	N/A	\$ (30,847)
Vista Supervisor	-	9,332	15,000	62%	\$ 5,668
Brownfields - EPA	12,588	96,655	200,000	48%	\$ 103,345
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 43,136</b>	<b>\$ 300,343</b>	<b>\$ 445,257</b>	<b>67%</b>	<b>\$ 144,914</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
Statewide Regional Evacuation Study	-	42,934	-	N/A	\$ (42,934)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ -</b>	<b>\$ 47,434</b>	<b>\$ 10,500</b>	<b>452%</b>	<b>\$ (36,934)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	- \$	- \$	-	N/A	\$ -
DRIS/NOPCS INCOME	-	4,878	-	N/A	-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 4,878</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					
Misc. Income	550	825	1,000	83%	\$ -
INTEREST INCOME - Money Market	20	508	1,000	51%	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	15	154	1,000	15%	\$ -
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 585</b>	<b>\$ 1,487</b>	<b>\$ 3,000</b>	<b>50%</b>	<b>\$ -</b>
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
<b>TOTAL REVENUES</b>	<b>\$ 55,867</b>	<b>\$ 393,589</b>	<b>\$ 724,975</b>		<b>\$ 334,751</b>

## EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 19,395	\$ 139,645	\$ 261,747	53%	\$ 122,102
FICA EXPENSE	1,473	10,575	20,024	53%	\$ 9,449
RETIREMENT EXPENSE	6,034	29,511	40,396	73%	\$ 10,885
HEALTH INSURANCE EXPENSE	3,349	23,089	39,005	59%	\$ 15,916
WORKERS COMP. EXPENSE	112	784	1,246	63%	\$ 462
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 30,363</b>	<b>\$ 204,979</b>	<b>\$ 362,418</b>	<b>57%</b>	<b>157,439</b>

OPERATIONAL EXPENSES					
CONSULTANTS	\$ 750	\$ 5,926	\$ 41,000	14%	\$ 35,074
GRANT/CONSULTING EXPENSE	7,381	171,538	220,913	78%	\$ 49,375
AUDIT SERVICES EXPENSE	-	25,000	24,000	104%	\$ (1,000)
TRAVEL EXPENSE	-	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	123	932	800	116%	\$ (132)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	625	3,112	4,596	68%	\$ 1,484
INSURANCE EXPENSE	82	5,843	5,275	111%	\$ (568)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	31	944	1,500	63%	\$ 556
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	273	(643)	800	-80%	\$ 1,443
OTHER MISC. EXPENSE	61	413	-	N/A	\$ (413)
BANK SERVICE CHARGES	36	85	-	N/A	\$ (85)
OFFICE SUPPLIES EXPENSE	-	461	1,000	46%	\$ 539
COMPUTER RELATED EXPENSE	965	10,973	11,000	100%	\$ 27
DUES AND MEMBERSHIP	-	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	150	170	1,000	17%	\$ 830
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
FUND BALANCE			\$ 631,414		
OPERATIONAL EXP.	\$ 10,477	\$ 225,105	\$ 968,062	23%	111,543
TOTAL OPERATIONAL EXP.			\$ 968,062		
TOTAL CASH OUTLAY	\$ 40,840	\$ 430,084	\$ 1,330,480		\$ 268,982
NET INCOME (LOSS)	\$ 15,027	\$ (36,495)			

SWFRPC  
Balance Sheet  
April 30, 2021

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ASSETS

Current Assets		
Cash - Florida Prime	\$	145,871.22
Cash - FineMark Oper.		103,323.41
Cash - FineMark MM		130,754.17
Petty Cash		200.00
Accounts Receivable		42,055.60
Accounts Receivable-RC&D		(61.25)
		<hr/>
Total Current Assets		422,143.15
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	<u><u>522,625.62</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		13,860.98
Deferred PalmerRanch NOPC_5357		997.55
Deferred_Babcock_Ranch_5358		10,955.46
Deferred PalmerR XIV NOPC_5359		2,083.34
FICA Taxes Payable		1,113.60
Federal W/H Tax Payable		171.80
United way Payable		322.00
Deferred Compensation Payable		100.00
FSA Payable		(1,146.93)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		29,377.51
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		129,164.95
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(36,495.08)
		<hr/>
Total Capital		393,460.67
		<hr/>
Total Liabilities & Capital	\$	<u><u>522,625.62</u></u>

Unaudited - For Management Purposes Only

# Agenda Item

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**SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL  
BASIC FINANCIAL STATEMENTS  
TOGETHER WITH ADDITIONAL REPORTS  
YEAR ENDED  
SEPTEMBER 30, 2020**

**DRAFT**

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## **INDEPENDENT AUDITOR'S REPORT**

Executive Committee and Council Members  
Southwest Florida Regional Planning Council  
P.O. Box 60933  
Fort Myers, Florida 33906-6933

### **Report on the Financial Statements**

We have audited the accompanying financial statements of governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council"), as of and for the year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

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

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of Florida Retirement Systems Pension Plan (FRS) or Health Insurance Subsidy Pension Plan (HIS) as of and for the year ended June 30, 2020. The Council is required to record its proportionate share of the FRS and HIS liability in the Council's government-wide financial statements as of September 30, 2020 and for the year then ended. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for Southwest Florida Regional Planning Council's government-wide financial statements, is based on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness

Executive Committee and Council Members  
 Southwest Florida Regional Planning Council  
 Page 2

of the Council's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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

### **Summary of Opinions**

<u>Opinion Unit</u>	<u>Type of Opinion</u>
Governmental Activities	Unmodified
General Fund	Unmodified

### **Opinion**

#### **Unmodified Opinion**

In our opinion, based on our report and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Southwest Florida Regional Planning Council as of September 30, 2020, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Emphasis Of Matter***

##### **Substantial Doubt About the Council's Ability to Continue as a Going Concern**

Over the course of the last three (3) fiscal years, five (5) of the six (6) member counties and certain of the participating cities have withdrawn financial support from the Council. The financial effect of this intended action is approximately \$475,000 of unrestricted revenue annually.

The accompanying financial statements have been prepared assuming that the Council will continue as a going concern. As discussed in Note O to the financial statements, the Council, as noted above, has suffered substantially all its member governments withdrawal of funding. As a result of such action by its member governments the Council's operational shortfall has been funded by use of fund balance for the year ended September 30, 2020. The Council's financial situation is continuing to deteriorate in fiscal year 2020. It is likely the Council will be forced to cease operations on or before September 30, 2022 without significant change in circumstances.

Executive Committee and Council Members  
 Southwest Florida Regional Planning Council  
 Page 3

## **Other Matters**

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages i - vi, Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Required Supplementary Information***

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Southwest Florida Regional Planning Council's basic financial statements. The required supplementary information other than the MD&A - budgetary comparison information is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The required supplementary information other than the MD&A - budgetary comparison information is the responsibility of management as was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting

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

and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the required supplementary information other than MD&A - budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

#### **Other Information**

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

#### **Other Reporting Required by Section 218.415, Florida Statutes**

In accordance with Section 218.415, Florida Statutes, we have also issued our report dated January 19, 2021 on our consideration of Southwest Florida Regional Planning Council's compliance with provisions of Section 218.415, Florida Statutes. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and to provide an opinion on compliance with the aforementioned Statute. That report is an integral part of an audit performed in accordance with Sections 218.39 and 218.415, Florida Statutes in considering Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes.

#### **Other Reporting Required by Government Auditing Standards**

In accordance with Government Auditing Standards, we have also issued our report dated January 19, 2021 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contract and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control over financial reporting and compliance.

TUSCAN & COMPANY, P.A.  
Fort Myers, Florida  
January 19, 2021

**MANAGEMENT'S DISCUSSION  
AND ANALYSIS  
(MD&A)**

**DRAFT**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF NET POSITION**  
**September 30, 2020**

Page 5 of 65

	Governmental Activities
<b>ASSETS</b>	
Current assets:	
Cash and cash equivalents	\$ 249,126
Investments	145,717
Due from other governments	72,086
Receivables - contracts and other	31,562
Deposits and other	-
Total current assets	<u>498,491</u>
Noncurrent assets:	
Capital assets:	
Depreciable furniture and fixtures, equipment and vehicles (net of \$42,332 accumulated depreciation)	<u>694</u>
Total noncurrent assets	<u>694</u>
 TOTAL ASSETS	 <u>499,185</u>
 <b>DEFERRED OUTFLOWS OF RESOURCES</b>	 <u>162,490</u>
<b>LIABILITIES</b>	
Current liabilities:	
Accounts payable and accrued expenses	23,492
Unearned revenue	46,122
Current portion of long-term obligations	<u>-</u>
Total current liabilities	69,614
Noncurrent liabilities:	
Noncurrent portion of long-term obligations	607,387
Commitments and Contingencies	<u>-</u>
 TOTAL LIABILITIES	 <u>677,001</u>
 <b>DEFERRED INFLOWS OF RESOURCES</b>	 <u>223,424</u>
 <b>NET POSITION</b>	
Net investment in capital assets	694
Restricted	-
Unrestricted	<u>(239,444)</u>
 TOTAL NET POSITION (DEFICIT)	 <u><u>\$ (238,750)</u></u>

The accompanying notes are an integral part of this statement.



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF ACTIVITIES**  
**Year Ended September 30, 2020**

Page 6 of 65

	Governmental Activities
<b>EXPENSES</b>	
Governmental Activities	
Project Planning:	
Personnel services	\$ 390,656
Operating expenses	614,151
Depreciation	6,293
Interest and fiscal charges	-
<b>TOTAL EXPENSES - GOVERNMENTAL ACTIVITIES</b>	<b>1,011,100</b>
<b>PROGRAM REVENUES</b>	
Charges for services:	
Assessments and fees	62,471
Contracts, local grants and events	22,912
Operating grants and contributions	712,720
<b>TOTAL PROGRAM REVENUES</b>	<b>798,103</b>
<b>NET PROGRAM REVENUES (EXPENSES)</b>	<b>(212,997)</b>
<b>GENERAL REVENUES (LOSS)</b>	
Loss on disposition of capital assets	(8,807)
Interest and miscellaneous	23,412
<b>TOTAL GENERAL REVENUES (LOSS)</b>	<b>14,605</b>
<b>INCREASE (DECREASE) IN NET POSITION</b>	<b>(198,392)</b>
<b>NET POSITION (DEFICIT) - Beginning of the year</b>	<b>(40,358)</b>
<b>NET POSITION (DEFICIT) - End of the year</b>	<b>\$ (238,750)</b>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**BALANCE SHEET - GOVERNMENTAL FUND**  
**September 30, 2020**

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	General Fund	Total Governmental Fund
<b>ASSETS</b>		
Cash and cash equivalents	\$ 249,126	\$ 249,126
Investments	145,717	145,717
Due from other governments	72,086	72,086
Receivables - contracts and other	31,562	31,562
Deposits and other	-	-
	<u>-</u>	<u>-</u>
TOTAL ASSETS	<u>\$ 498,491</u>	<u>\$ 498,491</u>
<b>LIABILITIES AND FUND BALANCE</b>		
<b>LIABILITIES</b>		
Accounts payable and accrued expenses	\$ 23,492	\$ 23,492
Due to other governments	-	-
Unearned revenue	46,122	46,122
	<u>69,614</u>	<u>69,614</u>
TOTAL LIABILITIES	<u>69,614</u>	<u>69,614</u>
<b>FUND BALANCE</b>		
Nonspendable	-	-
Restricted	-	-
Assigned	428,877	428,877
Unassigned	-	-
	<u>428,877</u>	<u>428,877</u>
TOTAL FUND BALANCE	<u>428,877</u>	<u>428,877</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 498,491</u>	<u>\$ 498,491</u>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL**  
**FUND TO THE STATEMENT OF NET POSITION**  
**September 30, 2020**

Page 8 of 65

	<u>Amount</u>	
Total fund balance for governmental funds	\$ 428,877	
Amounts reported for governmental activities in the Statement of Net Position are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the governmental funds.		
Capital assets being depreciated:		
Furniture and fixtures, equipment and vehicles	43,026	
Less accumulated depreciation	<u>(42,332)</u>	
		694
Deferred outflows and deferred inflows are applied to future periods and, therefore, are not reported in the governmental funds.		
Deferred outflows related to pensions	160,763	
Deferred outflows related to OPEB	<u>1,727</u>	
		162,490
Deferred inflows related to pensions	<u>(223,424)</u>	
		(223,424)
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.		
Net pension liability - FRS	(450,519)	
Net pension liability - HIS	(105,445)	
Compensated absences	(34,713)	
Net OPEB liability	<u>(16,710)</u>	
		<u>(607,387)</u>
Total net position (deficit) of governmental activities	<u>\$ (238,750)</u>	

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF REVENUES, EXPENDITURES AND**  
**CHANGES IN FUND BALANCE - GOVERNMENTAL FUND**  
**Year Ended September 30, 2020**

Page 9 of 65

	General Fund	Total Governmental Fund
<b>REVENUES</b>		
Federal and state grants	\$ 712,720	\$ 712,720
Contracts, local grants and events	22,912	22,912
County and city assessments	57,613	57,613
NOPC & DRI fees	4,858	4,858
Interest and miscellaneous	23,412	23,412
<b>TOTAL REVENUES</b>	<b>821,515</b>	<b>821,515</b>
<b>EXPENDITURES</b>		
Current		
Personnel services	409,901	409,901
Operating expenditures	614,151	614,151
Capital outlay	-	-
Debt service	-	-
<b>TOTAL EXPENDITURES</b>	<b>1,024,052</b>	<b>1,024,052</b>
<b>EXCESS OF REVENUES</b>		
<b>OVER (UNDER) EXPENDITURES</b>	<b>(202,537)</b>	<b>(202,537)</b>
<b>OTHER FINANCING SOURCES (USES)</b>		
Operating transfers in	-	-
Operating transfers out	-	-
<b>TOTAL OTHER FINANCING</b>		
<b>SOURCES (USES)</b>	<b>-</b>	<b>-</b>
<b>NET CHANGE IN FUND BALANCE</b>	<b>(202,537)</b>	<b>(202,537)</b>
<b>FUND BALANCE - Beginning of the year</b>	<b>631,414</b>	<b>631,414</b>
<b>FUND BALANCE - End of the year</b>	<b>\$ 428,877</b>	<b>\$ 428,877</b>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
RECONCILIATION OF THE STATEMENT OF REVENUES,  
EXPENDITURES AND CHANGES IN FUND BALANCE -  
GOVERNMENTAL FUND TO THE STATEMENT  
OF ACTIVITIES**

**Year Ended September 30, 2020**

	<u>Amount</u>
Net change (revenues and other financing sources (uses) in excess (under) of expenditures) in fund balance - total governmental funds	\$ (202,537)
The increase (decrease) in net position reported for governmental activities in the Statement of Activities is different because:	
Governmental funds report capital outlays as expenditures.	
However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Plus: expenditures for capital assets	-
Less: current year depreciation	(6,293)
Less: proceeds from disposition of capital assets	-
Less: loss on disposition of capital assets	(8,807)
	(15,100)
Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds.	
(Increase) decrease in net pension liability - FRS	(6,975)
(Increase) decrease in net pension liability - HIS	32,956
Increase (decrease) in deferred outflow - Pensions	(28,417)
(Increase) decrease in deferred inflow - Pensions	21,681
Net decrease (increase) in compensated absences	-
Net (increase) decrease in net OPEB liability	-
Increase (decrease) in deferred outflow - OPEB	-
	19,245
Increase (decrease) in net position of governmental activities	<u>\$ (198,392)</u>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Organization**

Southwest Florida Regional Planning Council (the "Council") is a governmental agency, created on November 8, 1973 via interlocal agreements as provided by Florida Statutes, Chapters 163.01 and 163.02, as amended, to assist other governmental and private agencies in the planning of projects in the Southwest Florida area under Florida Statutes, Chapter 186.504. The Council acts as a regional planning agency and exercises its rights and duties pursuant to Florida Statutes Chapters 23, 160, 163, 186 and 380. By Florida Statute, the Council's principal member entities consist of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties, although certain cities within these counties are participating entities. The Council's Board Members are appointed per statutory requirement. By Florida Statute the Council is funded through member assessments determined by interlocal agreement, various fees, and multiple federal, state, and local grants and contracts. Five (5) of the six (6) of the Council's member counties have ceased paying the annual assessments which has resulted in the Council likely ceasing operations on or before September 30, 2022. See further discussion in Note O.

Specifically, the Council's mission is:

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

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Summary of Significant Accounting Policies**

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

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

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

**Reporting Entity**

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

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

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

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING  
POLICIES, CONTINUED**

**Government-wide Financial Statements**

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

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

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

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



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Government-wide Financial Statements, continued**

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

**Fund Financial Statements**

The Council adheres to GASB Number 54, "Fund Balance Reporting and Governmental Fund Type Definitions," that required a change in the reporting format of fund balances in the governmental fund statements.

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

**Governmental Funds**

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period.

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

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

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Measurement Focus and Basis of Accounting**

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

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

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

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

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this general rule include: (1) principal and interest on the long-term debt, if any, which is recognized when due; and (2) expenditures are generally not divided between years by the recording of prepaid expenditures.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING  
POLICIES, CONTINUED**

**Measurement Focus and Basis of Accounting, continued**

The Council adheres to the provisions of Government Accounting Standards Board Statement No. 68 "Accounting and Financial Reporting for Pensions" (GASB 68), which requires the Council to report its proportionate share of the actuarially determined net pension liability of defined benefit plans in the statement of net position, in the Council's financial statements. The Council participates in the FRS defined benefit pension plan and the HIS defined benefit plan administered by the Florida Department of Management Services, Division of Retirement.

**Non-current Government Assets/Liabilities**

GASB 34 requires non-current governmental assets, such as land and buildings, and non-current governmental liabilities, such as notes payable and capital leases to be reported in the governmental activities column in the government-wide Statement of Net Position.

**Major Funds**

The Council reports the following major governmental fund:

The General Fund is the Council's primary operating fund. It accounts for all financial resources of the Council.

**Budgetary Information**

The Council has elected to report budgetary comparison of major funds as required supplementary information (RSI).

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Investments**

The Council adheres to the requirements of Governmental Accounting Standards Board (GASB) Statement Number 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools," in which all investments are reported at fair value, with the exception of the Local Government Surplus Funds Investment Pool Trust Fund (State Board of Administration), an external 2a7-like investment pool. The Local Government Surplus Funds Investment Pool Trust Fund's shares are stated at amortized cost (otherwise known as fluctuating net asset value or "NAV"), which approximates fair value.

Investments, including restricted investments (if any), may consist of the State of Florida Local Government Surplus Funds Trust Fund and Certificates of Deposit held at local depositories.

**Capital Assets**

Capital assets, which include furniture and fixtures, equipment, and vehicles, are reported in the government-wide financial statements in the Statement of Net Position.

The Council follows a capitalization policy which calls for capitalization of all fixed assets that have a cost or donated value of \$1,000 or more and have a useful life in excess of one year.

All capital assets are valued at historical cost, or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Public domain (infrastructure) capital assets consisting of certain improvements other than building, including curbs, gutters, and drainage systems, are not capitalized, as the Council generally does not acquire such assets. No debt-related interest expense is capitalized as part of capital assets in accordance with GASB Statement Number 34.

Maintenance, repairs, and minor renovations are not capitalized. The acquisition of land and construction projects utilizing resources received from Federal and State agencies are capitalized when the related expenditure is incurred.

Expenditures that materially increase values, change capacities, or extend useful lives

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

**Capital Assets, continued**

are capitalized. Upon sale or retirement, the cost is eliminated from the respective accounts.

Expenditures for capital assets are recorded in the fund statements as current expenditures. However, such expenditures are not reflected as expenditures in the government-wide statements, but rather are capitalized and depreciated.

Depreciable capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset</u>	<u>Years</u>
Improvements Other Than Buildings	7-15
Furniture & Fixtures	7
Equipment	3-7
Vehicles	3

**Budgets and Budgetary Accounting**

The Council has adopted an annual budget for the General Fund.

The Council follows these procedures in establishing budgetary data for the General Fund.

1. During the summer of each year but no later than August 15, the Council management submits to the Board a proposed operating budget for the fiscal year commencing on October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain public comments.
3. The budget is adopted by approval of the Board Members no later than August 15 each year.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Budgets and Budgetary Accounting, continued**

4. The budget for the General Fund is, generally, adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget transfers can be made throughout the year between expenditure accounts by approval of the Board Members. The level of control for appropriations is exercised at the fund level.
6. Budget amounts, as shown in these basic financial statements, are as originally adopted or as amended by the Board Members.
7. Appropriations lapse at year-end.
8. The Board Members approved one budget amendment to decrease total ~~budgeted revenues and expenditures~~ by \$235,726 during the fiscal year ended September 30, 2020.

**Encumbrances**

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed by the Council because it is, at present, not necessary to assure effective budgetary control or to facilitate effective cash planning and control.

**Compensated Absences**

The Council's employees accumulate leave based on various criteria including the number of years of continuous service and job classification.

Leave which is requested and approved prior to the day in which it is taken by the employee (vacation) shall be considered to be scheduled leave. At September 30, 2020 any scheduled leave accrued above 160 hours shall be used or forfeited except for the Executive Director which is limited to 240 hours. Any employee who is separated from the Council staff by layoff, resignation, death, disability, or other cause shall be paid for the number of working hours of unused scheduled (vacation) leave accrued, not to exceed 160 hours.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING  
POLICIES, CONTINUED**

**Compensated Absences, continued**

Leave not requested/approved prior to the day it is taken (sick time) shall be considered unscheduled. Unscheduled leave may be accumulated to a total of 200 hours. There is no reimbursement for unscheduled leave accrual at the time of an employee's termination from the Council and therefore, not accrued.

**Due From Other Governments**

No allowances for losses on uncollectible accounts has been recorded since the Council considers all amounts to be fully collectible.

**Management Estimates**

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires the Council to make estimates and assumptions that affect the reported amounts of assets, liabilities, fund equity, and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

**Net Position**

In the government-wide financial statements no net assets have been identified as restricted. Restricted net assets are those net assets that have constraints as to their use externally imposed by creditors, through debt covenants, by grantors, or by law.

**Fund Balances**

The governmental fund financial statements the Council maintains include nonspendable, assigned, and unassigned fund balances. Nonspendable balances are those that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Criteria include items that are not expected to be converted into cash, for example prepaid expenses and deposits.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING  
 POLICIES, CONTINUED**

**Fund Balances, continued**

The Council's assigned balances are a result of the Council's Board approval of actions prior to October 1, 2019. The Council's intent and policy is to maintain a minimum assigned fund balance level between four (4) to six (6) months of prior year total expenditures. This assigned fund balance will serve as the Council's operational and capital reserve as well as its disaster reserve. At September 30, 2020, the entire fund balance is classified as assigned since the balance is less than the Council's minimum target fund balance. Any use of the fund balance requires the Council's Board approval.

**Pensions**

In the government-wide statement of net position, liabilities are recognized for the Council's proportionate share of each pension plan's net pension liability. For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System (FRS) and the Health Insurance Subsidy (HIS) defined benefit plan and additions to/deductions from fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments, (including refunds of employees contributions) are recognized when due and payable in accordance with the benefit terms.

The Council's retirement plans and related amounts are described in a subsequent note.

**Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The deferred amount on pensions and OPEB is reported in the government-wide statement of net position. The deferred outflows of resources related to pensions and OPEB are discussed in a subsequent note.



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED**

**Deferred Outflows/Inflows of Resources, continued**

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The deferred amount on pensions and OPEB is reported only in the government-wide statement of net position. A deferred amount on pension results from the difference in the expected and actual amounts of experience, earnings, and contributions. This amount is deferred and amortized over the service life of all employees that are provided with pensions and OPEB through these plans except earnings which are amortized over five to seven years.

**Subsequent Events**

Subsequent events have been evaluated through January 19, 2021, which is the date the financial statements were available to be issued.

**NOTE B - CASH AND CASH EQUIVALENTS**

Cash was \$249,126, including cash on hand of \$200 and restricted cash of \$46,122 (unearned revenue) at September 30, 2020.

**Deposits**

The Council's deposit policy allows deposits to be held in demand deposits and money market accounts. All Council depositories are institutions designated as qualified depositories by the State Treasurer at September 30, 2020.

The Council's deposits consist of the following at September 30, 2020:

	Bank Balance	Carrying Amount
Depository Accounts	\$ 278,288	\$ 248,926

These deposits were entirely covered by federal depository insurance or by collateral pursuant to the Public Depository Security Act (Florida Statute 280) of the State of Florida. Bank balances approximate market value. Depository accounts are fully insured and/or collateralized.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE C - INVESTMENTS**

Florida Statutes and the Council's investment policy authorize investments in the Local Government Surplus Funds Trust Fund (SBA) administered by the State Board of Administration, and certificates of deposit held in financial institutions.

At September 30, 2020, the Council's investments consist of the following:

	Cost Basis	Fair Value (NAV)/ Carrying Amount
<u>General Fund</u>		
Local Government Surplus Trust Fund (SBA)		
Fund "A" (Florida PRIME)	\$ 145,717	\$ 145,717
Total Investments	\$ 145,717	\$ 145,717

The Local Government Surplus Funds Trust Fund (Florida PRIME (formerly Fund "A")) is an external 2a7-like investment pool, administered by the Florida State Board of Administration. The Local Government Surplus Funds Investment Pool Trust Fund is not categorized as it is not evidenced by securities that exist in physical or book entry form. The Local Government Surplus Trust Funds Investment Pool's shares are stated at amortized cost (NAV), which approximates fair value. These investments are subject to the risk that the market value of an investment, collateral protecting a deposit or securities underlying a repurchase agreement, will decline. The Council's investment in the Fund represented less than 1% of the Fund's total investments. Investments held in the Fund include, but are not limited to, short-term federal agency obligations, treasury bills, repurchase agreements and commercial paper. These short-term investments are stated at cost, which approximates market. Investment income is recognized as earned and is allocated to participants of the Fund based on their equity participation.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE C - INVESTMENTS, CONTINUED**

At September 30, 2020, the Council reported SBA investments of \$145,717 for amounts held in Florida PRIME. Florida PRIME carried a credit rating of AAAM by Standard and Poors and had a weighted average days to maturity (WAM) of 48 days at September 30, 2020. The weighted average life (WAL) of Florida PRIME at September 30, 2020 was 63 days. Rule 2a7 allows funds to use amortized cost to maintain a constant NAV of \$1.00 per share. Accordingly, the Council's investment in Florida PRIME is reported at the account balance (pooled shares), which is considered fair value.

The Council adheres to GASB Statement No. 79 which requires the following disclosures related to its Florida PRIME investment:

Redemption Gates: Chapter 218.409(8)(a), Florida Statutes, states that "The principal, and any part thereof, of each account constituting the trust fund is subject to a payment at any time from the moneys in the trust fund. However, the Executive Director of the fund may, in good faith, on the occurrence of an event that has a material impact on liquidity or operations of the trust fund, for 48 hours limit contributions to or withdrawals from the trust fund to ensure that the Board can invest moneys entrusted to it in exercising its fiduciary responsibility. Such action must be immediately disclosed to all participants, the Trustees, the Joint Legislative Auditing Committee, the Investment Advisory Council and the Participant Local Government Advisory Council. The Trustees shall convene an emergency meeting as soon as practicable from the time the Executive Director has instituted such measures to review the necessity of those measures. If the Trustees are unable to convene an emergency meeting before the expiration of the 48-hour moratorium on the contributions and withdrawals, the Executive Director may extend the moratorium until the Trustees are able to meet to review the necessity for the moratorium. If the Trustees agree with such measures, the Trustees shall vote to continue the measures for up to an additional 15 days. The Trustees must convene and vote to continue any such measures before the expiration of the time limit set, but in no case may the time limit set by the Trustees exceed 15 days."

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE C - INVESTMENTS, CONTINUED**

Liquidity Fees: Florida Statute 218.409(4) provides authority for the SBA to impose penalties for early withdrawal, subject to disclosures in the enrollment materials of the amount and purpose of such fees. At September 30, 2020, no such disclosure has been made.

Redemption Fees: As of September 30, 2020, there were no redemption fees (gates) or maximum transaction amounts, or any other requirements that serve to limit a participant's daily access to 100 percent of their account value.

Fair Value: The carrying value of cash, cash equivalents, and investments held by the Council is reported at amortized cost which approximates fair value.

Foreign Currency: Florida PRIME was not exposed to foreign currency risk during the period October 1, 2019 to September 30, 2020.

Securities Lending: Florida PRIME did not participate in securities lending program during the period October 1, 2019 through September 30, 2020.

Separate financial statements for Florida PRIME are available from Florida PRIME as of and for the year ended June 30, 2020.

**NOTE D - DUE FROM OTHER GOVERNMENTS**

Due from other governments-grants receivable consisted of the following at September 30, 2020:

	<u>Amount</u>
<u>Federal</u>	
U.S. Economic Development Administration - Planning	\$ 52,500
U.S. Economic Development Administration - CARES Act	16,617
<u>Other</u>	
Hendry County	<u>2,969</u>
Total due from other governments	<u>\$ 72,086</u>

The due from other governments grants receivable balances as of September 30, 2020, are considered by management to be fully collectible.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE E - CAPITAL ASSETS ACTIVITY**

The following is a summary of changes in capital assets activity for the year ended September 30, 2020:

	Balance October 1 2019	Increases/ Additions	Decreases/ Deletions	Adjustments/ Reclassifications	Balance September 30 2020
Capital Assets					
Being Depreciated:					
Furniture & Fixtures	\$ 5,377	\$ -	\$ (5,377)	\$ -	\$ -
Equipment	162,571	-	(119,545)	-	43,026
Vehicles	-	-	-	-	-
Total Capital Assets					
Being Depreciated	167,948	-	(124,922)	-	43,026
Less Accumulated Depreciation:					
Furniture & Fixtures	(5,377)	-	5,377	-	-
Equipment	(146,777)	(6,293)	110,738	-	(42,332)
Vehicles	-	-	-	-	-
Total Accumulated Depreciation	(152,154)	(6,293)	116,115	-	(42,332)
Total Capital Assets Being Depreciated, Net	15,794	(6,293)	(8,807)	-	694
Capital Assets, Net	\$ 15,794	\$ (6,293)	\$ (8,807)	\$ -	694
Related debt					-
Net investment in capital assets					\$ 694

Depreciation expense was charged to the following functions during the year ended September 30, 2020:

	Amount
General Government	\$ 6,293
Total Depreciation Expense	\$ 6,293

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE F - UNEARNED REVENUE**

Unearned revenue (by type) consisted of the following at September 30, 2020:

	<u>Amount</u>
Grants	\$ 44,708
DRI's & NOPC's	<u>1,414</u>
	<u>\$ 46,122</u> (1)
(1) offset by restricted cash	

**NOTE G - LONG-TERM LIABILITIES**

The following is a summary of changes in long-term liabilities for the year ended September 30, 2020:

	Balance October 1 2019	Additions	Retirements / Adjustments	Balance September 30 2020	Amounts Due Within One Year
Net Pension Liability - FRS	\$ 443,544	\$ 6,975	\$ -	\$ 450,519	\$ -
Net Pension Liability - HIS	138,401	-	(32,956)	105,445	-
Compensated absences	34,713	-	-	34,713	-
Net OPEB liability	<u>16,710</u>	<u>-</u>	<u>-</u>	<u>16,710</u>	<u>-</u>
	<u>\$ 633,368</u>	<u>\$ 6,975</u>	<u>\$ (32,956)</u>	<u>\$ 607,387</u>	<u>\$ -</u>

The following is a summary of the long-term liabilities at September 30, 2020:

	<u>Amount</u>
Net pension obligation - FRS pension plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	\$ 450,519
Net pension obligation - HIS plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	105,445
Non-current portion of compensated absences. Employees of the Council are entitled to paid scheduled (vacation) leave based on length of service and job classification.	34,713
Net OPEB liability - actuarially determined - GASB No. 75.	<u>16,710</u>
	<u>\$ 607,387</u>

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**NOTE H - OPERATING LEASE COMMITMENTS**

The Council leases certain copiers and office space under agreements classified as operating leases.

The lease for office space was terminated on September 30, 2020. The Council now receives donated office space from a not-for-profit organization. The value of the rent received is not recorded as the amounts are determined to be immaterial.

Future minimum lease payments under the copier lease is as follows:

Years Ending September 30	Amount
2021	\$ 2,784
2022	232
	<u>\$ 3,016</u>

For the year ended September 30, 2020, total rent expense was \$55,211.

**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN**

**General Information about the Florida Retirement System**

The Florida Retirement System ("FRS") was created in Chapter 121, Florida Statutes. The FRS was created to provide a defined benefit pension plan ("Pension Plan") for participating public employees. All Council employees are participants in the Statewide Florida Retirement System (FRS) under authority of Article X, Section 14 of the State Constitution and Florida Statutes, Chapters 112 and 121. The FRS was amended in 1998 to add the Deferred Retirement Option Program ("DROP") under the defined benefit plan and amended in 2000 to provide an integrated defined contribution plan alternative to the defined benefit plan for FRS members effective July 1, 2002. This integrated defined contribution pension plan is the FRS Investment Plan. Chapter 112, Florida Statutes, established the Retiree Health Insurance Subsidy (HIS) Program, a separate cost-sharing, multiple-employer defined benefit pension plan to assist retired members of any State-administered retirement system in paying the costs of health insurance.

Essentially all regular employees of the Council are eligible to enroll as members of the State-administered FRS. Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**General Information about the Florida Retirement System, continued**

Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. Such provisions may be amended at any time by further action from the Florida Legislature. The FRS is a single retirement system administered by the Florida Department of Management Services, Division of Retirement, and consists of two cost-sharing, multiple-employer defined benefit plans (Pension and HIS Plans) and other nonintegrated programs. A comprehensive annual financial report of the FRS, which includes its financial statements, required supplementary information, actuarial report, and other relevant information dated June 30, 2020, is available from the Florida Department of Management Services' Website ([www.dms.myflorida.com](http://www.dms.myflorida.com)).

The Council's total pension expense, \$26,171 for the year ended September 30, 2020, is recorded in the government-wide financial statements. Total Council retirement actual contribution expenditures were \$45,416, \$48,097 and \$56,794 for the years ended September 30, 2020, 2019 and 2018, respectively. The Council contributed 100% of the required contributions.

**FRS Pension Plan**

**Plan Description.** The FRS Pension Plan ("Plan") is a cost-sharing, multiple-employer defined benefit pension plan, with a Deferred Retirement Option Program (DROP) for eligible employees. The general classes of membership are as follows:

Regular Class - Members of the FRS who do not qualify for membership in the other classes.

Senior Management Service Class (SMSC) - Members in senior management level positions.

Special Risk Class - Members who are employed as law enforcement officers and meet the criteria to qualify for this class.

Elected Officials - Members who are elected by the voters within the District boundaries.



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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service, except for those members classified as special risk who are eligible for normal retirement benefits at age 55 or at any age after 25 years of service. All members enrolled in the Plan on or after July 1, 2011, once vested, are eligible for normal retirement benefits at age 65 or any time after 33 years of creditable service, except for members classified as special risk who are eligible for normal retirement benefits at age 60 or at any age after 30 years of service. Members of both Plans (Pension and HIS) may include up to 4 years of credit for military service toward creditable service. The Plan also includes an early retirement provision; however, there is a benefit reduction for each year a member retires before his or her normal retirement date. The Plan provides retirement, disability, death benefits, and annual cost of living adjustments to eligible participants.

DROP, subject to provisions of Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The net pension liability does not include amounts for DROP participants, as these members are considered retired and are not accruing additional pension benefits.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

**Benefits Provided.** Benefits under the Plan are computed on the basis of age, and/or years of service, average final compensation, and credit service. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for the members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on retirement plan and/or the class to which the member belonged when the service credit was earned. Members are eligible for in-line-of-duty or regular disability and survivors' benefits. The following chart shows the percentage value of each year of service credit earned:

<u>Class, Initial Enrollment, and Retirement Age/Years of Service</u>	<u>%Value</u>
Regular Class and elected members initially enrolled before July 1, 2011	
Retirement up to age 62, or up to 30 years of service	1.60
Retirement at age 63 or with 31 years of service	1.63
Retirement at age 64 or with 32 years of service	1.65
Retirement at age 65 or with 33 or more years of service	1.68
Regular Class and elected members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement at age 66 or with 34 years of service	1.63
Retirement at age 67 or with 35 years of service	1.65
Retirement at age 68 or with 36 or more years of service	1.68
Special Risk Regular	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Senior Management Service Class	2.00
Elected Officers' Class	3.00

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of-living adjustment is 3 percent per year. If the member is initially enrolled before July 1, 2011, and has service credit on or after July 1, 2011, there is an individually calculated cost-of-living adjustment. The annual cost-of-living adjustment is a proportion of 3 percent determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3 percent. Plan members initially enrolled on or after July 1, 2011, will not have a cost-of-living adjustment after retirement.

**Contributions.** The Florida Legislature establishes contribution rates for participating employers and employees. Contribution rates during the year ended September 30, 2020 were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	8.47	10.00
Florida Retirement System, Senior Management Service	3.00	25.41	27.29
Florida Retirement System, Special Risk	3.00	25.48	24.45
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	14.60	16.98
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	48.82	49.18

Notes:

- (1) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/19 - 6/30/20.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/20 - 6/30/21.

\* As defined by the Plan.

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

**Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the Pension Plan.** At September 30, 2020, the Council reported a net pension liability of \$450,519 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2020, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2020. The Council's proportionate share of the net pension liability was based on the Council's 2019-20 fiscal year contributions relative to the total 2019-20 fiscal year contributions of all participating members. At September 30, 2020, the Council's proportionate share was .001039463 percent, which was a decrease of .000248465 percent from its proportionate share measure as of September 30, 2019.

For the year ended September 30, 2020, the Council recognized FRS pension expense of \$21,720. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to the pension from the following sources at September 30, 2020:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 17,242	\$ -
Change of assumptions	81,560	-
Net difference between projected and actual earnings on pension plan investments	26,824	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	2,134	119,622
Council contributions subsequent to the measurement date	<u>9,638</u>	<u>-</u>
Total	<u>\$ 137,398</u>	<u>\$ 119,622</u>

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

The deferred outflows of resources related to the FRS pension, totaling \$9,638 resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to the pension will be recognized in pension expense over the remaining service period of 5.9 years as follows:

Fiscal Years Ending September 30	Amount
2021	\$ 2,893
2022	2,893
2023	2,893
2024	2,893
2025	(3,813)
Thereafter	379
Total	<u>\$ 8,138</u>

**Actuarial Assumptions.** The total pension liability in the July 1, 2020, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Valuation date	July 1, 2020
Measurement date	June 30, 2020
Inflation	2.40 percent
Real payroll growth	0.85 percent
Salary increases	3.25 percent, average, including inflation
Investment rate of return	6.80 percent, net of pension plan investment expense, including inflation
Actuarial cost method	Individual entry age

Mortality rates were based on the Generational PUB-2010 with Projection Scale MP-2018.

The actuarial assumptions used in the July 1, 2020, valuation were based on the results of an actuarial experience study for the period July 1, 2013 through June 30, 2018.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

The long-term expected rate of return on pension plan investments was not based on historical returns, but instead is based on a forward-looking capital market economic model. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes an adjustment for the inflation assumption. The target allocation and best estimates of arithmetic and geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation (1)	Annual Arithmetic Return	Compound Annual (Geometric) Return	Standard Deviation
Cash	1.0%	2.2%	2.2%	1.2%
Fixed income	19.0%	3.0%	2.9%	3.5%
Global equity	54.2%	8.0%	6.7%	17.1%
Real estate (property)	10.3%	6.4%	5.8%	11.7%
Private equity	11.1%	10.8%	8.1%	25.7%
Strategic investments	4.4%	5.5%	5.3%	6.9%
Total	<u>100%</u>			
Assumed inflation - Mean		2.40%		1.70%

(1) As outlined in the Plan's investment policy

**Money-Weighted Rate of Return.** The annual money-weighted rate of return on the FRS Pension Plan investments was 3.35% for the Plan year ended June 30, 2020.

**Discount Rate.** The discount rate used to measure the total pension liability was reduced to 6.80 percent from 6.90 percent in the prior year. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS Pension Plan, continued**

**Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate.** The following presents the Council's proportionate share of the net pension liability calculated using the discount rate of 6.80 percent which was reduced from 6.90%, as well as what the Council's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.80 percent) or 1-percentage-point higher (7.80 percent) than the current rate:

	1% Decrease (5.80%)	Current Discount Rate (6.80%)	1% Increase (7.80%)
Council's proportionate share of the net pension liability	\$ 719,402	\$ 450,519	\$ 225,946

**Pension Plan Fiduciary Net Position.** Detailed information about pension plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2020.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services  
 Division of Retirement  
 Bureau of Research and Member Communications  
 P.O. Box 9000  
 Tallahassee, FL 32315-9000  
 850-488-5706 or toll free at 877-377-1737

[http://www.dms.myflorida.com/workforce\\_operations/retirement/publications](http://www.dms.myflorida.com/workforce_operations/retirement/publications)

**Payables to the Pension Plan.** At September 30, 2020, the Council reported a payable of \$145 for the outstanding amount of contributions in the pension plan required for the year ended September 30, 2020.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**HIS Plan**

**Plan Description.** The Health Insurance Subsidy Plan ("HIS Plan") is a cost-sharing, multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. The benefit is a monthly payment to assist retirees of State-administered retirement systems in paying their health insurance costs and is administered by the Division of Retirement within the Florida Department of Management Services.

**Benefits Provided.** For the year ended September 30, 2020, eligible retirees and beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by \$5. The payments are at least \$30 but not more than \$150 per month, pursuant to Section 112.363, Florida Statutes. To be eligible to receive a HIS Plan benefit, a retiree under a State-administered retirement system must provide proof of health insurance coverage, which can include Medicare.

**Contributions.** The HIS Plan is funded by required contributions from FRS participating employers as set by the Florida Legislature. Employer contributions are a percentage of gross compensation for all active FRS members. For the year ended September 30, 2020, the contribution rate ranged between 1.66 percent and 1.66 percent of payroll pursuant to Section 112.363, Florida Statutes. The Council contributed 100 percent of its statutorily required contributions for the current and preceding three years. HIS Plan contributions are deposited in a separate trust fund from which HIS payments are authorized. HIS Plan benefits are not guaranteed and are subject to annual legislative appropriation. In the event the legislative appropriation or available funds fail to provide full subsidy benefits to all participants, benefits may be reduced or cancelled.

**Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the HIS Plan.** At September 30, 2020, the Council reported a HIS net pension liability of \$105,445 for its proportionate share of the net HIS Plan's net pension liability. The net pension liability was measured as of June 30, 2020, and the total pension liability was used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2020. The Council's proportionate share of the net HIS liability was based on the District's 2019-20 fiscal year contributions relative to the total 2019-20 fiscal



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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**HIS Plan, continued**

year contributions of all participating members. At September 30, 2020, the Council's proportionate share was .000863608 percent, which was a decrease of .000373326 percent from its proportionate share measured as of June 30, 2019.

For the fiscal year ended September 30, 2020, the Council recognized HIS expense (income) of \$4,451. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 4,313	\$ 81
Change of assumptions	11,336	6,131
Net difference between projected and actual earnings on pension plan investments	84	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	6,509	97,590
Council contributions subsequent to the measurement date	<u>1,123</u>	<u>-</u>
Total	<u>\$ 23,365</u>	<u>\$ 103,802</u>

The deferred outflows of resources related to HIS, totaling \$1,123, resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense of the remaining service period of 7.2 years as follows:

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**HIS Plan, continued**

Fiscal Years Ending September 30	Amount
2021	\$ (13,147)
2022	(13,147)
2023	(13,147)
2024	(13,147)
2025	(13,168)
Thereafter	(15,804)
Total	<u>\$ (81,560)</u>

**Actuarial Assumptions.** The total pension liability in the July 1, 2020, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.40 percent
Real Payroll Growth	0.85 percent
Salary Increases	3.25 percent, average, including inflation
Municipal Bond Rate	2.21 percent
Actuarial Cost Method	Individual entry age

Mortality rates were based on the Generational PUB-2010 with Projected Scale MP-2018.

Because the HIS Plan is funded on a pay-as-you-go basis, no experience study has been completed for this plan.

**Discount Rate.** The discount rate used to measure the total HIS liability was decreased from 3.50% to 2.21%. In general, the discount rate for calculating the total HIS liability is equal to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date. Because the HIS benefit is essentially funded on a pay-as-you-go basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the plan sponsor. The Bond Buyer General Obligation 20-Bond Municipal Bond Index was adopted as the applicable municipal bond index.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**HIS Plan, continued**

**Sensitivity of the District's Proportionate Share of the Net HIS Liability to Changes in the Discount Rate.** The following presents the Council's proportionate share of the net HIS liability calculated using the discount rate of 2.21 percent, as well as what the Council's proportionate share of the net HIS liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.21 percent) or 1-percentage-point higher (3.21 percent) than the current rate:

	1%	Current	1%
	Decrease	Discount Rate	Increase
	(1.21%)	(2.21%)	(3.21%)
Council's proportionate share of the net HIS liability	\$ 121,890	\$ 105,445	\$ 91,985

**Pension Plan Fiduciary Net Position.** Detailed information about the HIS plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2020.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services  
 Division of Retirement  
 Bureau of Research and Member Communications  
 P.O. Box 9000  
 Tallahassee, FL 32315-9000  
 850-488-5706 or toll free at 877-377-1737

[http://www.dms.myflorida.com/workforce\\_operations/retirement/publications](http://www.dms.myflorida.com/workforce_operations/retirement/publications)

**Payables to the Pension Plan.** At September 30, 2020 the Council reported a payable of \$30 for the outstanding amount of contributions to the HIS plan required for the fiscal year ended September 30, 2020.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS - Defined Contribution Pension Plan**

The SBA administers the defined contribution plan officially titled the FRS Investment Plan (Investment Plan). The Investment Plan is reported in the SBA's annual financial statements and in the State of Florida Comprehensive Annual Financial Report.

As provided in Section 121.4501, Florida Statutes, eligible FRS members may elect to participate in the Investment Plan in lieu of the FRS defined benefit plan. Council employees participating in DROP are not eligible to participate in the Investment Plan. Employer and employee contributions, including amounts contributed to individual member's accounts, are defined by law, but the ultimate benefit depends in part on the performance of investment funds. Benefit terms, including contribution requirements, for the Investment Plan are established and may be amended by the Florida Legislature. The Investment Plan is funded with the same employer and employee contribution rates that are based on salary and membership class (Regular Class, Elected County Officers, etc.) as the FRS defined benefit plan. Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Costs of administering the plan, including FRS Financial Guidance Program, are funded through an employer contribution of 0.06 percent of payroll and by forfeited benefits of plan members. Allocations to the investment member's accounts during the 2019-20 fiscal year were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	8.47	10.00
Florida Retirement System, Senior Management Service	3.00	25.41	27.29
Florida Retirement System, Special Risk	3.00	24.48	24.45
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	14.60	16.98
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	48.82	49.18

Notes:

- (1) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/19 - 6/30/20.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/20 - 6/30/21.

\* As defined by the Plan.

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**NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED**

**FRS - Defined Contribution Pension Plan, continued**

For all membership classes, employees are immediately vested in their own contributions and are vested after 1 year of service for employer contributions and investment earnings. If an accumulated benefit obligation for service credit originally earned under the FRS Pension Plan is transferred to the Investment Plan, the member must have the years of service required for FRS Pension Plan vesting (including the service credit represented by the transferred funds) to be vested for these funds and the earnings on the funds. Nonvested employer contributions are placed in a suspense account for up to 5 years. If the employee returns to FRS-covered employment within the 5-year period, the employee will regain control over their account. If the employee does not return within the 5 year period, the employee will forfeit the accumulated account balance. For the fiscal year ended September 30, 2020, the information for the amount of forfeitures was unavailable from the SBA; however, management believes that these amounts, if any, would be immaterial to the Council.

After termination and applying to receive benefits, the member may rollover vested funds to another qualified plan, structure a periodic payment under the Investment Plan, receive a lump-sum distribution, leave the funds invested for future distribution, or any combination of these options. Disability coverage is provided; the member may either transfer the account balance to the FRS Pension Plan when approved for disability retirement to receive guaranteed lifetime monthly benefits under the FRS Pension Plan, or remain in the Investment Plan and rely upon that account balance for retirement income.

The Council's Investment Plan pension expense totaled \$30,796 for the fiscal year ended September 30, 2020 and is included as part of total FRS contributions.

Payables to the Investment Plan. At September 30, 2020, the Council reported a payable of \$0 for the outstanding amount of contributions to the Plan required for the fiscal year ended September 30, 2020.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
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**NOTE J - COMMITMENTS/CONTINGENCIES**

**Grants**

The Council is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency. The grantor agency may at times disallow expenditure amounts associated with a contract based on the outcome of an audit. These amounts would constitute a contingent liability of the Council. The Council has not, as of September 30, 2020, been notified of any existing contingent liabilities related to prior grants or the grants currently in process. The Council has not had any special compliance audits conducted by grantor agencies or any disallowed costs during the year ended September 30, 2020. The management of the Council does not believe contingent liabilities, if any exist, to be material.

**NOTE K - ECONOMIC DEPENDENCE**

The Council's operations are substantially dependent on the receipt of revenue from grantor and contract agencies as well as Florida Statute mandated member assessments. Loss of these funds and/or large decreases in this type of funding would have a material effect on the financial position of the Council and a negative impact on overall operations. For the fiscal year ended September 30, 2020, approximately 96% of total revenue is attributable to funds received from grantor and contract agencies and assessments.

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB)**

**Plan Description**

The Council's single employer defined benefit OPEB Plan provides the opportunity to obtain health insurance, pharmacy, dental and vision benefits to its retired employees and their dependents. The year ended September 30, 2018 was the Council's transition year and as such, the Council implemented GASB No. 75 "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions". GASB No. 75 requires the Council to annually its actuarially determined total OPEB liability.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS  
(OPEB), CONTINUED**

**Plan Description, continued**

All retired full-time employees are eligible for OPEB benefits if actively employed by the Council immediately before retirement. As of September 30, 2020, there were zero (0) retirees eligible to receive benefits. At September 30, 2020, there were five (5) active Council employees. The benefits are provided both with contractual or labor agreements. The benefits may require contribution from the retirees, depending on certain specified criteria and, in particular, length of creditable employment. The minimum retirement age is 62. The minimum years of service requirement is 8 years.

The retiree's premiums for these benefits totaled \$0 during the year ended September 30, 2020, of which the Council paid \$0.

**Funding Policy**

The Council's OPEB benefits are unfunded. The retiree is eligible for benefits under the Council's health, pharmacy dental and vision plan, but is obligated to reimburse the Council for 100% of the cost of the retiree's health coverage. As such, the Council has no ultimate obligation (explicit subsidy) for the retiree's health insurance premium. The Council acts as agent for the retiree on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due. The Council does, however, incur the cost of premium rate being increased on its active employees due to providing coverage to its retirees (implicit subsidy). The Council has not determined if a separate trust fund or equivalent arrangement will be established into which the Council would make contributions to advance-fund the obligation. Therefore, no separate financial statement is issued. All required disclosures are presented herein. The Plan's measurement date was September 30, 2019 for the October 1, 2019 - September 30, 2020 reporting period.

The retiree pays 100% of the retiree health only coverage less the FRS health insurance subsidy (HIS) reimbursement amount until age 65. The retiree may purchase dependent coverage through the Council. At age 65 the retiree then must move to Medicare but may continue to purchase dental and vision coverage through the Council. The Council finances the benefits on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS  
(OPEB), CONTINUED**

**Funding Policy, continued**

The Council subsidizes the premium rates paid by retirees by allowing them to participate at blended premium rates for both active and retired employees. These rates provide an implicit subsidy for retirees because, on an actuarial basis, retiree claims are expected to result in higher costs to the plan on average than those of active employees.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multiyear trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

**Actuarial Methods and Assumptions**

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

At September 30, 2020, the Council's Net OPEB Liability of \$16,710 was measured as of September 30, 2019, and was determined by an actuarial valuation as of that date using the alternate measurement method. The change from the prior year was immaterial and therefore not recorded. The following actuarial assumptions and other inputs were applied to all periods included in the measurement:



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS  
(OPEB), CONTINUED**

**Actuarial Methods and Assumptions, continued**

The following simplifying assumptions were made:

Mortality - Life expectancies were based on RP2000 Mortality Tables projected to the valuation date using scale AA.

Annual healthcare cost trend using the Society of Actuaries Long-Run Medical Cost Trend Model baseline assumptions with an initial rate of 8.0% per year trending to 4.0% by 2075. Years to ultimate 56.

Turnover - Non-group-specific age-based turnover data from GASB Statement 45 were used as the basis for assigning active members a probability of remaining employed until the assumed retirement age and for developing an expected future working lifetime assumption for purposes of allocating to periods the present value of total benefits paid.

Amortization Period: Rolling 20 year amortization

Funding Method: entry age cost method (level percent of payroll)

The discount rate was 4.18% (3.64 for 2020) (3.64% for 2019) (3.06% for 2018) and was based on the 20 Year Municipal Bond Rate with AA/Aa or higher.

Retirement Rate	100% at age 58
Inflation Rate	2.50%
Salary Increases	2.50%
Discount Rate	4.18%

The FRS salary scale was used

Participation percentage: 25%

The actuarial assumptions used in the September 30, 2020 valuation were based on results of an actuarial experience study performed for the FRS Retirement Plan.

The rationales for selecting each of the assumptions used in the financial accounting valuation and for the assumptions changes summarized above are to best reflect the current market conditions and recent plan experience.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS**  
**(OPEB), CONTINUED**

**Changes in the Net OPEB Liability**

	<u>Amount</u>
Balance at September 30, 2019	\$ 16,710
Changes for the Year:	
Service Cost	-
Interest Cost on Total OPEB Liability	-
Change in Benefit Terms	-
Difference Between Expected and Actual Experience	-
Changes in Assumptions	-
Benefit Payments	-
Net Changes	-
Balance at September 30, 2020	<u>\$ 16,710</u>

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using a discount rate that is 1 percent higher or 1 percent lower than the current discount rate.

	1% Decrease	Current Rate	1% Increase
	<u>3.18%</u>	<u>4.18%</u>	<u>5.18%</u>
Net OPEB Liability	\$ 18,590	\$ 16,710	\$ 15,171

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using healthcare trend rates that are 1 percent higher or 1 percent lower than the current healthcare trend rate.

	1% Decrease	Healthcare Trend Rate	1% Increase
	<u>3.00-7.00%</u>	<u>4.00-8.00%</u>	<u>5.00-9.00%</u>
Net OPEB Liability	\$ 15,158	\$ 16,710	\$ 18,630

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS**  
**(OPEB), CONTINUED**

**Changes in the Net OPEB Liability, continued**

For the year ended September 30, 2020, the Council recognized OPEB expense (revenue) credit of \$0. At September 30, 2020, the Council reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources*	Deferred Inflows of Resources*
Differences Between Expected and		
Actual Experience	\$ -	\$ -
Changes in Assumptions	-	-
Net difference between projected		
and actual earnings	-	-
Employer contribution subsequent		
to measurement date	1,727	-
Total	<u>\$ 1,727</u>	<u>\$ -</u>

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

	Amount*
	\$ -
	-
	-
	-
	-
Total Thereafter	<u>1,727</u>
	<u>\$ 1,727</u>

\*Per GASB No. 75 paragraph 43(a) since the Council used the alternative measurement method the effects of assumptions are recognized immediately. As such, since the Plan holds no assets their deferred inflows/outflows are zero except employer contribution.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE M - RISK MANAGEMENT**

The Council is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters.

Insurance programs for general/professional liability, automobile, and property are through commercial insurance carriers. The Council retains the risk of loss, on insured claims, up to a deductible amount (depending on the type of loss) with the risk of loss in excess of this amount transferred to the insurance carrier. The Council is third party insured for employee health as well as workers' compensation. There were no claims paid in excess of insurance coverage during the past three (3) fiscal years.

**NOTE N - FUND BALANCE**

Fund balance was classified for the following purposes at September 30, 2020:

Assigned fund balance - General Fund	Amount
Operating reserves	\$ 428,877
	<u>\$ 428,877</u>

**NOTE O - CONTINGENCY**

During the year ended September 30, 2018, the Council was informed by Sarasota, Lee and Charlotte Counties as well as two (2) cities of their respective intent to withdraw financial support from the Council. The Council estimated the financial effect of such withdrawal to be approximately \$350,000 of unrestricted revenue annually.

During the year ended September 30, 2020, and through the date of this report all Counties except one have withdrawn their funding as have certain participating cities. As a result there is substantial doubt the Council will continue operations on or before September 30, 2022.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**September 30, 2020**

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**NOTE P - COVID 19**

In early March 2020, the World Health Organization classified the coronavirus outbreak "COVID-19" as a global pandemic, and it, unfortunately, continues to spread. Business continuity, including supply chains and consumer demand across a broad range of industries and countries, have been severely impacted, as governments and their citizens take significant and unprecedented measures to mitigate the consequences of the pandemic. On April 1, 2020, Florida Governor, Ron DeSantis ordered all Floridians to stay home, to lock down the State against the Coronavirus. Most governmental activity was cancelled and/or severely limited.

The Council has adapted its operations to accommodate the current environment. However, the full impact of the COVID-19 outbreak continues to evolve as of the date of this report. This pandemic has adversely affected global economic activity and greatly contributed to instability in financial markets. Management is actively monitoring the local situation on its financial condition, liquidity, operations, donors, industry, and workforce. Given the daily evolution of COVID-19 and the global and local responses to curb its spread, the Council is not able to estimate the future effects of COVID-19 on its results of operation, financial condition, or liquidity for fiscal year 2020-21.

**REQUIRED SUPPLEMENTARY  
INFORMATION  
OTHER THAN MD&A**

**DRAFT**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN**  
**FUND BALANCE - BUDGET-AND ACTUAL - GENERAL FUND -**  
**SUMMARY STATEMENT**  
**Year Ended September 30, 2020**

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	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
<b>REVENUES</b>				
Federal and state grants	\$ 560,052	\$ 720,012	\$ 712,720	\$ (7,292)
Contracts, local grants and events	274,386	194,548	22,912	(171,636)
County and city assessments	167,817	57,613	57,613	-
DRI fees	-	-	4,858	4,858
Interest and miscellaneous	6,000	23,412	23,412	-
Fund balance carryforward	854,470	631,414	-	(631,414)
<b>TOTAL REVENUES</b>	<u>1,862,725</u>	<u>1,626,999</u>	<u>821,515</u>	<u>(805,484)</u>
<b>EXPENDITURES</b>				
Current				
Personnel services	459,703	398,346	409,901	(11,555)
Operating expenditures	1,403,022	1,228,653	614,151	614,502
Capital outlay	-	-	-	-
Debt service	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<u>1,862,725</u>	<u>1,626,999</u>	<u>1,024,052</u>	<u>602,947</u>
<b>EXCESS OF REVENUES OVER</b>				
<b>(UNDER) EXPENDITURES</b>	<u>-</u>	<u>-</u>	<u>(202,537)</u>	<u>(202,537)</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
<b>TOTAL OTHER FINANCING SOURCES (USES)</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>NET CHANGE IN FUND BALANCE</b>	<u>\$ -</u>	<u>\$ -</u>	<u>(202,537)</u>	<u>\$ (202,537)</u>
<b>FUND BALANCE, October 1, 2019</b>			<u>631,414</u>	
<b>FUND BALANCE, September 30, 2020</b>			<u>\$ 428,877</u>	

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN**  
**FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -**  
**DETAILED STATEMENT**

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Year Ended September 30, 2020

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
<b>REVENUES</b>				
Federal and state grants	\$ 560,052	\$ 720,012	\$ 712,720	\$ (7,292)
Contracts, local grants and events	274,386	194,548	22,912	(171,636)
County and city assessments	167,817	57,613	57,613	-
DRI fees	-	-	4,858	4,858
DRI monitoring fees	-	-	-	-
Interest and miscellaneous	6,000	23,412	23,412	-
Fund balance carryforward	854,470	631,414	-	(631,414)
<b>TOTAL REVENUES</b>	<b>1,862,725</b>	<b>1,626,999</b>	<b>821,515</b>	<b>(805,484)</b>
<b>EXPENDITURES</b>				
Current				
Personnel services				
Salaries	331,718	280,149	285,968	(5,819)
Fringe benefits:				
FICA	25,376	20,744	21,178	(434)
Retirement	46,175	40,114	45,416	(5,302)
Health insurance	55,188	54,934	54,934	-
Severance	-	-	-	-
Workers compensation/unemployment	1,246	2,405	2,405	-
Total personnel services	459,703	398,346	409,901	(11,555)
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	54,950	65,682	69,639	(3,957)
Grant/Consulting expense	289,333	364,681	364,681	-
Audit fees	24,000	29,650	29,650	-
Telephone, rent, supplies, etc:				
Office supplies	3,000	2,505	2,505	-
Equipment rental	4,896	5,319	5,319	-
Building rental	50,646	46,392	49,892	(3,500)
Repairs and maintenance	500	133	133	-
Telephone	3,800	3,645	3,768	(123)
Miscellaneous and insurance:				
Insurance	9,029	7,267	7,267	-
Other miscellaneous	200	1,051	4,029	(2,978)
Computer supplies and graphics	25,098	20,984	25,238	(4,254)
Professional development/meetings:				
Professional development/dues	24,800	10,871	10,871	-
Meetings/events	7,000	4,562	4,562	-

The accompanying notes are an integral part of this statement.



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN**  
**FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -**  
**DETAILED STATEMENT, CONTINUED**  
**Year Ended September 30, 2020**

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	General Fund			Variance Favorable (Unfavorable)
	Original Budget	Final Budget	Actual	
Operating expenditures (continued)				
Travel	37,000	22,141	22,141	-
Postage	1,200	719	719	-
Printing/reproduction	3,000	1,000	1,000	-
Utilities	8,500	6,631	6,631	-
Advertising/legal notices	1,600	1,232	3,332	(2,100)
Moving expense	-	2,757	2,757	-
Bank service charge	-	17	17	-
Amount to be reserved for A/C	-	-	-	-
Reserves - operations	854,470	631,414	-	631,414
Total operating expenditures	1,403,022	1,228,653	614,151	614,502
Capital outlay				
Capital purchases	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	-	-	-	-
Debt service				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total debt service	-	-	-	-
TOTAL EXPENDITURES	1,862,725	1,626,999	1,024,052	602,947
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	(202,537)	(202,537)
<b>OTHER FINANCING SOURCES (USES)</b>				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	-	-
NET CHANGE IN FUND BALANCE	\$ -	\$ -	(202,537)	\$ (202,537)
FUND BALANCE, October 1, 2019			631,414	
FUND BALANCE, September 30, 2020			\$ 428,877	

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET  
PENSION LIABILITY - FLORIDA RETIREMENT SYSTEM (FRS) PENSION  
PLAN (1)**

	2020	2019	2018	2017
Council's proportion of the net pension liability	0.001039463%	0.001287928%	0.001406368%	0.001383839%
Council's proportionate share of the net pension liability	\$ 450,519	\$ 443,544	\$ 423,605	\$ 409,330
Council's covered-employee payroll	\$ 285,968	\$ 365,980	\$ 486,876	\$ 421,146
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	157.54%	121.19%	87.00%	97.19%
Plan fiduciary net position as a percentage of the total pension liability	78.85%	82.61%	84.26%	83.89%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -  
FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN (1)**

	2020	2019	2018	2017
Contractually required contribution	\$ 37,695	\$ 38,478	\$ 45,435	\$ 38,956
Contributions in relation to the contractually required contribution	37,695	38,478	45,435	38,956
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Council's covered-employee payroll	\$ 285,968	\$ 365,980	\$ 486,876	\$ 421,146
Contributions as a percentage of covered-employee payroll	13.18%	10.51%	9.33%	9.25%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

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2016	2015	2014
0.017879380%	0.002458057%	0.003334835%
\$ 451,456	\$ 317,491	\$ 203,474
\$ 463,600	\$ 596,412	\$ 978,831
97.38%	53.23%	20.79%
84.88%	92.00%	96.09%

2016	2015	2014
\$ 55,506	\$ 49,187	\$ 84,553
55,506	49,187	84,553
\$ -	\$ -	\$ -
\$ 463,600	\$ 596,412	\$ 978,831
11.97%	8.25%	8.64%

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET  
PENSION LIABILITY - HEALTH INSURANCE SUBSIDY (HIS) PENSION  
PLAN (1)**

	2020	2019	2018	2017
Council's proportion of the net pension liability	0.000863608%	0.001269934%	0.001424372%	0.001317335%
Council's proportionate share of the net pension liability	\$ 105,445	\$ 138,401	\$ 150,757	\$ 140,856
Council's covered-employee payroll	\$ 285,968	\$ 365,980	\$ 486,876	\$ 421,146
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	36.87%	37.82%	30.96%	33.45%
Plan fiduciary net position as a percentage of the total pension liability	3.00%	2.63%	2.15%	1.64%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -  
HEALTH INSURANCE SUBSIDY (HIS) PENSION PLAN (1)**

	2020	2019	2018	2017
Contractually required contribution	\$ 7,721	\$ 9,619	\$ 11,359	\$ 10,356
Contributions in relation to the contractually required contribution	7,721	9,619	11,359	10,356
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Council's covered-employee payroll	\$ 285,968	\$ 365,980	\$ 486,876	\$ 421,146
Contributions as a percentage of covered-employee payroll	2.70%	2.63%	2.33%	2.46%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

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2016	2015	2014
0.001573392%	0.002434150%	0.003320373%
\$ 183,372	\$ 248,245	\$ 310,463
\$ 463,600	\$ 596,412	\$ 978,831
39.55%	41.62%	31.72%
0.97%	0.50%	0.99%

2016	2015	2014
\$ 4,521	\$ 14,527	\$ 17,441
4,521	14,527	17,441
\$ -	\$ -	\$ -
\$ 463,600	\$ 596,412	\$ 978,831
0.98%	2.44%	1.78%

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION**  
**September 30, 2020**

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**Changes of Assumptions**

Actuarial assumptions for both cost-sharing defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS Pension Plan was completed in 2019 for the period July 1, 2013 through June 30, 2018. Because the HIS Program is funded on a pay-as-you-go basis, no experience study has been completed for that program. The actuarial assumptions that determined the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for each cost-sharing defined benefit plan was determined using the individual entry age actuarial cost method. Inflation increases for both plans is assumed at 2.40%. Payroll growth, including inflation, for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments was reduced from 6.90% to 6.80%. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

Because the HIS Program uses a pay-as-you-go funding structure, a municipal bond rate was decreased from 3.50% to 2.21% to determine the total pension liability for the program (Bond Buyer General Obligation 20-Bond Municipal Bond Index). Mortality assumptions for both plans were based on the Generational PUB-2010 with Projection Scale MP-2018.

**Florida Retirement System Pension Plan**

There were changes in actuarial assumptions. As of June 30, 2020, the inflation rate assumption remained at 2.4 percent, the real payroll growth assumption was 0.85 percent, and the overall payroll growth rate assumption remained at 3.25 percent. The long-term expected rate of return was reduced from 6.90 percent to 6.80 percent.

**Health Insurance Subsidy Pension Plan**

The municipal rate used to determine total pension liability decreased from 3.50 percent to 2.21 percent.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION**  
**September 30, 2020**

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**Pension Expense and Deferred Outflows/Inflows of Resources**

In accordance with GASB 68, paragraphs 54 and 71, changes in the net pension liability are recognized in pension expense in the current measurement period, except as indicated below. For each of the following, a portion is recognized in pension expense in the current reporting period, and the balance is amortized as deferred outflows or deferred inflows of resources using a systematic and rational method over a closed period, as defined below:

- Differences between expected and actual experience with regard to economic and demographic factors - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes of assumptions or other inputs - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes in proportion and differences between contributions and proportionate share of contributions - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Differences between expected and actual earnings on pension plan investments - amortized over five years

Employer contributions to the pension plans from employers are not included in collective pension expense. However, employee contributions are used to reduce pension expense.

The average expected remaining service life of all employees provided with pensions through the pension plans at June 30, 2020, was reduced from 6.4 years (FY 19) to 5.9 years (FY 20) for FRS and 7.2 years (FY 20) (7.2 years for FY19) for HIS.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND**  
**RELATED RATIOS GASB 75**

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**Changes in Employer's Net OPEB Liability and Related Ratios as of September 30:**

	2020	2019	2018
Net OPEB Liability			
Service Cost	\$ -	\$ 526	\$ 513
Interest Cost on Total OPEB Liability	-	1,008	911
Changes in Benefit Terms	-	-	-
Differences Between Expected and Actual Experience	-	(6,521)	-
Changes in Assumptions	-	(4,520)	(1,729)
Benefit Payments	-	(1,875)	(1,728)
Net Change in net OPEB Liability	-	(11,382)	(2,033)
Net OPEB Liability - Beginning of Year	16,710	28,092	30,125
Net OPEB Liability - End of Year	<u>\$ 16,710</u>	<u>\$ 16,710</u>	<u>\$ 28,092</u>

NOTE: Information for FY 2017 and earlier is not available.

**Plan Fiduciary Net Position as of September 30:**

	2020	2019	2018
Contributions - Employer	\$ -	\$ 1,875	\$ 1,728
Net Investment Income	-	-	-
Benefit Payments	-	(1,875)	(1,728)
Administrative Expense	-	-	-
Net Change in Fiduciary Net Position	-	-	-
Fiduciary Net Position - Beginning of Year	-	-	-
Fiduciary Net Position - End of Year	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Net OPEB Liability	\$ 16,710	\$ 16,710	\$ 28,092
Fiduciary Net Position as a % of Net OPEB Liability	0.00%	0.00%	0.00%
Covered-Employee Payroll	\$285,968	\$387,712	\$431,145
Net OPEB Liability as a % of Payroll	5.84%	4.31%	6.52%

NOTE: Information for FY 2017 and earlier is not available.

**Notes to the Schedule:**

Benefit Changes	None
Changes of Assumptions	The discount rate was changed as follows:
9/30/17	3.06%
9/30/18	3.64%
9/30/19	4.18%
9/30/20	4.18%

Population covered by Plan: 5 active 0 retired

Plan has no specific trust established. \$0 assigned for OPEB.



**ADDITIONAL REPORTS**

**DRAFT**

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL  
CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE  
AND OTHER MATTERS BASED ON AN AUDIT OF BASIC  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

Executive Committee and Council Members  
Southwest Florida Regional Planning Council  
P.O. Box 60933  
Fort Myers, Florida 33906-6933

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, the basic financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents and have issued our report thereon dated January 19, 2021.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Council's financial statements will not be prevented, or detected and

corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined previously. However, material weaknesses may exist that have not been identified.

Further, we did, however, note a certain other matter that we have reported in our Report to Management dated January 19, 2021.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Southwest Florida Regional Planning Council's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under Government Auditing Standards in our Report to Management dated January 19, 2021.

### **Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

TUSCAN & COMPANY, P.A.  
Fort Myers, Florida  
January 19, 2021

**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE  
WITH SECTION 218.415, FLORIDA STATUTES**

Executive Committee and Council Members  
Southwest Florida Regional Planning Council  
P.O. Box 60933  
Fort Myers, Florida 33906-6933

We have examined Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes, regarding the investment of public funds during the year ended September 30, 2020. Management is responsible for Southwest Florida Regional Planning Council's compliance with those requirements. Our responsibility is to express an opinion on Southwest Florida Regional Planning Council's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about Southwest Florida Regional Planning Council's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on Southwest Florida Regional Planning Council's compliance with specified requirements.

In our opinion, Southwest Florida Regional Planning Council complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2020.

This report is intended solely for the information and use of the Southwest Florida Regional Planning Council and the Auditor General, State of Florida, and is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.  
Fort Myers, Florida  
January 19, 2021

## **INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT**

Executive Committee and Council Members  
Southwest Florida Regional Planning Council  
P.O. Box 60933  
Fort Myers, Florida 33906-6933

We have audited the accompanying basic financial statements of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2020 and have issued our report thereon dated January 19, 2021.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America and Chapter 10.550, Rules of the Florida Auditor General. We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards and Chapter 10.550, Rules of the Florida Auditor General. Disclosures in those reports, which are dated January 19, 2021, should be considered in conjunction with this report to management.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditor's reports:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There was a financially significant prior year comment. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.
- Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. A prior year recommendation was noted to improve financial management. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.

- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did not have any such findings.
- Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the financial statements. The Council discloses this information in the notes to the financial statements.
- Section 10.554(1)(i)5.a., Rules of the Auditor General, requires a statement be included as to whether or not the local government entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that this item is not applicable to the Council.
- Pursuant to Sections 10.554(1)(i)5.b. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures pursuant to rule 10.556(8). It is management's responsibility to monitor the Council's financial condition, and our financial condition assessment was based in part on representations made by management and the review of the financial information provided by the same. In connection with our audit, we did note a deteriorating financial condition that resulted in the inclusion of a going concern paragraph in the Auditor's Report.
- Pursuant to Section 10.554(1)(i)5b.2, Rules of the Auditor General, if a deteriorating financial condition(s) is noted then a statement is so required along with the conditions causing the auditor to make such a conclusion. We did note a deteriorating financial condition that resulted in the inclusion of a going concern paragraph in the Auditor's Report and comment 2017-2 within this letter.
- Pursuant to Section 10.554(1)(i)5.c., Rules of the Auditor General, requires a statement indicating a failure, if any, of a component unit Special District to provide financial information necessary to a proper reporting of the component unit within the audited financial statements of this entity (F.S. Section 218.39(3)(b)). There are no known component special districts required to report within these financial statements.
- Section 10.556(10)(a), Rules of the Auditor General, requires that the scope of our audit to determine the Council's compliance with the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Council complied with Section 218.415, Florida Statutes as reported in our Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes

dated January 19, 2021, included herein.

- Section 10.557(3)(m), Rules of the Auditor General, requires a notarized affidavit signed and sworn to be the Chief Financial officer be included in the audit report. We determined this item is not applicable to the Council as no authority to enact impact fees rests with the Council.

#### **PRIOR YEAR COMMENTS:**

##### **2017-2    The Board has a Fiduciary Responsibility to the Regional Planning Council**

As the Board of the Regional Planning Council, per Florida Statute Section 186.505(8) (9) and (12) there is a duty of care to act in the best interest on the Regional Planning Council. While debate may exist as to the entity's mission and role, the entity is, nevertheless, created by Statute Section 186.504 and acts as an independent governmental entity under Florida Law. Its Board members are charged with all the responsibility typically assigned by Statute to a governmental entity.

As such, we recommend the Board seek all available means to satisfactorily address the issue of funding the Council in a sustainable manner.

##### **FY 2018 Addendum**

During the fiscal year ended September 30, 2018, Lee, Charlotte and Sarasota Counties as well as the City of Cape Coral and the City of Sanibel gave their notice to discontinue their respective contribution (Interlocal Agreement Section 23.019). Subsequent to year end, Hendry County gave notice to discontinue funding the Council and Collier County stopped paying their contribution without notice. The amount of lost unrestricted revenue approximates \$350,000 annually.

##### **FY 2019 Addendum**

Substantially all of the Council's member entities have resolved to cease paying the annual assessments which is resulting in the Council likely ceasing operations on or about September 30, 2021. See further discussion in Note O.

##### **FY 2020 Addendum**

Five (5) of the six (6) of the Council's member counties have ceased paying their annual member assessments. This accounts for approximately \$475,000 of annual unrestricted revenue loss. The Council continues to apply for and receive grant revenue. This revenue, however, does not provide sufficient unrestricted revenue to sustain administrative operations. Such costs are being funded through the use of fund balance. Therefore, there is substantial doubt the Council can sustain regular operations which will likely result in the Council ceasing operation on or before September 30, 2022.

**CURRENT YEAR COMMENTS:**

No financially significant comments noted.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the Board of Commissioners, management, the Auditor General of the State of Florida and other federal and state agencies. This report is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.

Fort Myers, Florida

January 19, 2021

DRAFT



**EXHIBIT**

**DRAFT**

# Agenda Item

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Rtqr qugf "Budget H[ "4243/4244

3c



FISCAL YEAR 2022

# BUDGET

OF THE SOUTHWEST FLORIDA  
REGIONAL PLANNING COUNCIL

ADOPTED:

[SWFRPC.ORG](http://SWFRPC.ORG)

# FY 22 PROPOSED BUDGET

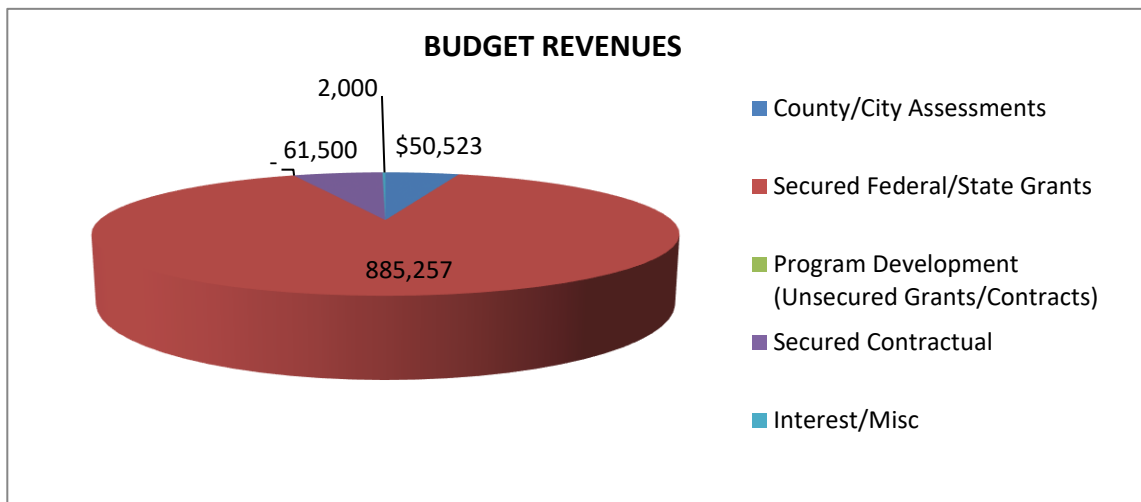
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OCTOBER 1, 2021 TO SEPTEMBER 30, 2022

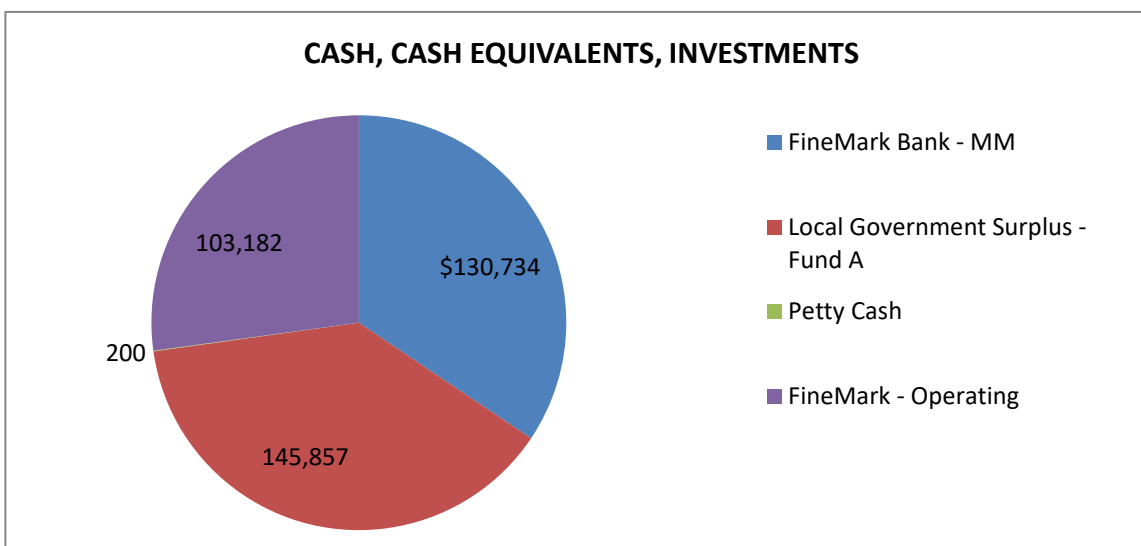
Revenues			General Fund Budget Totals
Assessments			\$ 50,523
Secured Federal/State Grants			885,257
Secured Contractual			61,500
Interest/Misc			2,000
<b>Total Income (Revenue)</b>	\$ -	\$ -	\$ 999,280
<b>Expenditures (Expenses)</b>			
Direct:			
Salaries (A)			\$ 256,131
FICA			19,594
Unemployment			-
Workers Compensation			1,344
Retirement			61,112
Health Insurance (B)			40,848
<b>Total Personnel Expenses</b>	\$ -	\$ -	\$ 379,030
<b>Expenses</b>			
Consultants (C)	\$ -		\$ 94,724
Grant/Consulting - Contractual (D)	-		412,313
Audit Fees			25,000
Travel			1,000
Telephone		-	1,488
Postage			-
Equipment Rental (E)		-	3,151
Insurance (F)		-	6,220
Repair/Maint. (Equip/Vehicle) (N/A)		-	-
Printing/Reproduction			1,000
Utilities (N/A)		-	-
Advertising			1,600
Other Miscellaneous		-	500
Bank Service Charges	-	-	-
Office Supplies			600
Computer Related Expenses (G)			21,668
Dues and Memberships (H)		-	3,059
Publications (N/A)	-	-	-
Professional Development (N/A)		-	-
Meetings/Events			2,000
Capital Outlay-Operations	-	-	-
Lease Long Term (N/A)		-	-
<b>Operational Expense</b>	\$ -	\$ -	\$ 574,323
<b>Total Cash Outlays</b>	\$ -	\$ -	\$ 953,354
<b>Net Income/Loss</b>			\$ 45,926
<b>Reserves Estimate (as of 4/12/2021)</b>			\$ 276,590
<b>Total Net Income with Reserves</b>			\$ 322,516

## REVENUE SOURCES

BUDGET REVENUES	AMOUNT
County/City Assessments	\$ 50,523
Secured Federal/State Grants	885,257
Program Development (Unsecured Grants/Contracts)	
Secured Contractual	61,500
Interest/Misc	2,000
<b>Total Revenue</b>	<b>\$ 999,280</b>



CASH, CASH EQUIVALENTS, INVESTMENTS (as of 3/31/2020):	AMOUNT
FineMark Bank - MM	\$ 130,734
Local Government Surplus - Fund A	145,857
Petty Cash	200
FineMark - Operating	103,182
<b>Total Cash, Cash Equivalents, Investments</b>	<b>\$ 379,972</b>



# FY 20 REVENUE SOURCES

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OCTOBER 1, 2021 O SEPTEMBER 30, 2022

GENERAL REVENUES		SPECIAL REVENUES	
Interest/Misc.	\$ 2,000	Federal/State Grar	\$ 885,257
Assessments	\$ 50,523	Contractual	\$ 61,500
	\$ 52,523		\$ 946,757
		Total Revenues	\$ 999,280
Program Development Unsecured/Reserves			\$ -
		Total Budget	\$ 999,280

MEMBER	POPULATION (BEBR Estimates 2020)	ASSESSMENT
Glades County	13,609	4,083
City of Fort Myers	92,599	27,780
Town of Fort Myers Beach	6,558	1,967
City of Bonita Springs	55,645	16,694
Total Assessments	168,411	\$ 50,523

Additional Revenue		TOTAL
Interest/Misc.	\$ -	\$ 2,000
Total General Revenues		\$ 52,523

SPECIAL REVENUES	FEDERAL/STATE GRANTS	CONTRACTUAL	TOTAL
DEM - Title III - LEPC	\$ 80,000		80,000
DEM - HMEP Planning & Training	61,006		61,006
Lee/Collier Hazard Analysis	19,251		19,251
FFW - Clewiston Master Plan	175,000		175,000
DEO - CDBG-MIT Food Insecurity	175,000		175,000
Brownfields	85,000		85,000
Economic Development	70,000		70,000
EDA - COVID Community Coord	200,000		200,000
National Community Service VISTA	20,000		20,000
Food Policy Coordinator		50,000	50,000
SQG-Glades		4,500	4,500
FHERO		7,000	7,000
Total RPC Special Revenues	\$ 885,257	\$ 61,500	\$ 946,757

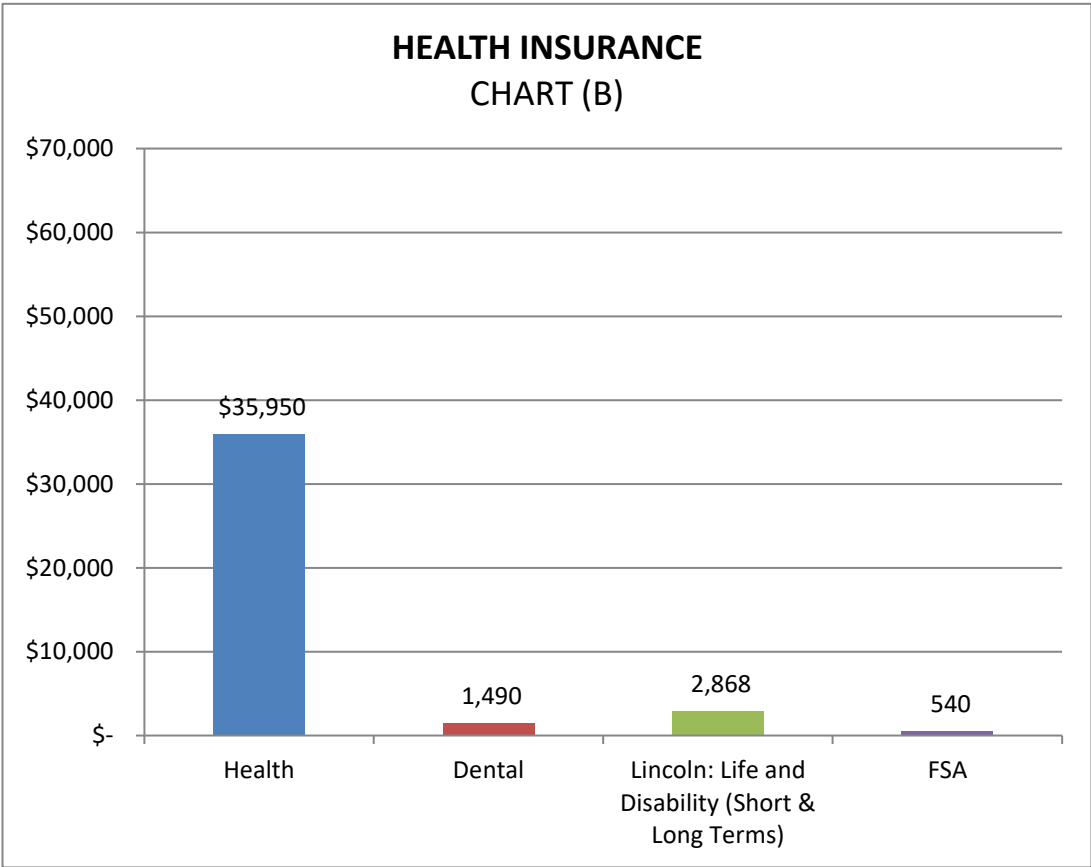
**SALARY EXPENSES**

TABLE (A)

POSITION TITLE CLASSIFICATION	CLASSIFICATION LEVEL	10/1/2017 SALARY RANGE	HOURLY RATE	ANNUAL SALARY
<b>Executive Director</b>	Exempt	As determined by Council	57.13	\$ 118,830
Business Operations Manager	Exempt	25.96 - 47.75	41.58	86,486
Program Manager/Vista Sup	Exempt	20.07 - 31.74	24.43	50,814
<b>Total</b>				<b>\$ 256,131</b>

**HEALTH INSURANCE**  
**TABLE (B)**

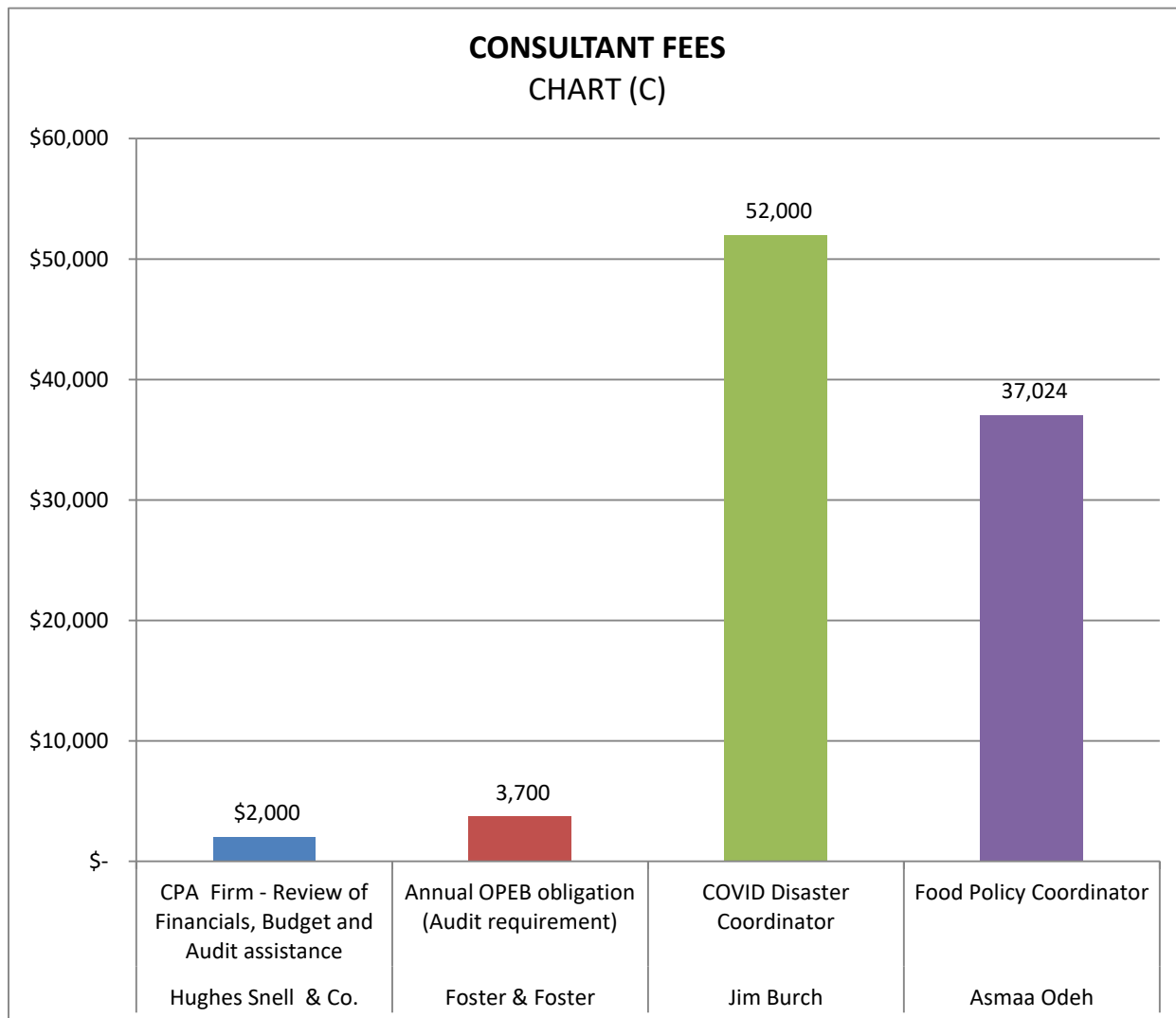
INSURANCE TYPE	COVERAGE	AMOUNT
Health	Employee Only	\$ 35,950
Dental	Employee Only	1,490
Lincoln: Life and Disability (Short & Long Terms)	Employee Only	2,868
FSA	Employee Only	540
Total		\$ 40,848





**CONSULTANT FEES**  
**TABLE (C)**

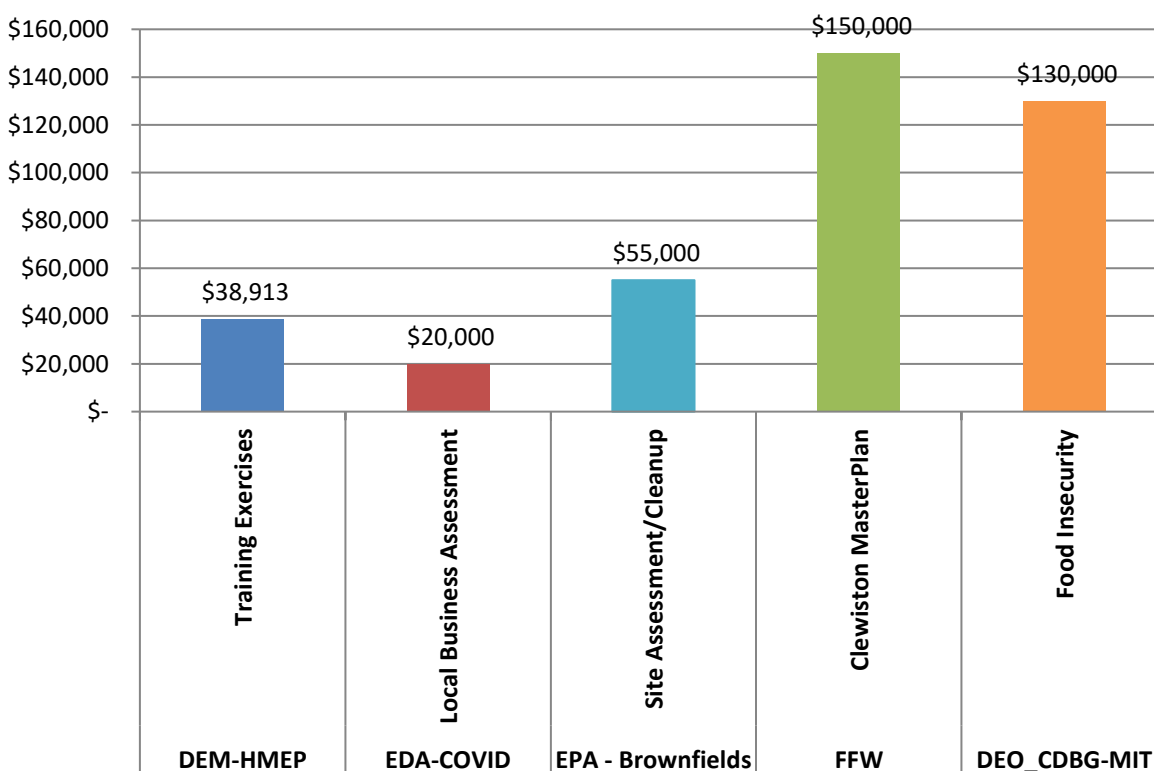
CONSULTANT	DESCRIPTION	AMOUNT
Hughes Snell & Co.	CPA Firm - Review of Financials, Budget and Audit assistance	\$ 2,000
Foster & Foster	Annual OPEB obligation (Audit requirement)	3,700
Jim Burch	COVID Disaster Coordinator	52,000
Asmaa Odeh	Food Policy Coordinator	37,024
<b>Total</b>		<b>\$ 94,724</b>



**CONTRACTUAL  
TABLE (D)**

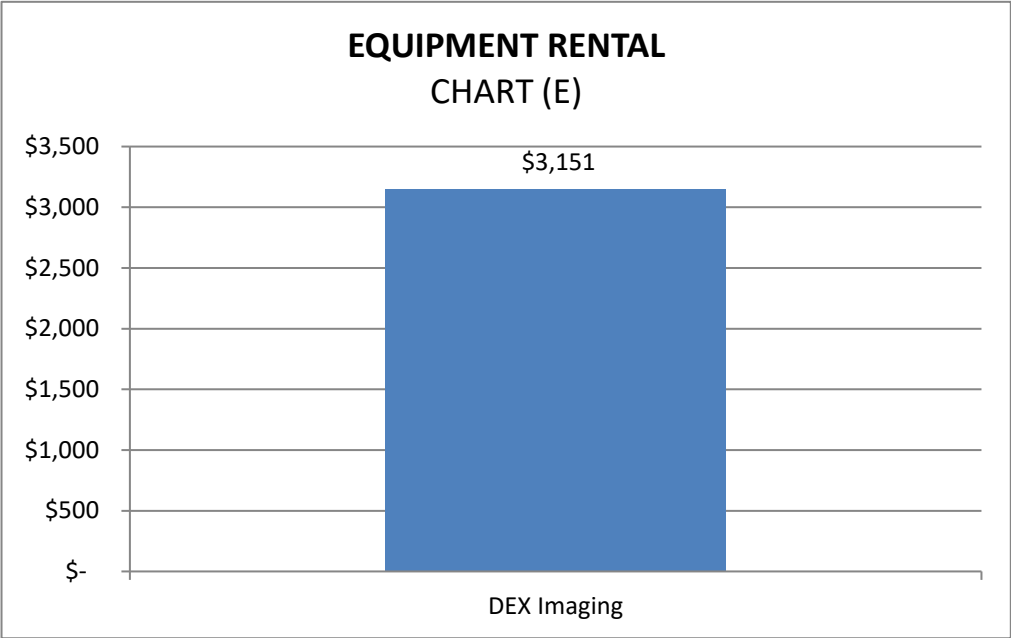
GRANT	DESCRIPTION	AMOUNT
DEM-LEPC	HazMat Exercise	\$ 18,400
DEM-HMEP	Training Exercises	\$ 38,913
EDA-COVID	Local Business Assessment	\$ 20,000
EPA - Brownfields	Site Assessment/Cleanup	\$ 55,000
FFW	Clewiston MasterPlan	\$ 150,000
DEO_CDBG-MIT	Food Insecurity	\$ 130,000
<b>Total</b>		<b>\$ 412,313</b>

**CONTRACTUAL  
CHART (D)**



**EQUIPMENT RENTAL**  
**TABLE (E)**

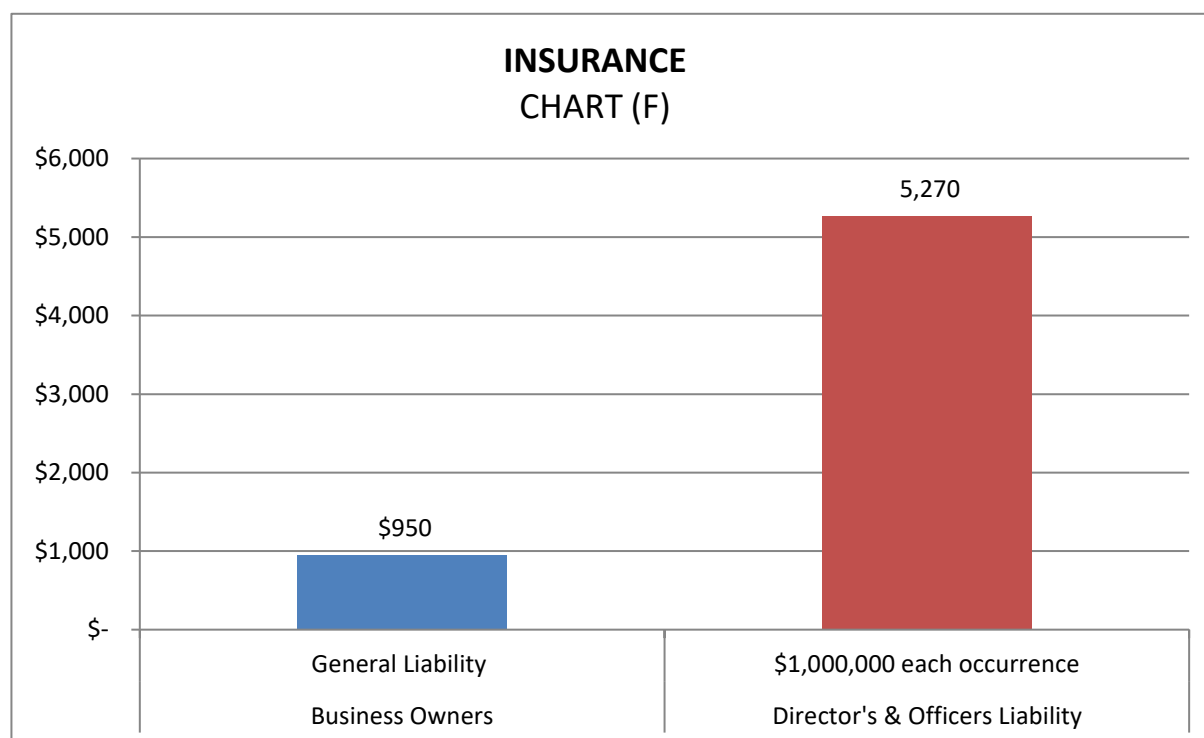
	DESCRIPTION	
DEX Imaging	Copier/Printer	\$ 3,151
Total		\$ 3,151



# INSURANCE

## TABLE (F)

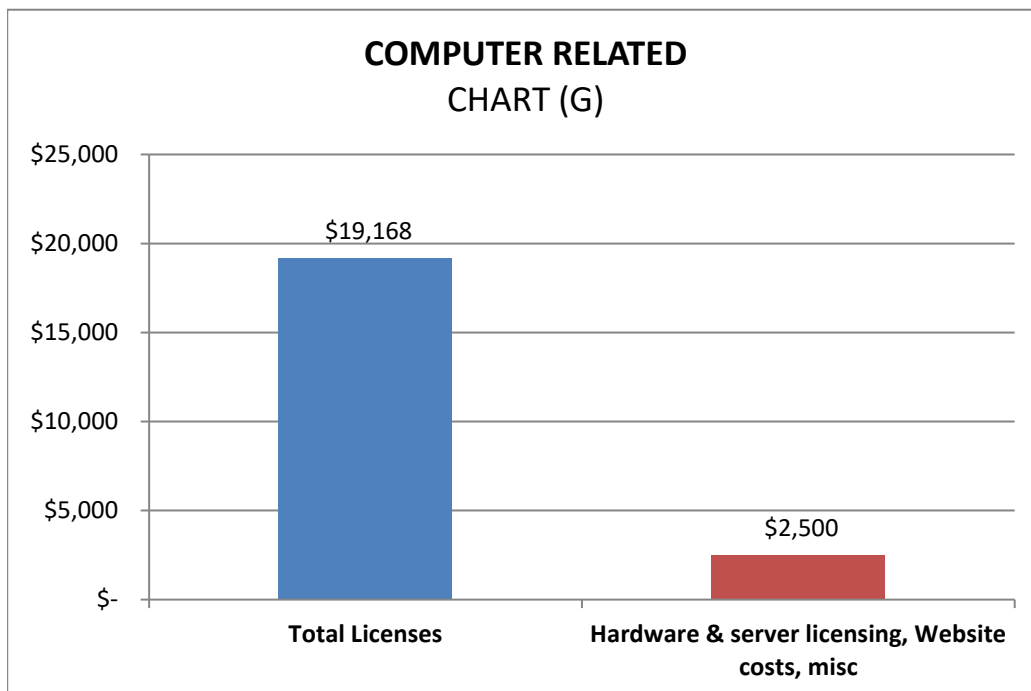
POLICY	DESCRIPTION	PREMIUM
Business Owners	General Liability	\$ 950
Director's & Officers Liability	\$1,000,000 each occurrence	5,270
<b>Total</b>		<b>\$ 6,220</b>



**COMPUTER RELATED  
TABLE (G)**

LICENSES	AMOUNT
Sage Peachtree (Accounting Software)	\$ 3,105
BillQuick (Timecard Software)	\$ 1,000
REMI (Modeling Software)	4,500
ArcView (GIS)	3,525
MS Office 365 (Applications & file hosting)	4,200
Summit Hosting (Peachtree & Billquick)	2,628
Webroot	210
<b>Total Licenses</b>	<b>\$ 19,168</b>

OTHER	AMOUNT
Hardware & server licensing, Website costs, misc	\$ 2,500
<b>Total Expenses</b>	<b>\$ 21,668</b>

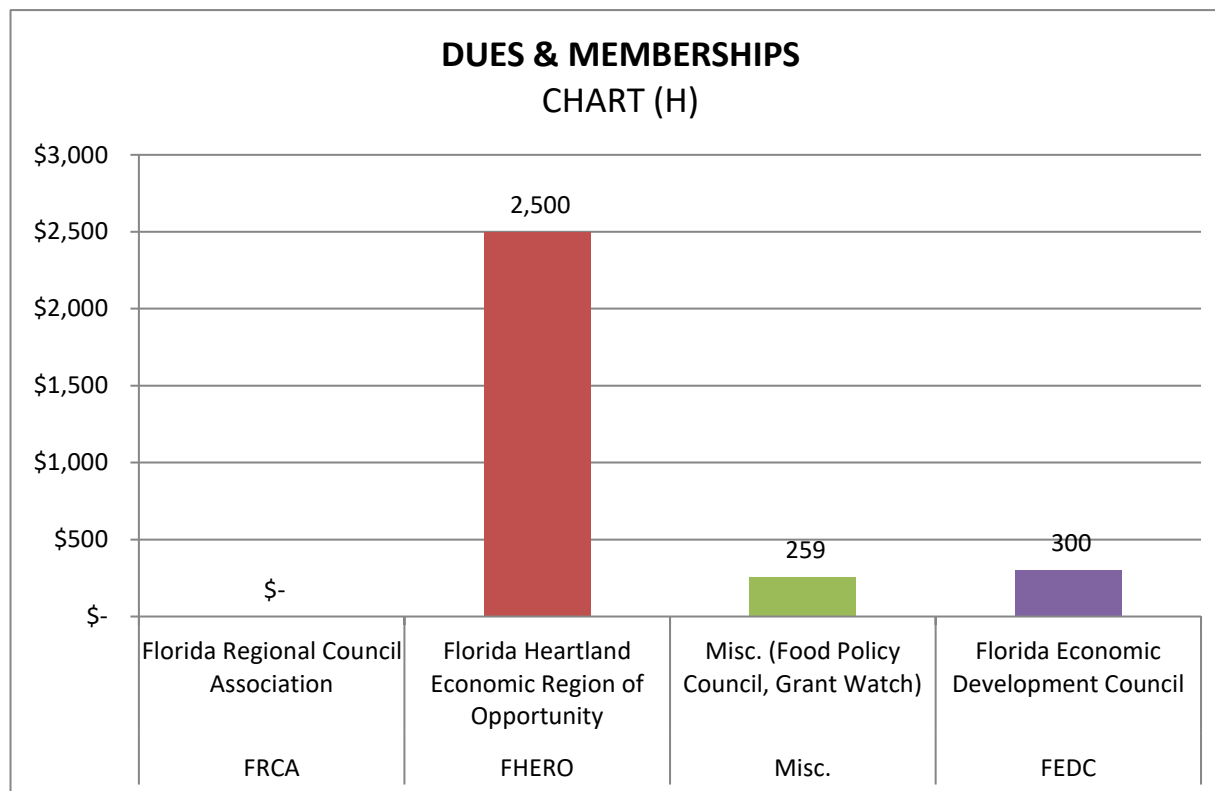


**DUES & MEMBERSHIPS****TABLE (H)**

ORGANIZATION	DESCRIPTION	AMOUNT
FRCA	Florida Regional Council Association	\$ -
FHERO	Florida Heartland Economic Region of Opportunity	2,500
Misc.	Misc. (Food Policy Council, Grant Watch)	259
<b>Total</b>		<b>\$ 2,759</b>

GRANT RELATED SUBSCRIPTIONS	DESCRIPTION	AMOUNT
FEDC	Florida Economic Development Council	300
<b>Total Grant Related</b>		<b>\$ 300</b>

<b>Total</b>		<b>\$ 3,059</b>
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Agenda

Item

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# Agenda Item

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Babcock Ranch Community  
O VUWP QRE

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## **BABCOCK RANCH COMMUNITY MASTER TRANSPORTATION STUDY UPDATE NOTICE OF PROPOSED CHANGE TO MASTER DEVELOPMENT ORDER**

### **BACKGROUND**

The Babcock Ranch Community (BRC) Development of Regional Impact (DRI) is an approved mixed-use development located in southeastern Charlotte County, north of the Lee County Line, south of CR 74, east of SR 31, and contains approximately 13,630 acres (see Attachment I Location Map). The original Master Development Order (MDO) Resolution 2007-196 was approved by the Charlotte County Board of County Commissioners on December 13, 2007. The existing BRC development is approved for 17,870 residential dwelling units; 1.4 million square feet of retail uses; 3.5 million square feet of office uses; 650,000 square feet of industrial uses; 600 hotel rooms; 177 hospital beds; 418 units of assisted living facilities; 54 golf holes; and ancillary facilities such as the educational service center, schools and university research facilities, libraries, places of worship, regional and community park sites, and the necessary utility infrastructure (see Attachment II, Master DRI Development Plan Map).

The Master DRI process requires Increments to be submitted with specific development entitlements approved and conditions for approval. The first Incremental Development Order (IDO) was approved on December 15, 2009. The most recent amendment to BRC Increment 1 was recently approved on May 26, 2020 to include the entitlement of 5,000 residential units, 600 hotel rooms, and over 1.22 million square feet of retail and office uses (see Attachment III, Increment I Development Plan Map).

The portion of Babcock Ranch in Lee County (Babcock MPD) is not part of the Babcock Ranch Community DRI in Charlotte County. The Babcock MPD was approved by Lee County in 2018 with an entitlement of up to 1,630 residential units, 600 hotel rooms, and over 1.17 million square feet of retail and office uses. The approved Babcock MPD is being developed independently and reflected in the master planning of Babcock Ranch. This MTSU includes a cumulative analysis of both the Babcock Master DRI in Charlotte County and the Babcock MPD in Lee (see Attachment IV Development Plan Map). Despite the adoption of the 2018 Florida statutes that repealed the DRI process, BRC intends to continue to be developed under the guidance and framework established by the 3 Party Agreement and the original Master/Incremental DRI Development Orders.

### **MASTER TRANSPORTATION STUDY UPDATE**

The primary reason for this MDO amendment is to address the BRC DRI MTSU (2020) traffic assessment at horizon year 2040. However, additional changes are proposed to provide minor clarifications to various conditions throughout the MDO. In July of 2020, BRC started the process to update the Master Transportation Study (MTSU) with submittal of the Methodology Report. The MTSU (2020) traffic study dated May 13, 2021 was finalized and went through three sufficiency reviews with the public agencies. Florida Department of Transportation, Lee County Transportation staff and Charlotte County staff all participated in the sufficiency

review and final comments.

The BRC MTSU Development Parameters Summary are show below.

<b>Table 21-1</b> <b>BRC MTSU (2020)</b> <b>Babcock Ranch Development Parameters Summary</b>					
Land Use Type	Unit	BRC DRI			Babcock MPD <sup>(2)</sup>
		Master DRI (This Update)	Increment 1 <sup>(6)</sup>	Future Increment(s)	
<b>Total Residential <sup>(1)</sup></b>	<b>d.u.</b>	<b>17,870</b>	<b>5,000</b>	<b>12,870</b>	<b>1,630</b>
Single-Family	d.u.	11,615	3,000	8,615	980
Multifamily	d.u.	6,255	2,000	3,255	650
<b>Total Non-Residential <sup>(1)</sup></b>	<b>sq. ft.</b>	<b>5,910,000</b>	<b>1,630,000</b>	<b>4,280,000</b>	<b>1,530,000</b>
<b>Total Commercial (Retail + Office) <sup>(2)</sup></b>	<b>sq. ft.</b>	<b>4,425,500</b>	<b>1,220,000</b>	<b>3,205,500</b>	<b>1,170,000</b>
Retail <sup>(1,2)</sup>	sq. ft.	1,400,000	870,000	530,000	870,000
Office <sup>(1,2)</sup>	sq. ft.	3,025,500	350,000	2,675,500	300,000
General	sq. ft.	2,338,710	257,000	2,081,710	257,000
Medical	sq. ft.	580,900	43,000	537,900	43,000
Civic	sq. ft.	105,890	50,000	55,890	0
Hotel <sup>(1,3)</sup>	rooms	600	600	0	600
	sq. ft.	360,000	360,000	0	360,000
Industrial <sup>(1)</sup>	sq. ft.	650,000	0	650,000	0
Hospital <sup>(1,4)</sup>	beds	177	0	177	0
	sq. ft.	265,500	0	265,500	0
ALF <sup>(1,5)</sup>	beds	418	100	318	0
	sq. ft.	209,000	50,000	159,000	0
Golf Course	holes	54	18	36	0
Elementary School	students	1,162	536	626	0
Middle School	students	643	330	313	0
High School	students	911	600	311	0
Church	sq. ft.	120,000	0	120,000	0
Library	sq. ft.	24,000	0	24,000	0
Park	acres	256	50	206	48
Recreation Center	sq. ft.	100,000	0	100,000	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – Exhibit B. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Approved BRC IDO-1.

The table below shows the final MTSU results for the significant and adverse impacts on roads in Charlotte and Lee County.

<b>Table 21.F-3</b> <b>BRC MTSU (2020)</b> <b>With Master BRC DRI</b> <b>Year 2040 – BRC DRI Significant and Adverse Impact</b> <b>Charlotte County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
SR 31 (Babcock Ranch Rd.)	Lee County Line	Cypress Pkwy.
	Cook Brown Rd.	CR 74
<b>Lee County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
Broadway St.	SR 80	North River Rd.
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.
	Orange River Blvd.	SR 80
Gunnery Rd.	Lee Blvd.	Buckingham Rd.
Joel Blvd.	18th St.	SR 80
Orange River Blvd.	SR 80	Staley Rd.
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd/Old Olga Rd.
SR 80 EB (SR 80/Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78
	SR 78	Old Rodeo Dr.
	Old Rodeo Dr.	CR 78/N River Rd./Old Bayshore Rd.
	CR 78/N River Rd./Old Bayshore Rd.	Shirley Ln.
	Shirley Ln.	Fox Hill Rd.
	Fox Hill Rd.	Busbee Ln.
	Busbee Ln.	Charlotte County Line

Attachment V shows the Future 2040 Needed Roadway Improvements With DRI, Attachment VI shows Recommended Improvements for Significantly Impacted Roadways and Attachment VII shows the Project Related Improvements.

### **MTSU Summary**

The BRC Master DRI and the MTSU are not subject to transportation mitigation as all transportation mitigation is assessed at the incremental stages. Therefore, the main objective of the MTSU is to provide a buildout snapshot of potential future transportation needs of the area and to assist with the MPO Long-Range Transportation Plan.

The findings and conclusions of BRC DRI MTSU (2020) transportation assessment are as follows.

1. The Master DRI anticipates future improvement needs on the following road segments that are attributed to the Project coincident with buildout at year 2040.
  - SR 31 from SR 78 to Bermont Road (CR 74)

2. The Incremental DRI will continue to provide the detailed transportation assessment and the necessary proportionate share mitigation to fund the roadway needs as outlined in the Incremental Development Order (IDO).

3. Current and on-going roadway improvement efforts of the MPO LRTP include the following.

- SR 31 PD&E/SEIR (CR 78 to Cook Brown Road)
- SR 31 PD&E Study (SR 78 to CR 78)
- SR 31 PD&E Study (SR 80 to SR 78)
- SR 78 PD&E Study (I-75 to SR 31)

4. BRC will continue its collaborative efforts with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.

5. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

## **REGIONAL STAFF ANALYSIS**

### **Substantial Deviation Presumption Rebuttal**

Per Condition 5.B.(2)(a) of the MDO, the initial Master Traffic Study Update shall be approved through the NOPC process as a non-substantial deviation, in accordance with Section 5.B.(2)(d), with resulting amendments, if any, to the MDO to be processed as a NOPC. Further, as an NOPC, the originally approved ITE trip generation of the AMDA was compared with the ITE trip generation of this Master Traffic Study Update in order to rebut the DRI substantial deviation presumption.

<b>Table 21.B-3</b> <b>BRC MTSU (2020)</b> <b>Substantial Deviation Rebuttal</b> <b>Trip Generation Comparison</b>				
<b>Trip Type</b>	<b>AMDA <sup>(1)</sup></b>	<b>NOPC <sup>(2)</sup></b>	<b>Trip Diff.</b>	<b>% Diff.</b>
Daily	302,258	240,015	-62,243	-20.6%
PM Peak Hour	29,627	22,393	-7,234	-24.4%

**Footnotes:**

- (1) The Babcock Ranch Community Application for Master Development Approval – Sufficiency Response #2 (2007).
- (2) Master Traffic Study Update (2020),

As shown above, the ITE trip generation in this Master Traffic Study Update is 20.6% and 24.4% lower than that of the originally approved AMDA on a daily and PM peak hour basis, respectively. Therefore, it is concluded that this NOPC has rebutted the DRI substantial deviation presumption.

## **ACCEPTANCE OF THE PROPOSED MDO AMENDMENT**

The county staff report provided an acceptable draft development order to address the

changes resulting from the MTSU and other minor clarifications throughout the MDO (see Attachment VIII). Additionally, a summary of all the changes is provided in Attachment IX.

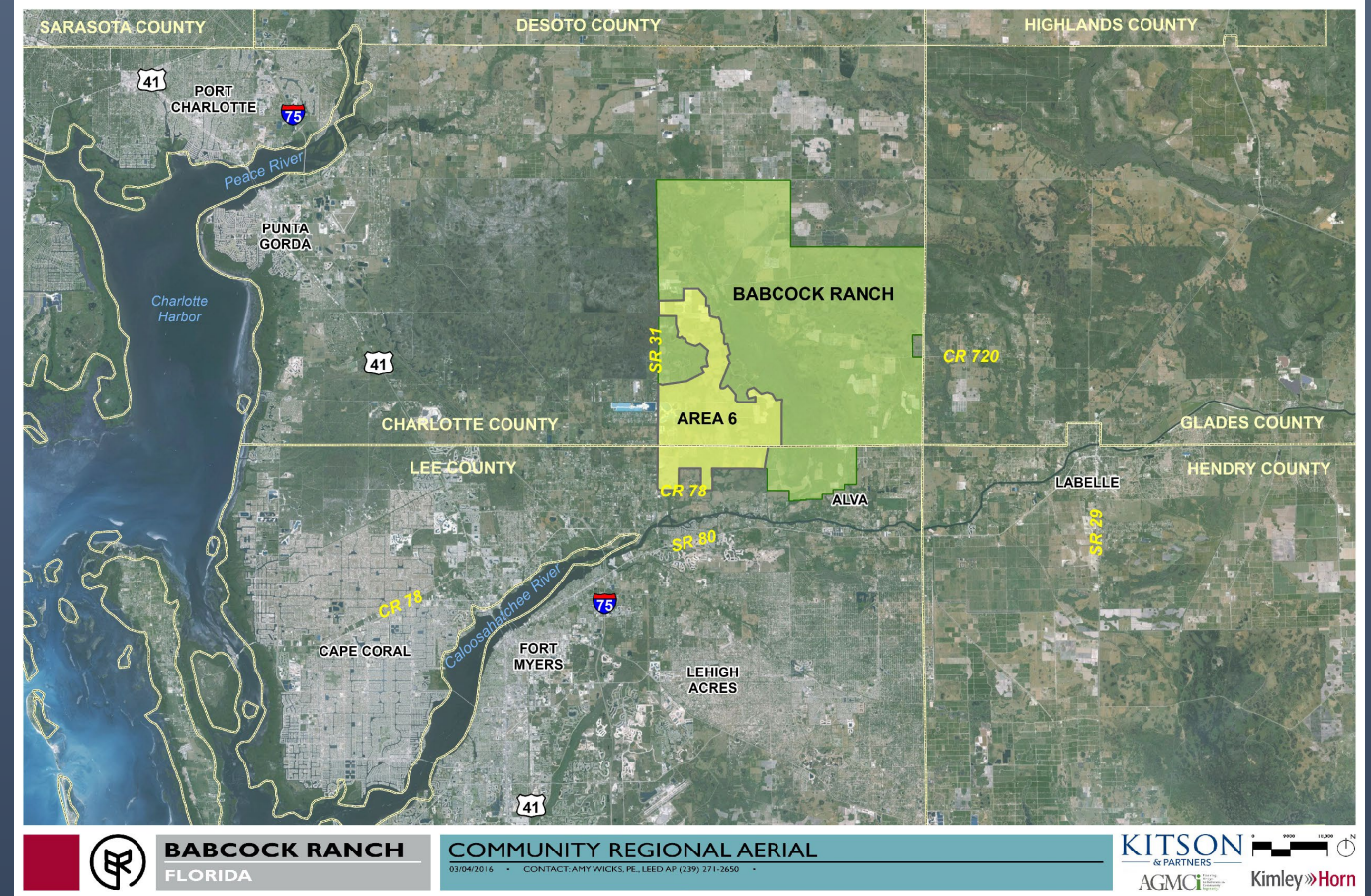
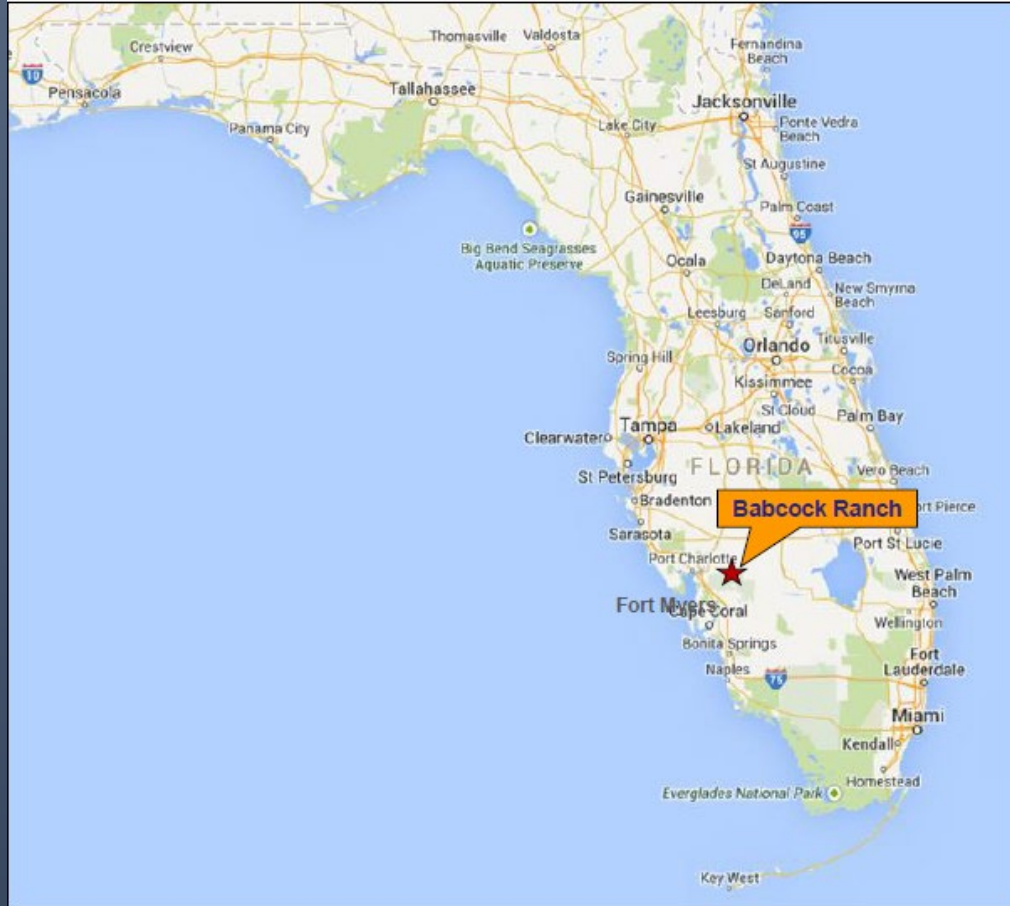
**RECOMMENDED ACTIONS:**

1. Notify Charlotte County and the applicant that the proposed changes to the MDO are acceptable to address regional impacts.
2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO amendments related to the proposed changes.

June 17, 2021



# Overview



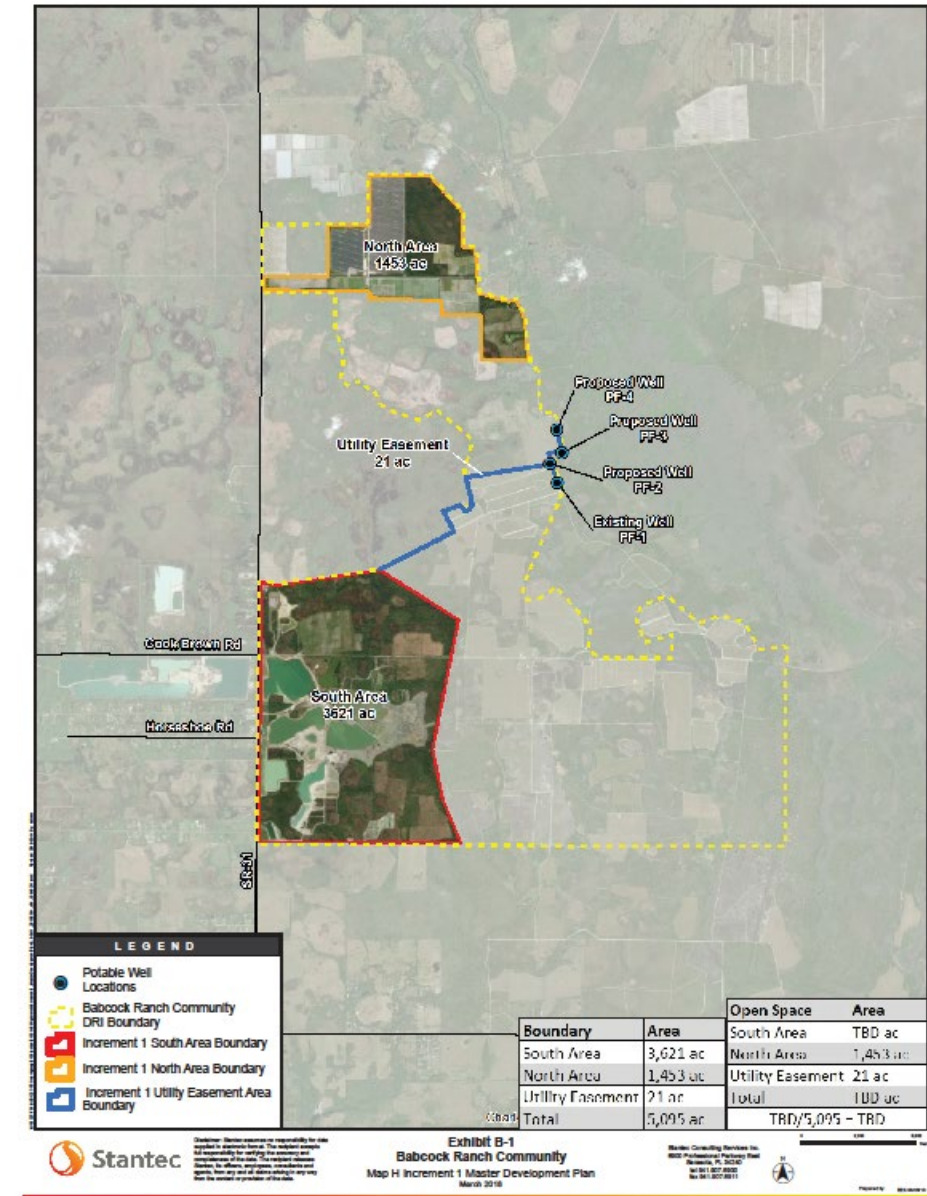
## Ancillary facilities





# Increment 1 (IDO-1)

- Originally approved December 15, 2009
- Amended May 26, 2020 as follows:
- Residential Dwelling Units – 5,000 \*
  - 3,000 single family units
  - 2,000 multi-family units
- Non-Residential – 1,220,000 S.F.\*
  - 870,000 SF Retail
  - 350,000 SF Office
- 600 Hotel Rooms\*
- 18 Golf Holes\*
- Assisted Living – 100 Units\*
- Proportionate Share Mitigation - \$45,729,000
  - Includes:
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from SR78 to Cypress parkway with infrastructure and grading provided for 6-Lane expansion
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from Cypress parkway to Horseshoe Road with sidewalk on one side



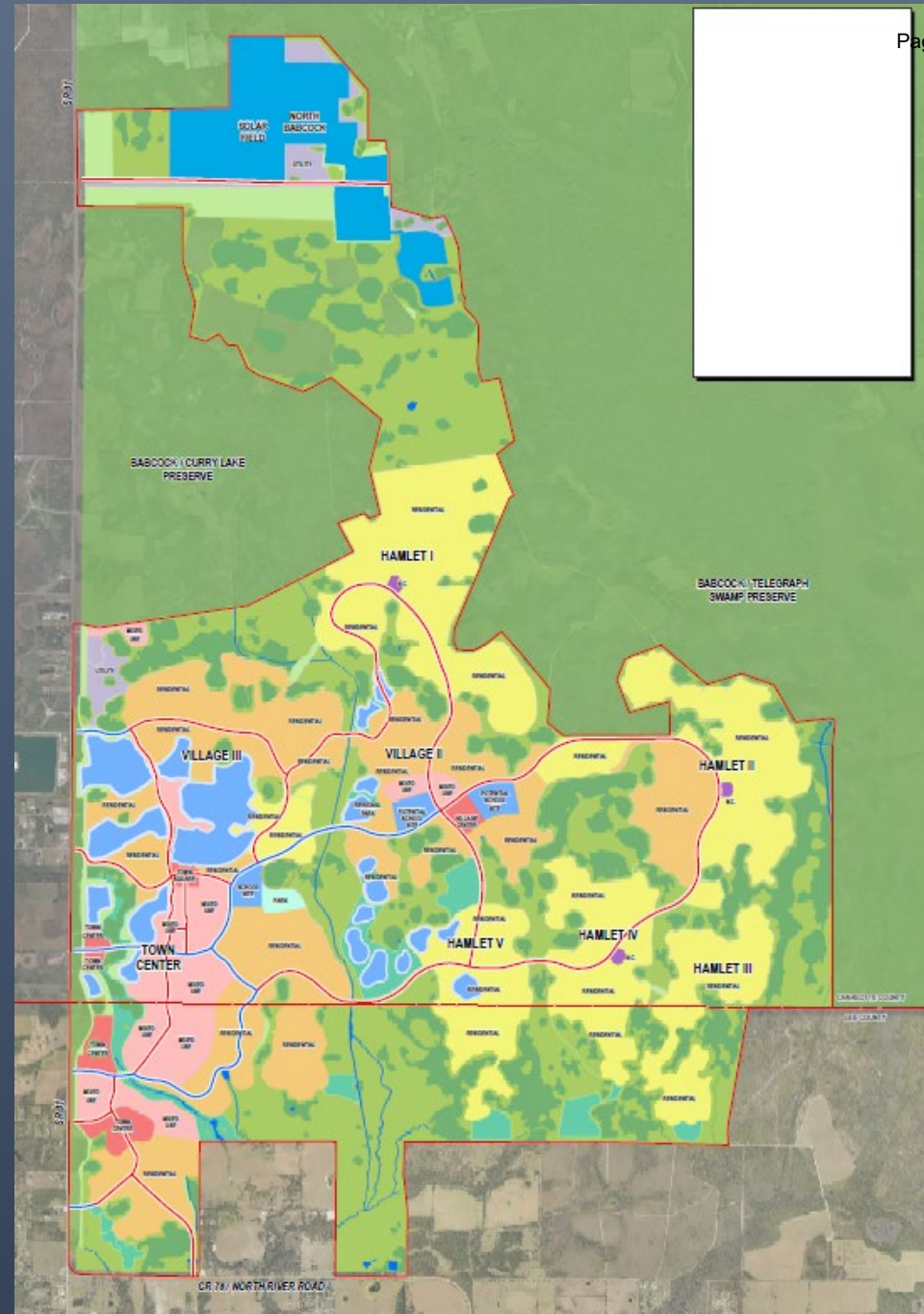
\* Subject to use of equivalency matrix



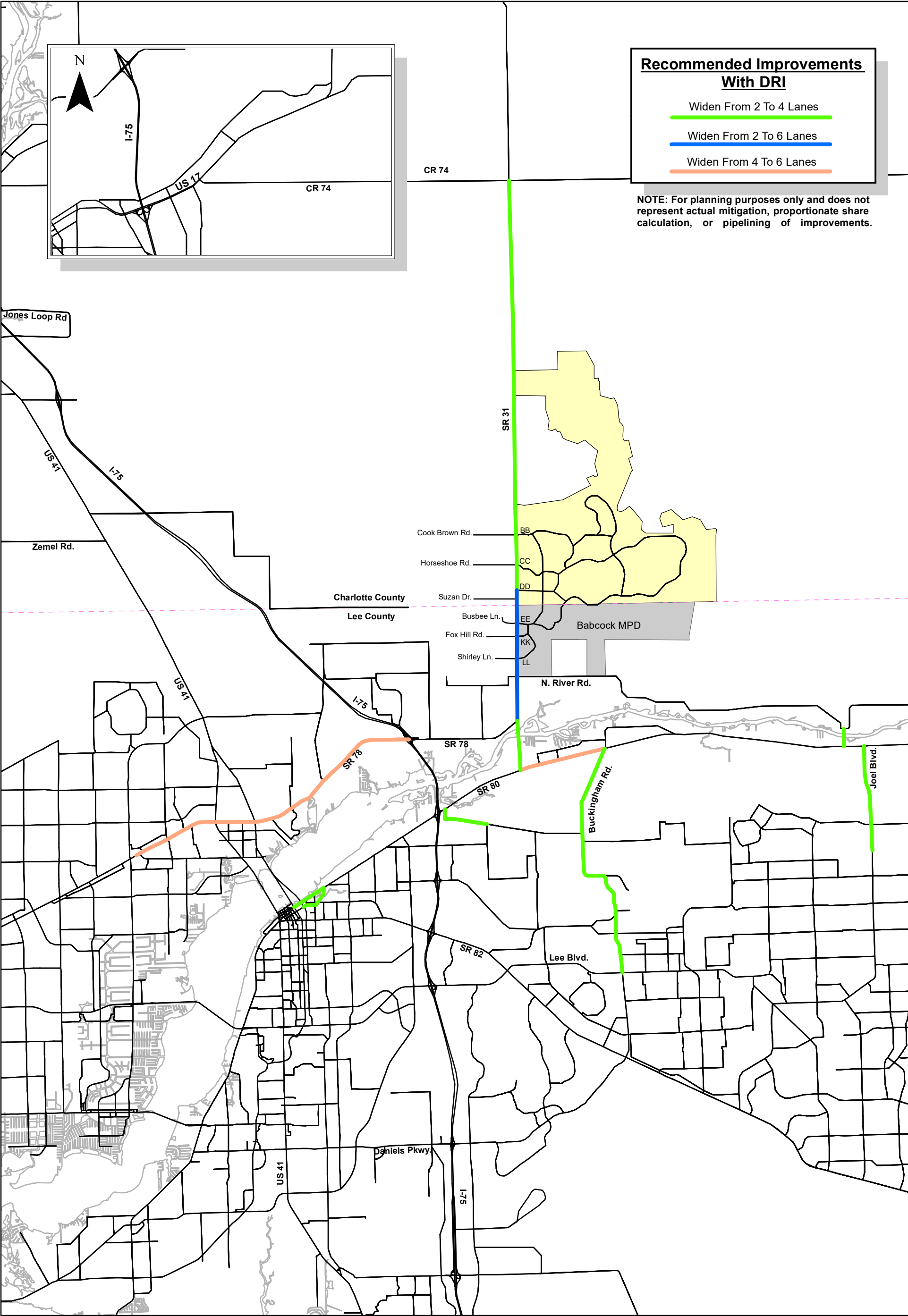
# Total Entitlements

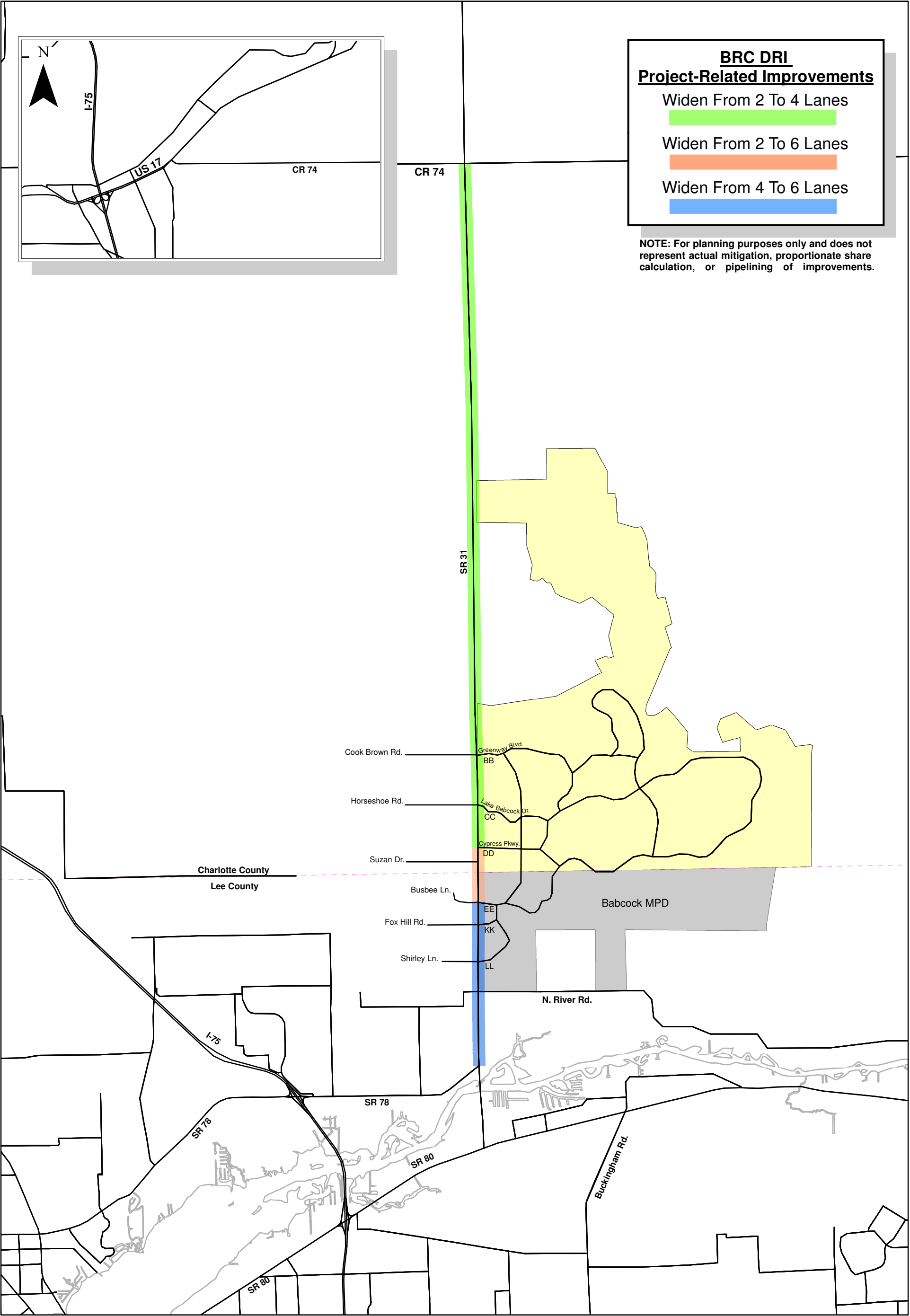
\*Charlotte and Lee Counties

- Residential Dwelling Units – 19,500
- Non-Residential Uses – 6M S.F.
- 54 Golf Holes
- Assisted Living Facilities – 418 Units
- 177 Hospital Beds
- 650,000 SF of Industrial
- 600 Hotel Rooms









**BABCOCK RANCH COMMUNITY**

**MASTER DEVELOPMENT  
OF  
REGIONAL IMPACT**

**MASTER DRI DEVELOPMENT ORDER**

**BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY, FLORIDA**

AMENDED \_\_\_\_\_, 2021

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1                                   **RESOLUTION NO. 2021-\_\_\_\_\_**

2                   **AN AMENDMENT AND RECODIFICATION OF THE MASTER DEVELOPMENT**  
3                   **ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE**  
4                   **COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE**  
5                   **COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.**

6           WHEREAS, on February 23, 2007, Babcock Property Holdings, LLC  
7   ("Developer"), by and through its authorized agent, WilsonMiller, Inc. (now known as  
8   Stantec Consulting Services Inc.), in accordance with Subsections 380.06(6) and (21),  
9   Florida Statutes, filed an Application for Master Development Approval ("AMDA") of a  
10   Development of Regional Impact (DRI) known as the Babcock Ranch Community  
11   (hereinafter "BRC") with Charlotte County, Florida ("County") and the Southwest Florida  
12   Regional Planning Council ("SWFRPC"); and

13           WHEREAS, Developer, County, and the SWFRPC entered into a Master DRI  
14   Agreement on March 13, 2007 (fully executed March 16, 2007), as required by Section  
15   380.06(21)(b), Florida Statutes ("AMDA Agreement"); and

16           WHEREAS, the Babcock Ranch Community Independent Special District  
17   ("District") was established by the 2007 Session of the Florida Legislature to design,  
18   finance, construct, operate, and maintain various infrastructure elements within BRC; and

19           WHEREAS, on December 13, 2007, the Board of County Commissioners of  
20   Charlotte County, Florida ("Board") approved and adopted the Babcock Ranch  
21   Community Master Development of Regional Impact Master DRI Development Order  
22   ("MDO") under Resolution 2007-196; and

23           WHEREAS, the MDO was amended on June 17, 2008 under Resolution 2008-063  
24   thereby giving the MDO an effective date of September 1, 2008; and subsequently  
25   amended on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by



1 Resolution 2011-485; on April 24, 2012 by Resolution 2012-024; on June 11, 2013 by  
2 Resolution 2013-033; on January 28, 2014 by Resolution 2014-047; on March 22, 2016  
3 by Resolution 2016-034; on July 25, 2017 by Resolution 2017-187; and on June 12, 2018  
4 by Resolution 2018-077; and

5 WHEREAS, the Developer has timely notified the County of the extension of the  
6 phase, expiration and buildout dates for the MDO, as well as the associated mitigation  
7 requirements, under Section 73, Chapter 2011-139 Laws of Florida, and in accordance  
8 with Section 252.363, Florida Statutes, so that all phase, expiration and buildout dates,  
9 as well as associated mitigation dates contained within the MDO were cumulatively  
10 extended as hereinafter provided; and

11 WHEREAS, the Developer has filed an application to amend the MDO; and

12 WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and  
13 considered the report and recommendations of the SWFRPC and held a public hearing  
14 to consider the amendments to the MDO on \_\_\_\_\_; and WHEREAS, on  
15 \_\_\_\_\_, the Board, at a public hearing in accordance with Section 380.06, Florida  
16 Statutes, considered the application for amendment to the MDO submitted by Developer,  
17 the report and recommendations of the SWFRPC, the documentary and oral evidence  
18 presented at the hearing before the Board, the report and recommendations of the  
19 Charlotte County Planning and Zoning Board, and the recommendations of County staff.

20 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
21 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA THAT:

22 **RECITALS**

23 The recitals set forth above are true and correct and are incorporated herein and  
24 made a part hereof and the MDO is amended to provide as follows.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The real property constituting the BRC in Charlotte County consists of approximately 13,630 acres and is legally described as set forth in Exhibit "A" attached hereto and made a part hereof ("Property" or "Community").

2. The AMDA is consistent with Subsections 380.06(6) and (21), Florida Statutes.

3. The Developer submitted to the County an AMDA in February, 2007 and responses to sufficiency questions in June, 2007 and in July, 2007. The representations and commitments of Developer which are made conditions of this development order are identified and set forth in the relevant provisions of this development order ("Representations and Commitments as Conditions").

4. According to Map #64, Landfalling Storm Surge Zones, included in the Supporting Policy and Analysis Map Series (SPAM) of the Charlotte 2050 Comprehensive Plan, portions of BRC are located within the Category 4/5 Storm Surge Zone, and the balance of the BRC is located outside of any listed storm surge zone.

5. The Developer proposes to develop BRC in accordance with the Babcock Master Concept Plan (Map "H") attached hereto as Exhibit "B" attached hereto and made a part hereof. Map "H" will be further revised as part of each Incremental development order. The development program authorized by this development order is as follows ("Development Program" or "Project"):

(i) 17,870 residential dwelling units (recreational vehicle park uses shall count as dwelling units on a one vehicle rental or owner equals one dwelling unit),

(ii) RV Parks, per the Land Use Equivalency Matrix;

(iii) 1,400,000 square feet of retail,

(iv) 3,500,000 square feet of office (general office; medical office; and civic),

- 1 (v) 600 hotel rooms (assumes 360,000 square feet of building),
- 2 (vi) 650,000 square feet of industrial,
- 3 (vii) 177 hospital beds,
- 4 (viii) 418 units of assisted living facilities,
- 5 (ix) 54 golf holes,
- 6 (x) Ancillary facilities such as the educational service center, schools,
- 7 university research facilities, libraries, places of worship, regional and
- 8 community park sites, clubhouses and similar neighborhood amenities, and
- 9 the necessary utility infrastructure including, but not limited to, water,
- 10 wastewater and reuse water systems, electric, telephone and cable
- 11 systems will not be attributed to other development components set forth
- 12 above, and will not count towards the maximum thresholds of development
- 13 as established in the Development Order and the BROD policies of the
- 14 Charlotte 2050 Comprehensive Plan.
- 15 (xi) All other ancillary facilities, together with the development components set
- 16 forth above (excluding ix) shall not exceed the maximum thresholds
- 17 established in the Development Order and the BROD policies of the
- 18 Charlotte 2050 Comprehensive Plan.
- 19 (xii) Temporary housing for construction workers and their families will not count
- 20 against the residential dwelling units allowed by subsection (i) above.
- 21 (xiii) The total development within the BROD shall not exceed 17,870 dwelling
- 22 units and 6,000,000 square feet of non-residential uses, not including the
- 23 educational service center, schools, university research facilities, libraries,

places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional.

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

7. The development of BRC is consistent with the current land development regulations and the Comprehensive Plan of County, as amended, adopted pursuant to Chapter 163, Part II, Florida Statutes.

8. The BRC development is consistent with the State Comprehensive Plan.

9. BRC is expected to be developed in increments pursuant to applications for incremental development approval ("AIDA's"). The DRI questions which must be addressed by those applications and the scopes of review of those applications are set forth in the pertinent provisions of this development order and are repeated in Exhibit "C" attached hereto and made a part hereof.

## **CONDITIONS**

### **1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL.**

AIDA's shall be required to address only those application questions identified for increments or to provide the documentation described in Exhibit "C" attached hereto and made a part hereof.

### **2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.**

#### **A. Representations and Commitments as Conditions.**

The gross residential density for the 13,630.6 acres is anticipated to be approximately 1.31 dwelling units per acre. The net density of the development areas is anticipated to be approximately 4.05 dwelling units per acre. The calculation for net

1 density is based on the area of the development pods. The net densities within the  
2 development pods will increase consistent with the planning approach to cluster  
3 development. At buildout, densities will be permitted up to 16 units per acre in Villages  
4 and Hamlets, and up to 24 units per acre in the Town Center.

5 B. Other Conditions.

6 The Development Program is approved and may be adjusted by Developer in  
7 accordance with an equivalency matrix to be adopted in an Incremental development  
8 order.

9 C. Incremental Review.

10 (1) The BROD Summary Phasing Plan is subject to adjustment through  
11 the DRI, State and Federal permitting processes. Incremental  
12 Development Orders shall establish the phasing of development within an  
13 increment by determining the amount of residential and non-residential  
14 development within the Mixed Use/Residential/Commercial (MURC)  
15 development areas.

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1     **3. AFFORDABLE HOUSING**

2     A.     Representations and Commitments as Conditions.

3             (1)     Provide a diversity of housing types to enable citizens from a wide  
4                     range of economic levels and age groups to live within the BRC. This  
5                     would include the provision of affordable/workforce housing at a level  
6                     of ten percent (10%) of the total number of residential housing units  
7                     built within the BRC. Affordable housing is defined where monthly  
8                     rents or mortgage payments for housing, including taxes, insurance  
9                     and utilities do not exceed thirty (30%) percent of the gross annual  
10                    income of the development's very low, low, and moderate income  
11                    households as defined in Rule 73-C40.048(e), F.A.C. Workforce  
12                    housing is defined as housing affordable to natural persons or  
13                    families whose total annual household income does not exceed 140  
14                    percent of the area median income, adjusted for household size.

15            (2)     The County recognizes that adequate housing should be provided  
16                    only when a demonstrated need for housing among various income  
17                    groups is clearly identified that can be directly attributed to the  
18                    development and buildout of the BRC.

19            (3)     A "Determination of Adequate Need" for housing in the BRC shall be  
20                    assessed through the completion of a reliable affordable housing  
21                    market analysis which evaluates the housing demand within the BRC  
22                    and researches the available adequate housing supply reasonably  
23                    accessible to the BRC, which is defined as a 10-mile radius or 20-

1 minute drive during peak hour, whichever is less, from the BRC, but  
2 may be adjusted with the agreement of the County.

3 (4) The Developer commits to undertaking the “Determination of  
4 Adequate Housing Need” analysis to assess the demand, supply,  
5 and need for affordable rentals and homes based on a market  
6 housing analysis at a point in time when the BRC has reached a  
7 significant non-residential buildout stage. That threshold is defined  
8 as the time when building permits have been issued for the 1.5  
9 millionth square foot of non-residential construction.

10 (5) The Developer would be required to initiate the first housing needs  
11 analysis within 6 months from the time that the analysis is triggered.

12 (6) The housing needs analysis would evaluate the housing demand of  
13 the BRC employee households at very low, low, and moderate  
14 household income levels, and at the option of the Developer, could  
15 evaluate the housing demand for workforce income levels, the  
16 available supply of housing that is reasonably accessible for the very  
17 low, low, and moderate household income levels and determine if  
18 there is a significant need for housing for these defined income  
19 levels. At the option of the Developer, the analysis could evaluate the  
20 available housing supply for workforce income levels that is  
21 reasonably accessible to the BRC.

22 (7) The **Developer**, SWFRPC, and the County must agree upon the  
23 methodology utilized to conduct the Determination of Adequate

1           Housing Need analysis. The methodology may utilize a private  
2           affordable housing market study appraiser approved by the Florida  
3           Housing Finance Corporation. The market area assessed would  
4           conform to ECFRPC model, or another methodology as **agreed upon**  
5           **by Developer,** the **SWFRPC** and the County, which examines  
6           whether or not there is a significant housing demand for the very low,  
7           low, and moderate income groups and whether there is available  
8           adequate housing that is reasonably accessible to the BRC. At the  
9           option of the Developer, the analysis could evaluate the available  
10          housing demand and supply for workforce income levels that is  
11          reasonably accessible to the BRC.

12       (8)   If the Determination of Adequate Housing Need analysis documents  
13          that there is a significant impact, defined as evidence that the BRC's  
14          cumulative adequate housing need for the very low, low, and  
15          moderate **household income** levels, at the time of the analysis, is  
16          projected to exceed five (5%) percent of the County's residential  
17          threshold calculation, or 50 units, whichever is **larger, then** the  
18          Developer shall be required to submit **an** amendment to the MDO to  
19          incorporate the findings of the analysis and the agreed upon  
20          mitigation.

21       (9)   The Developer may choose to mitigate any significant impact  
22          identified by the analysis through a variety of options including, but  
23          not limited to: 1) incentivizing or building adequate housing onsite,



1 or reasonably accessible to the site; 2) payment to an affordable  
2 housing trust fund sufficient to meet the cost of rehabilitating existing  
3 units or construction of new units; or 3) dedicated rent or payment  
4 subsidies to the BRC's very low, low, and moderate income  
5 employees sufficient to satisfy the adequate housing need identified  
6 for each salary range. At the option of the Developer, workforce  
7 housing may be included at no more than twenty-five (25%) percent  
8 of the required mitigation unless the housing study determines there  
9 is not a significant need for the very-low, low and moderate income  
10 households.

11 (10) The mitigation strategy recommended by the BRC must be approved  
12 by the County and must be initiated within 6 months of approval as  
13 an amendment to the MDO.

14 (11) Requirements to undertake further housing needs assessments  
15 through methods described above shall occur at each additional 1.5  
16 million sq. feet of permitted non-residential through buildout.

17 (12) Developer shall not be required to provide affordable and/or  
18 workforce housing mitigation in excess of ten (10%) percent of the  
19 total number of residential units constructed within the BRC.

20 (13) The County commits that affordable housing units shall be eligible  
21 for whatever incentives and/or programs that it may establish after  
22 the actual date of offering of said unit to the public by the Developer.  
23 The County shall use its best efforts to continue to develop and

1 maintain incentives and programs specifically targeted at affordable  
2 units within the BRC. Incentives from the County must fully offset all  
3 costs to the developer of its affordable housing contribution, in  
4 accordance with State Statutes.

5 (14) The County shall include the needs of the BRC in its annual Local  
6 Housing Action Plan and, to the extent available, shall provide impact  
7 fee waivers, credits, deferrals, or other regulatory and financial  
8 incentives for affordable rental and home ownership programs to all  
9 qualified buyers, builders or developers within the BRC that may  
10 qualify for such credits or deferrals.

11 B. Other Conditions. – None.

12 C. Incremental Review. – None.

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1     **4.     STORMWATER MANAGEMENT AND FLOOD PLAINS**

2           A.     Representations and Commitments as Conditions.

3               (1)     Silt fences or silt screens will be installed prior to land clearing to  
4                       protect water quality and to identify areas to be protected from  
5                       clearing activities and maintained for the duration of the project until  
6                       all soil is stabilized.

7               (2)     Floating turbidity barriers or other devices will be in place on flowing  
8                       systems or in open water lake edges prior to initiation of earthwork  
9                       and maintained for the duration of the project until all soil is stabilized.

10              (3)     The installation of temporary erosion control barriers will be  
11                      coordinated with the construction of the permanent erosion control  
12                      features to the extent necessary to assure effective and continuous  
13                      control of erosion and water pollution throughout the life of the  
14                      construction phase.

15              (4)     Turbidity resulting from construction dewatering will be managed  
16                      using structural best management practices (BMPs) prior to  
17                      discharge to receiving waters. Structural BMPs may include, but are  
18                      not limited to, vegetated systems, detention systems (e.g.,  
19                      sedimentation basins), geotextiles, and other methods. Turbidity  
20                      and other pollutants from construction dewatering on the Property  
21                      will be reduced to meet the levels required by applicable State Water  
22                      Quality Standards and as required by the National Pollutant  
23                      Discharge Elimination System ("NPDES") general permit for

1 construction. Copies of any reports required by the NPDES permit  
2 will be maintained at the appropriate construction site.

3 (5) Clearing and grubbing will be so scheduled and performed such that  
4 grading operations can follow thereafter. Grading operations will be  
5 so scheduled and performed that permanent erosion control features  
6 can follow thereafter if conditions on the project permit, and not  
7 beyond the time limits established in the NPDES general  
8 construction permit.

9 (6) Exposed soils will be stabilized as soon as possible, especially  
10 slopes leading to wetlands. Stabilization methods include solid sod,  
11 seeding and mulching or hydromulching to provide a temporary or  
12 permanent grass cover.

13 (7) Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be  
14 installed at the discharge point of pipes or swales if scouring is  
15 observed.

16 (8) Implementation of storm drain inlet protection (such as hay bales or  
17 gravel) to limit sedimentation within the stormwater system.

18 (9) The allowable discharge in a 25 year 3-day design event will be  
19 limited to the South Florida Water Management District ("SFWMD")  
20 permit for the site.

21 (10) The development within the FEMA floodplain will have finished floor  
22 elevations in each development pod which exceeds the 100 year 3-  
23 day design event for the adjacent water course as calculated by the

1           backwater profile for the respective conveyance. Compensating  
2           storage will be provided to replace lost storage as part of the SFWMD  
3           permit requirements. The SFWMD standard of head loss in a 25-  
4           year 3-day design event will be met at each water crossing.

5           (11) The proposed development will be designed such that the potential  
6           for offsite flooding of other private property will be mitigated. This will  
7           primarily be accomplished by maintaining the existing conveyances  
8           without additional control structures except for restoration efforts.  
9           Water management control will be accomplished primarily by  
10          structures off-line from these conveyances. Off-site discharges onto  
11          the property will be properly routed around and through the property  
12          to maintain or lessen off-site flooding.

13          (12) Open stormwater ponds will be used for the primary volume  
14          attenuation and wet detention of water quality in accordance with  
15          Best Management Practices as outlined in the current Southwest  
16          Florida Basin Rule criteria of the SFWMD for water quality  
17          improvement.

18          (13) On-site wetlands within the project may be incorporated into the  
19          stormwater management system. Those wetlands outside that  
20          system will continue to store and transmit water as they do today  
21          except where modifications are made to facilitate hydrologic  
22          restoration.

- (14) The stormwater treatment will include a backbone system consisting of wet detention areas and dry detention areas. Dry detention areas will not be used as the primary detention/retention component, but may be utilized in combination with wet detention/retention facilities. The stormwater treatment system will be designed in accordance with the then current Southwest Florida Basin Rule Criteria of the SFWMD and will provide 50% more retention/detention water quality treatment above that required by Section 5.2.1(a) of the SFWMD Basis of Review. Best Management Practices will include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto-zones, extended hydraulic residence times and increased flow paths.
- (15) The low edge of pavement for local roads is to be at or above the peak stage for the 5 year-1 day event. The arterials and collectors will have one lane above the 25 year-3 day event peak stage. Parking lots will be at or above the 5 year-1 day event. Minimum swale grades in urban and suburban areas will have a minimum longitudinal slope of 0.2%. Ditches may have flatter longitudinal slopes. The minimum longitudinal slope on roads with curb and gutter will be 0.3%.
- (16) The perimeter berm elevation will be 0.3 feet above the peak stage for the 25 year-3-day event and the 100 year-1 day event.

- 1 (17) The treatment system will provide equal or greater post development  
2 storage volume for the 100 year-3-day event than provided by  
3 predevelopment conditions.
- 4 (18) There will be no increase in stream stage elevation offsite, except as  
5 permitted by the SFWMD.
- 6 (19) Finished floor elevations will be at least the 100 year-3-day event  
7 peak stage plus 0.5 feet.
- 8 (20) An Urban Water Management Plan will be developed for the site as  
9 part of the construction Environmental Resource Permit ("ERP")  
10 process and will address the handling of waste from equestrian  
11 facilities on the site. Water quality monitoring will be conducted  
12 pursuant to the SFWMD Conceptual ERP.

13 B. Other Conditions.

- 14 (1) All internal stormwater management lakes and ditches, and any on-  
15 site preserved/enhanced wetland areas, shall be set aside as  
16 recorded drainage and/or conservation easements granted to the  
17 SFWMD, or other appropriate governmental entity with a compliance  
18 monitoring staff. Stormwater lakes shall include adequate  
19 maintenance easements around the lakes, with access to a paved  
20 roadway, as required by the appropriate governmental entity.
- 21 (2) Any silt barriers and any anchor soil, as well as accumulated silt,  
22 shall be removed upon completion of construction. Either the  
23 Developer or the entities responsible for the specific construction

activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

(3) Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with SFWMD, Florida Department of Environmental Protection ("FDEP"), and County requirements and shall be planted in native emergent or submergent aquatic vegetation. The District shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

(4) The District shall conduct annual inspections in accordance with the conditions of the approved SFWMD ERP, of the BRC Master Stormwater Management System and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

(5) The District or a master or neighborhood property owner's association (POA) shall undertake a regularly scheduled vacuum sweeping, as may be required by permit, of all common District or POA owned streets and District or POA owned parking areas within the MURC. The Developer, District and POA shall encourage private



1 parcel owners within the MURC to institute regularly scheduled  
2 vacuum sweeping of their respective streets and parking areas.

3 (6) Design considerations will be given to ditch and swale slopes, where  
4 practicable, so that these facilities provide some additional water  
5 quality treatment prior to discharge. Treatment swales shall be  
6 planted with vegetation as reviewed and approved during the ERP  
7 approval process, and where practicable, landscape islands shall  
8 accommodate the detention of runoff. Design consideration will be  
9 given to the use of pervious construction materials for the surfaces  
10 of trails, walkways, and non-vehicular travel ways.

11 (7) Any debris that may accumulate in project lakes, ditches or swales,  
12 or which may interfere with the normal flow of water through  
13 discharge structures and under drain systems, shall be cleaned from  
14 the detention/retention areas on a regular basis. Any erosion to  
15 banks shall be repaired.

16 (8) Grease baffles shall be inspected and cleaned and/or repaired on a  
17 regular basis. In no instance shall the period between such  
18 inspections exceed eighteen months.

19 (9) Isolated wading bird "pools" shall be constructed to provide aquatic  
20 habitat for mosquito larvae predators, such as *Gambusia affinis*, and  
21 foraging areas for wading bird species, such as wood stork,  
22 consistent with SFWMD, FDEP, and County requirements.

- (10) The open drainage system will be designed to provide additional water quality treatment prior to discharge. Design elements may include rainwater gardens, treatment swales planted with native vegetation, and entrainment systems. These will be reviewed and approved during the ERP approval process.
- (11) Stormwater runoff should be minimized through a variety of techniques that may include rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces, as well as rainwater harvesting techniques that may include cisterns and rain barrels.
- (12) Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes.
- (13) The master stormwater management system will be maintained by District or a POA established by covenants and restrictions on the Property.
- (14) The SFWMD has issued Permit No. 08-00004-S-05 (Application No. 070330-5) to Developer for a conceptual ERP in accordance with its jurisdiction over such matters and the Property. Developer will follow the authorizations and permit conditions, as may be amended from time to time, which will be a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, will address mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is

1 subject to enforcement by the issuing agency. County will assist said  
2 agency, if requested, in monitoring Developer's compliance with the  
3 conditions of said permit. Developers' successors-in-interest and  
4 assigns are hereby placed on notice of this permit and its application  
5 to development which they may propose to undertake within BRC.

6 (15) The United States Army Corps of Engineers ("USACOE") has issued  
7 Permit No. SAJ-2006-6656 (IP-MJD) to Developer in accordance  
8 with its jurisdiction over such matters and the Property. Developer  
9 will follow the authorizations and permit conditions, as may be  
10 amended from time to time, which is a separate and enforceable  
11 legal document in accordance with its terms. Compliance with this  
12 permit, as it may be amended from time to time, will address  
13 mitigation of certain impacts of the BRC development. The permit is  
14 issued under the authority of an agency other than County and,  
15 therefore, is subject to enforcement by the issuing agency. County  
16 will assist said agency, if requested, in monitoring Developer's  
17 compliance with the conditions of said permit. Developers'  
18 successors-in-interest and assigns are hereby placed on notice of  
19 this permit and its application to development which they may  
20 propose to undertake within BRC.

21 (16) As part of any AIDA phase that will discharge to Owl Creek, Trout  
22 Creek, and /or Telegraph Creek, 100-year three-day storm event  
23 calculations will be provided for the setting of finished floor elevation

1 and the determination that the peak volume stored in the pre-  
2 development condition is equal or exceeded by that stored in the post  
3 development condition.

- 4 (17) The Developer shall reduce the introduction of fill material outside  
5 approved development pods into the 100-year flood plain where  
6 practical. Structures outside approved development pods, but built  
7 in the 100-year flood plain, should be built as elevated structures and  
8 not as monolithic slabs on fill soil.

9 C. Incremental Review.

- 10 (1) Subsection A and B above in this provision 4 (Stormwater  
11 Management) constitute the "Stormwater Plan" for BRC.

- 12 (2) The Incremental review will address compliance of the Increment  
13 with the Stormwater Plan and any changes to the adopted floodplain  
14 maps.

- 15 (3) The Incremental review will include an assessment of any pertinent  
16 information developed pursuant to a condition of the MDO  
17 development order which has been developed since the MDO  
18 development order was issued in order to determine if that new  
19 information shows that a change in the Stormwater Plan is needed  
20 in order to provide the same level of protection, remediation, or  
21 mitigation that is contemplated in the MDO Development order.

22 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
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1   **5.    TRANSPORTATION**

2       A.   Representations and Commitments as Conditions. – None.

3       B.   Conditions for Development Approval.

4           (1)   Master Traffic Study

5               (a)   The Master Traffic Study is the analysis of the buildout of the  
6                      Development Program and the horizon year traffic conditions  
7                      in year 2040. It is a guide to the roadway network and  
8                      improvements anticipated to be needed to support all area  
9                      development including the BRC Development Program by the  
10                     year 2040 and it is intended for use only with the BRC  
11                     Development Program. As a long range “snapshot” of horizon  
12                     year conditions, it is anticipated that the mobility network and  
13                     area growth will change and be revised as the BRC develops.  
14                     By way of background, the initial Master Traffic Study was  
15                     prepared by the Developer (“Developer’s Initial Master Traffic  
16                     Study”), which was adequate for the “snapshot” purpose of  
17                     the Master Development Order, recognizing that additional  
18                     validation adjustments would be needed for use in  
19                     Incremental Development Orders. At the time of initial  
20                     approval of the Master Development Order, the Florida  
21                     Department of Transportation (“FDOT”) was working on a  
22                     district-wide travel demand model, but it was not yet  
23                     completed. On August 27, 2008, FDOT informed the

Developer, County and Lee County that the FDOT district-wide travel demand model ("FDOT D1 District-wide Model") was available for use for Babcock Ranch. FDOT, County, Lee County and the SWFRPC accepted the use of the FDOT D1 District-wide Model for Babcock Ranch, without sub-area or corridor model refinements for Increment 1-Phase 1. Recognizing that the FDOT D1 District-wide Model may require sub-area and/or corridor model refinements to be made within the transportation impact area of the BRC for future increments, refinements, if any, will be made consistent with the procedures outlined in Chapter 4 of the FDOT Project Traffic Forecasting Handbook.

- (b) The Charlotte County Babcock Ranch Overlay District (the BROD), FLU Policy 6.4.20, recognizes that the BROD is a mixed-use community with a compact urban form that contemplates commercial, office, industrial and institutional uses, and specifies that the community capture rate ("CCR") for the BRC shall be maximized, with a targeted internalization of between 50% - 70%. The Developer's Master Traffic Study Update reflects the mixed-use character of the Community and consequently maximizes the "community capture" elements, resulting in a trip capture rate for the buildout of the BRC of 66% on a peak hour basis. The 2040 roadway

1 network and candidate roadway improvements resulting from  
2 the Developer's Master Traffic Study Update based on that  
3 trip capture rate for the development components are set forth  
4 in Exhibit F attached hereto and made a part hereof by  
5 reference. Exhibit F also identifies, under 2040 conditions  
6 and the 66% CCR, those regionally and locally significant  
7 road segments that are projected to be significantly impacted  
8 by the BRC and for which a service deficiency is also  
9 projected ("Impacted Segments"). The Developer's Master  
10 Traffic Study Update also identifies the improvements which  
11 may be anticipated by 2040 under the 66% CCR to the  
12 Impacted Segments and may be subject to mitigation for  
13 Babcock's traffic impacts in order to maintain the adopted  
14 level of service (LOS) targets at the time of an incremental  
15 traffic assessment.

- 16 (c) A supplemental traffic assessment was also prepared for the  
17 Master Development Order by the Developer at the request  
18 of review agencies to identify the potential 2040 roadway  
19 conditions and candidate roadway improvements resulting  
20 from the MDO Traffic Study Update based on the initial  
21 internal capture rate ("ICR") of 22%, as mandated in the initial  
22 Master Traffic Study. The roadway network and candidate  
23 roadway improvements based on that 22% ICR also are set

1           forth in Exhibit F attached hereto and made a part hereof by  
2           reference. Exhibit F also identifies, under those 2040  
3           conditions, the same information for the 22% ICR scenario as  
4           for the 66% CCR scenario, including those regionally and  
5           locally significant road segments that are projected to be  
6           significantly impacted by the BRC and for which a service  
7           deficiency is also projected ("Impacted Segments") and the  
8           improvements which may be anticipated by 2040 to the  
9           Impacted Segments under a 22% ICR in order to maintain the  
10          adopted level of service (LOS) targets. The road network  
11          presented in Exhibit F is a 2040 horizon year projection that  
12          will be updated periodically as set forth below in Condition  
13          5.B.(2) to reflect changing conditions in the area. This 22%  
14          ICR is to be applied only for the First Increment and will not  
15          be used with future increments or Master Traffic Study  
16          Updates.

- 17           (d) The significant impacts, roadway network, and roadway  
18           improvements identified in Exhibit F hereto are provided for  
19           comparison purposes between the ICR and CCR scenarios  
20           described above. As specified under Conditions 5.B.(2)(a),  
21           (2)(b), (2)(c), and (2)(d) below, as data from the traffic  
22           monitoring program becomes available, as specified under  
23           Conditions 5.B.(3)(a) and 5.B.(3)(b) below, this data will be



1 incorporated into the Master Traffic Study Updates as  
2 described in Condition 5.B.(2) below. Exhibit F will then be  
3 re-evaluated and revised as specified in Condition 5.B.(2)  
4 below.

- 5 (e) For purposes of the First Increment, the 22% ICR portions of  
6 Exhibit "F" controlled the measurement of significant impact  
7 for the Incremental DRI traffic study. Future Increments shall  
8 use the revised Exhibit "F" as re-evaluated either under  
9 Condition 5.B.(2)(a) or B.(2)(b), as applicable.

10 (2) Master Traffic Study Updates

- 11 (a) (1) The first update of the Master Traffic Study was  
12 approved by Resolution 2011-485 on December 13, 2011  
13 ("Initial Master Traffic Study Update").

14  
15  
16  
17 The 2020 Master Traffic Study Update is hereby approved  
18 through this Master Development Order Amendment.

- 19 (2) a. Each update of the Master Traffic Study will  
20 include a reassessment of the internal capture and external  
21 trips consistent with paragraph 5.B.(2)(a)(1) above, Trip  
22 Generation, the ITE Trip Generation Handbook, and the  
23 FDOT Site Impact Handbook, the FDOT D1 District-wide

1 Model, as it may be adjusted pursuant to professionally  
2 accepted techniques applicable to communities of the size,  
3 location, mix of uses, and design of Babcock or other travel  
4 demand modeling techniques and data that reflect the size,  
5 location, mix of uses, and “smart growth” design of the project,  
6 and with consideration of the cumulative impacts of previously  
7 evaluated increments and monitoring data up to the point of  
8 commencement of that particular Master Traffic Study  
9 Update.

10 b. Due to its size and mix of uses, the BRC will be  
11 divided into a number of traffic analysis zones (TAZs) and  
12 tracts, which are combinations of TAZs. The size, location  
13 and number of TAZs will be determined by the Developer.  
14 There shall be no minimum or maximum number of TAZs or  
15 tracts.

16 c. Adjustments to the FDOT D1 District-wide  
17 Model in accordance with 5.B.(2)(a)(2)(a) for estimating trip  
18 capture within a large scale community like the BRC, the  
19 community capture and external trips for the BRC will be  
20 estimated using the following procedures.

21 (i) The total new trips generated by the BRC  
22 development as identified in the Master Traffic  
23 Study Update and based on accepted standard

1 methods of calculation will be reduced as  
2 identified in the sections below.

3 (ii) There are standard mixed land uses  
4 (residential, office, retail) for the mixed use  
5 development concepts of the ITE Trip  
6 Generation Handbook "Mixed Use  
7 Development". For those standard land uses,  
8 and using the tract as a single TAZ, calculate,  
9 using the methods of the ITE Trip Generation  
10 Handbook "Mixed Use Development", the  
11 internal capture within the tract.

12 (iii) For each non-standard land use (those land  
13 uses not included in the ITE Trip Generation  
14 Handbook methodology) within each tract, the  
15 trip capture for those non-standard land uses  
16 will be discussed at the methodology meeting.

17 (iv) Using the FDOT D1 District-wide Model,  
18 applicable at that time, determine the trip  
19 capture between the individual tracts within the  
20 BRC.

21 (v) Estimate the number of pass-by trips consistent  
22 with the then most recent editions of the ITE Trip  
23 Generation Handbook, and the FDOT Site

1                    Impact Handbook. Only those retail uses which  
2                    are adjacent to the primary public roadways will  
3                    be eligible for external pass-by trips. Retail that  
4                    is not adjacent, whether contained internally or  
5                    substantially set back without direct access to  
6                    the major public roadways will be discussed at  
7                    the methodology meeting.

8                    (vi)    The remaining net new trips are external to the  
9                    BRC and will be assigned to the regional  
10                   roadway network by the FDOT D1 District-wide  
11                   Model, applicable at that time.

12                   (vii)   In the alternative, Developer may use an  
13                   alternative methodology for estimating  
14                   community capture rate if reviewed and  
15                   approved by FDOT, County, Lee County, and  
16                   SWFRPC.

17                   (b)    (1)    Due to the long term buildout of the Project (over 20  
18                   years) and potentially changing conditions in the study area,  
19                   periodic updates of the Master Traffic Study are required and  
20                   will use the most current, validated FDOT D1 District-wide  
21                   Model in effect at the time of the commencement of the Master  
22                   Traffic Study Update. After the Initial Master Traffic Study  
23                   Update specified in Condition 5.B.(2)(a)(1), additional updates

1 shall be conducted and submitted no later than five (5) years  
2 after the effective date of the most recent previous update.  
3 The Developer may update the Master Traffic Study at any  
4 time during that five (5) year period. Each updated Master  
5 Traffic Study will be a complete update similar to the original  
6 Master Traffic Study and will result in a Revised Exhibit F.  
7 The Master Traffic Study Update shall consider the possibility  
8 of a new east-west transportation corridor between SR 31 and  
9 I-75, and may consider related corridor studies and  
10 interchange justification reports, as determined appropriate in  
11 the transportation methodology meeting. A transportation  
12 methodology meeting will be held with County, Lee County,  
13 the SWFRPC and FDOT prior to the conduct of each Master  
14 Traffic Study Update.

15 (2) Each update of the Master Traffic Study will include a  
16 reassessment of the community capture and external trips  
17 consistent with paragraph 5.B.(2)(a)(1) above.

- 18 (c) Subsequent Increments, including phases, if applicable, will  
19 use the FDOT D1 District-wide Model or the most current,  
20 validated FDOT D1 District-wide Model in effect at the time.  
21 Two different model runs (without DRI and with DRI) will be  
22 used for each Master Traffic Study Update.

1 (d) The methodology for Master Traffic Study Updates will be  
2 coordinated through the SWFRPC and include County, Lee  
3 County and FDOT. Any amendments to the Master  
4 Development Order resulting from a Master Traffic Study  
5 Update shall be processed as an amendment. The Master  
6 Traffic Study Update process will consist of the following  
7 steps and timeframes:

8 (i) Initial informal coordination meeting to discuss and  
9 establish the appropriate methodology, between the  
10 Developer and SWFRPC, County, Lee County and  
11 FDOT.

12 (ii) Submittal of proposed methodology by the Developer  
13 to the SWFRPC not less than 14 days in advance of  
14 the formal methodology meeting for distribution to the  
15 State and Regional review agencies.

16 (iii) Formal methodology meeting between the Developer  
17 and the State and Regional review agencies  
18 coordinated by the SWFRPC.

19 (iv) SWFRPC, within 35 days of the conclusion of the  
20 formal methodology meeting(s), will document the  
21 findings and agreements made by the  
22 participants including a summary of all assumptions  
23 agreed upon at the meeting.

1 (v) SWFRPC shall allow State and Regional review  
2 agencies not less than 14 days to agree or disagree in  
3 writing with the meeting summary.

4 (vi) If agreement cannot be reached with all the State and  
5 Regional Review agencies, the SWFRPC will  
6 designate a methodology in writing to be used by the  
7 Developer.

8 (vii) The Developer shall submit for approval the Master  
9 Traffic Study Update and revised MDO Exhibit F to the  
10 SWFRPC through the development order amendment  
11 process, for distribution to County FDOT, and Lee  
12 County.

13 (viii) Public hearings will be conducted in accordance with  
14 the County's procedures for processing development  
15 order amendments in coordination with the SWFRPC.

16 (3) Biennial Monitoring Program

17 On a biennial basis, the Developer shall submit a DRI traffic  
18 monitoring report to the following entities: County, FDOT, Lee  
19 County, and the SWFRPC. The first monitoring report shall be  
20 submitted two (2) years after the recorded date of the approval of the  
21 first AIDA Development Order, unless no buildings have been  
22 physically occupied by a permanent user. Once a building in  
23 Babcock is occupied by a permanent user the biennial traffic

1 monitoring requirement will commence. For the purposes of growth  
2 management the Biennial Monitoring will monitor the external trips  
3 generated by occupied uses in Babcock. The traffic monitoring  
4 program must include the following.

5 (a) 2-hour AM peak hour and 4-hour PM peak hour turning  
6 movement counts and 72-hour machine traffic counts at the  
7 BRC's access points onto the external public road network  
8 external to the Property; the 72-hour traffic counts will be  
9 derived from the permanent traffic counters installed at  
10 Babcock's ingress/egress points as described in Condition  
11 5.B.(7) below.

12 (b) A comparison of the field-measured Project external trips to  
13 the Project's external trips estimated in the MDO and the  
14 Incremental traffic studies.

15 (c) The level of service of all access points between the Project  
16 and the external road network.

17 (d) A summary of construction and development activities to date,  
18 using the categories of the Master Development Program.

19 (e) An estimate of the level of development expected to be added  
20 by the Project for the forthcoming year.

21 (f) The status of the mobility improvements required by any prior  
22 Incremental development program.



1 (g) The status of mobility improvements identified as committed  
2 in the Master Traffic Study or Incremental traffic studies.

3 (h) An estimate of the construction traffic at the Project's access  
4 points onto the public roadway network external to the  
5 Property.

6 (4) The Developer shall promote efficient pedestrian and bicycle  
7 movement within and between the development's components and  
8 to adjacent properties. The Developer shall link the uses and  
9 subdivisions, hamlets, town centers and free-standing facilities  
10 through a series of sidewalks, bike paths, walking trails and internal  
11 roadways of various functional classifications. The Developer shall  
12 promote transit service through the inclusion of bus stops or other  
13 appropriate transit access points in site design, consistent with the  
14 County and Lee County Comprehensive Plans and transit plans, if  
15 any. The location of bus stops and transit access points shall be  
16 planned and integrated with the BRC bicycle and pedestrian plan.

17  
18 (5) The Developer shall prepare a transit feasibility study of providing  
19 public transportation to and from Babcock at the request of County.  
20 The transit feasibility study will evaluate, among other things, the  
21 feasibility of providing public transportation, timing of the  
22 implementation of the system, system routing, vehicle type,  
23 headways, funding sources, and capital and operating costs. In an

1 effort to ensure sufficient population to support this type of transit  
2 service, the Developer shall coordinate the initiation of this study with  
3 transit representatives from County, Lee County, and the FDOT. The  
4 Babcock development will be credited with an appropriate reduction  
5 in net external trips for the implementation of such a public transit  
6 component. The cost of the study may be credited against  
7 Developer's proportionate share mitigation.

- 8 (6) The Developer installed permanent traffic count stations at the BRC  
9 ingress/egress points on the external road network at Greenway  
10 Boulevard, Lake Babcock Drive, and Cypress Parkway, and at the  
11 County lines on SR31. The equipment will be turned over to County  
12 and County will own and maintain the permanent count station  
13 equipment. The cost of the permanent count station equipment will  
14 be credited against the DRI's traffic mitigation obligation. Data from  
15 the count stations shall be made available in a digital format on a  
16 periodic schedule agreed to by County and Developer and without  
17 any cost to Developer.

18 C. Incremental Review.

19 (1) Incremental Review Analyses.

20 Development within the BRC, as identified in the AMDA, will undergo a  
21 traffic review through an incremental process with traffic studies prepared  
22 for each Increment. A transportation methodology meeting will be held with  
23 County, Lee County, FDOT, and the SWFRPC prior to initiating this study.

1 This will allow the study to address specific issues that may be related to  
2 any particular Increment. Each Incremental Traffic Study, other than the  
3 traffic studies for the initial Increment 1, will establish the trip capture rate  
4 for that Increment consistent with Condition 5.B.(2) which will determine the  
5 maximum number of PM peak hour trips external to the Property for that  
6 Incremental development program. Professionally accepted techniques  
7 and data, including FDOT's then current Site Impact Handbook (or its  
8 equivalent) and the then current Subdivision Traffic Study Guidelines for  
9 County may be considered in establishing the methodologies for the  
10 Incremental studies. If agreement cannot be reached with all the State and  
11 Regional Review agencies, the SWFRPC will designate a methodology in  
12 writing to be used by the Developer.

13  
14 As a part of this effort, a traffic study will be prepared in support of that  
15 Increment. The Project's trip capture rate, estimated number of external  
16 PM peak hour trips, traffic impacts, proportionate share of needed  
17 improvements, pipelining of the proportionate share, and mitigation will be  
18 established for each Increment. A traffic study will be prepared for each  
19 Incremental level of development. The traffic study in support of each  
20 Increment will estimate the trips external to the Property for that Incremental  
21 development program and will include the following.

- (a) Road segment evaluation of those external road segments significantly impacted by the Incremental development program for the MDO significant impact area per Exhibit "F".
- (b) Intersection evaluations of those external intersections significantly impacted by the Incremental development program.
- (c) Identification of potential roadway improvements needed to support that level of development and all area growth coincident with buildout of that Incremental development program at the BRC for the MDO significant impact area per Exhibit "F".
- (d) Identification of the Project's proportionate share of those needed roadway and intersection improvements. Proportionate share mitigation shall be limited to ensure that if Babcock meets the requirements of Section 163.3180, F.S., it shall not be responsible for the additional cost of reducing or eliminating backlogs. The project's proportionate share shall be directed (i.e. "pipelined") to one or more mobility improvements that benefit a regionally significant transportation facility. The funding of one or more required mobility improvements that will benefit a regionally significant transportation facility consistent with Section 163.3180(12), F.S., satisfies concurrency requirements as mitigation of

1 Babcock's impact upon the overall transportation system even  
2 if there remains a failure of concurrency on other impacted  
3 facilities.

4 (e) Identification of the Project's traffic mitigation conditions to  
5 address its proportionate share of needed mobility  
6 improvements and any pipelining of that proportionate share,  
7 but not including mitigation for backlogged conditions.  
8 Mitigation for impacts to facilities on the State Strategic  
9 Intermodal System shall be made after consultation with and  
10 with the concurrence of FDOT. Traffic mitigation conditions  
11 would include, but not be limited to, commitments to construct  
12 or pay for certain mobility improvements, provision of right-of-  
13 way, provision of design plans in support of improvements,  
14 cash payments to County or applicable maintenance agency  
15 and/or combinations of the above, and a mitigation payment  
16 schedule.

17 (f) Each Incremental traffic study will include any previously  
18 evaluated Increment as Project traffic. Mitigation provided by  
19 any previously evaluated Increment shall be credited to the  
20 overall impact of the Project.

21 (g) An accounting system will be established so that if the field  
22 measured external trips at the end of the particular Increment  
23 are less than previously estimated for that Increment, the

Developer would be entitled to credits which can be used by the Developer, sold to other parties or carried over to the next Increment. Alternatively, if the actual traffic for that particular Increment is greater than previously estimated, then the Developer will be required to mitigate those additional traffic impacts as part of the then under review Increment.

(h) The development approved in each Increment will be vested for traffic concurrency purposes through the scheduled payment of its mitigation requirements (proportionate share) for mobility improvements. The payment schedule and the details of that payment schedule must be established in an enforceable agreement with County or the applicable maintenance agency.

(i) As provided in the MDO Agreement, an Incremental traffic study may consider relevant information from previously approved studies or Increments, but no Incremental review will result in a requirement to revise any element or requirement of a previously approved Increment other than the provision in item 5.C.(g) above. Conditions identified in the most recently approved Incremental Development Order or Amended Development Order will control for the purposes of transportation mitigation, unless otherwise noted in the Development Order.

(2) Site Plan and Subdivision Plan Approval Within An Increment.

Site plan and subdivision plan approvals within an Increment will be evaluated for consistency with the Incremental traffic study as set forth below.

- (a) Review the requested approval to verify that the development parameters of the requested approval, when combined with the parameters of any other requested approval already reviewed and approved within the Increment and reflective of any land use conversions, are consistent with the level of development evaluated during the Incremental traffic study.
- (b) Review of the requested approval to verify that the projected external trips of the requested approval, when combined with the estimated external trips of any other requested approval already reviewed and approved within the **Increment and** reflective of any land use conversions, does not exceed the external trips evaluated during the Incremental traffic study.
- (c) Review of the requested approval's access points onto the public roadway network external to the **Property to** determine if: 1) the proposed access points are consistent with the access established in the **MDO**; 2) the access point intersection will operate at acceptable levels of service coincident with the buildout of the requested approval; 3) identify needed improvements, including signalization, at the

1 access point intersections to maintain acceptable levels of  
2 service; and 4) identify the estimated turn lane storage lengths  
3 for the needed turn lanes at the access point intersections.

4 (3) The Developer may, at its sole discretion, determine the size,  
5 boundaries, land uses, timing, and termination of each Increment.  
6 The Developer may file one or more AIDA's for concurrent,  
7 overlapping, or sequential increments. Provided, however, the entire  
8 project as reflected in this MDO may not be submitted in only one  
9 increment, and any one filing of one or more AIDA's will not include  
10 cumulatively among the filing more than fifty percent (50%) of the  
11 entire MDO Development Program.

12 (4)

13 (a) The Developer's proportionate share obligation, as  
14 established per each Increment, shall be directed or pipelined,  
15 pursuant to section 163.3180(12), Florida Statutes, to one or  
16 more required mobility improvements which may or may not  
17 be a part of the AMDA roadway network, which benefit a  
18 regionally significant transportation facility and which can be  
19 funded by the Developer's proportionate share. The funding  
20 of one or more required mobility improvements that will benefit  
21 a regionally significant transportation facility consistent with  
22 Section 163.3180(12). F.S. satisfies concurrency  
23 requirements as a mitigation of Babcock's impact upon the



1 overall transportation system even if there remains a failure of  
2 concurrency on other impacted facilities.

3 (b) The Developer may also utilize proportionate fair-share  
4 mitigation, consistent with Section 163.3180(16), which may  
5 be directed toward one or more specific transportation  
6 improvements reasonably related to the mobility demands  
7 created by the development and such improvements may  
8 address one or more modes of travel. Proportionate fair-  
9 share mitigation shall be limited to ensure that a development  
10 meeting the requirements of Section 163.3180(16), Florida  
11 Statutes, mitigates its impact on the transportation system but  
12 is not responsible for the additional cost of reducing or  
13 eliminating backlogs. The funding of any improvements that  
14 significantly benefit the impacted transportation system  
15 satisfies concurrency requirements as a mitigation of the  
16 development's impact upon the overall transportation system  
17 even if there remains a failure of concurrency on other  
18 impacted facilities.

19 (5) In addition to, or in the alternative to the pipelining described in  
20 provisions 5.C.(1)(d) and 5.C.(4)(a) above, the developer may also  
21 mitigate its traffic impacts pursuant to 73C-40.045, F.A.C.

22 (6) Incremental Biennial Monitoring Controls.

1 (a) If the biennial traffic monitoring report for any two year period  
2 reveals that the Project's field measured external trips  
3 generated by occupied land uses is 80% or more of the  
4 maximum number of external PM peak hour trips for the  
5 completed Increment(s) and the approved, but uncompleted,  
6 Increments and the occupied land uses are less than 50% of  
7 the development program approved for approved, but  
8 uncompleted, Increment(s), the Developer shall, within 90  
9 days of the date of the biennial traffic monitoring report, meet  
10 with County Public Works to determine if the most recently  
11 approved Incremental traffic study must be updated. If an  
12 updated traffic study is required, then an updated list of  
13 significantly and adversely impacted road segments and  
14 corresponding adjustments in the Increment's proportionate  
15 share which are needed to complete the most recently  
16 approved Increment will be identified in that updated study.

17 (b) If the biennial traffic monitoring report for any two year period  
18 reveals that the Project's field measured external trips  
19 generated by occupied land uses exceed the maximum  
20 number of external PM peak hour trips for the completed  
21 Increment(s) and the approved, but uncompleted,  
22 Increment(s), the most recently approved Incremental traffic  
23 study will be updated within 120 days of the date of the

1 biennial traffic monitoring report. For that most recently  
2 approved Increment, this may result in an updated list of  
3 significantly and adversely impacted road segments and a  
4 corresponding adjustment in the Increment's proportionate  
5 share with the additional proportionate share being directed  
6 to one or more mobility improvements as set forth in Condition  
7 5.C.(4).

8 (c) Alternatively, if the Project's field measured external trips  
9 exceed the maximum number of external PM peak hour trips  
10 for the completed Increment(s) and the approved, but  
11 uncompleted, Increment(s), the Developer may declare the  
12 most recently approved Increment to be complete in terms of  
13 external trips and development program and may submit a  
14 new AIDA and Incremental traffic study which may include  
15 land area not used in the Increment deemed complete.

16 (d) If, at the buildout or completion of an Increment, the measured  
17 external trips are less than the maximum number of external  
18 trips established for the Increment, then the difference in the  
19 proportionate share represented by the difference in those  
20 external trips will be credited against the proportionate share  
21 projected to be produced by the next subsequent  
22 Increment(s).

1           (e)    Every two years, the results of the traffic monitoring report will  
2                   be compiled with the results of the previous reports. The data  
3                   from these monitoring reports will be used with respect to the  
4                   applicable components of the development program prepared  
5                   for the next Increment, as well as the updates of the Master  
6                   Traffic Study.

7           (f)    Under Conditions 5.C.(6)(a), (b), and (d) above, development  
8                   (including but not limited to: planned development, site plan,  
9                   and sub-division approvals; building permits; construction;  
10                  and certificates of occupancy) pursuant to Incremental  
11                  approvals will not be suspended while the traffic study  
12                  updates and any adjustments required by those provisions  
13                  are being finalized.

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1   **6.    VEGETATION, WILDLIFE, AND WETLANDS**

2       A.   Representations and Commitments as Conditions.

3           (1)    The exotic pest plant impacted areas and native plant communities  
4                   (approximately 5000 acres) will be managed and incorporated into  
5                   the final preservation areas and consolidated north-south flow-ways  
6                   and east-west greenways.

7           (2)    The upland preserve/conservation areas and the wetland preserves  
8                   will have management that optimizes the value and function of these  
9                   areas of native habitat.

10          (3)    There will be an average 100-foot setback from the State Preserve  
11                  and an average 50-foot setback adjacent to wetlands.

12          (4)    Internal roadways will be used to inter-connect separate  
13                  development pods and will be constructed with wildlife crossings in  
14                  areas where they cross wildlife corridors. The designs, sizes, and  
15                  locations of these crossings will be coordinated with County and  
16                  coordinated and approved by staff from the Florida Fish and Wildlife  
17                  Conservation Commission (FWC) and the US Fish and Wildlife  
18                  Service (USFWS). Internal roadways may be constructed across  
19                  and through primary flow-ways, as long as the hydrological and  
20                  wildlife corridor functions are maintained through the crossings. The  
21                  number of such roadways, not including pedestrian boardwalks and  
22                  bike, electronic cart, hiking, and equestrian trails (paved or

otherwise), shall be the minimum necessary for safe and efficient public accessibility between development pods.

(5) Roadway layouts in the wildlife corridors will be designed to reduce traffic speeds and minimize the risk of vehicle/wildlife collisions. Traffic calming devices will be employed where appropriate, but will not serve as a substitute for wildlife under crossings or over crossings, unless approved by FWC and USFWS.

(6) Littoral shelves will be constructed within lake systems and will provide additional foraging areas for wildlife. Littoral shelves will be provided along a minimum of ten percent (10%) of the length of the shoreline of each such lake. Littoral shelves will be designed to mimic the functions of natural systems by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. Where appropriate, specific littoral shelf planting areas will be established to provide feeding areas for water dependent avian species. Developer will ensure that recorded restrictions on the Property prohibit the removal of littoral shelf plants, unless replaced with similar plants.

(7) Site lighting standards will be modeled after the International Dark-Sky Association or similar guidelines. Street lighting will use mechanisms to reduce light pollution such as full shield cut-offs to prohibit light from shining upward, low intensity lighting and other acceptable techniques. Greenways, conservation areas and

undeveloped areas bordering these areas where there are unpaved trails will be unlit, or lit to the extent necessary for safety reasons only during periods of designated use.

(8) Golf courses will be designed to comply with the goals of the Audubon International Signature Program – Silver Level certification program, with best management practices developed by the Florida Department of Environmental Protection under Section 403.067, F.S. (2005), or with other equivalent certification programs or equivalent best management practices.

(9) During the construction process, appropriate measures will be taken to minimize impacts to preserved wetlands and to water quality. Wetland and upland buffer areas to be preserved will be clearly marked in the field to avoid damage of and intrusion into protected areas. Appropriate construction Best Management Practices will be employed. Prior to commencement of construction near preserved wetlands, including proposed water control structures, erosion control devices will be installed to control and reduce soil erosion, sediment transport and turbidity. Such devices (e.g., silt fencing, temporary sediment traps, impoundment areas to control excessive discharges, etc.) will remain in place throughout the duration of construction in an area until construction zones and surrounding areas are stabilized.

- (10) Erosion control methods/devices used during construction will generally conform to applicable standards set forth in FDER's "The Florida Development Manual: A Guide to Sound Land and Water Management," Sections 6-301 through 6-500 of Chapter 6: "Storm Water and Erosion Control Best Management Practices for Developing Areas; Guidelines for Using Erosion and Sediment Control Practices," (ES BMP 1.011.67. FDER, Tallahassee, FL 1988).
- (11) Freshwater marsh creation areas will be over excavated and backfilled to final grade with organic soils. Tree, shrub, and prairie planting areas will have topsoil furloughed from the grading area or organic mulch added to achieve final grade.
- (12) Two hydrologic improvement projects are proposed, one in Curry Canal and one on the west side of Telegraph Swamp and southeast of Hamlet II. At a minimum, each project will have new or modified water control structure(s).
- (13) The Developer has prepared an environmental sustainability plan for the Property which calls for protecting environmentally sensitive wetlands and uplands areas, providing for mitigation of certain disturbed areas, enhancing preservation areas, preserving agricultural areas, establishing Greenways and public recreation and environmental education programs. As part of the Developer's implementation plan, the Developer will utilize conservation



1 easements as set forth below. Areas in the Developer's  
2 plan identified for mitigation on the Property will be included in the  
3 ERP for placement under a conservation easement. Wetland Areas  
4 in the Developer's plan which are not impacted by the project will be  
5 protected by a conservation easement. Prior to the expiration date  
6 of this Development Order, existing agricultural uses located within  
7 the project but which are outside of the development areas shown  
8 on Map H will be placed under a conservation easement which will  
9 allow for the continuance of agricultural operations. The upland  
10 enhancement and preservation areas identified in the Developer's  
11 plan on the Property will be placed under conservation  
12 easements. Acreages referenced in the Developer's plan are  
13 subject to change based on future permitting considerations. All  
14 required easements will be granted to the SFWMD or other  
15 appropriate governmental entity with a compliance monitoring staff.  
16 Easements not required by a condition of an environmental permit  
17 may be granted to an appropriate governmental entity or to a non-  
18 profit charitable entity that exists for the purpose of holding land for  
19 conservation purposes with a compliance monitoring staff. The  
20 recording of the conservation easements will be phased concurrent  
21 with various AIDA's, construction, and plat approvals.

- 22 (14) (a) To the maximum extent reasonably practicable, above-  
23 ground and underground utility lines (e.g., water, sewer,

1 electric, gas, telephone, cable, electronic, etc.) will be located  
2 within or adjacent to roadway corridors on the Property.  
3 Where this is not practicable, Developer shall consult with  
4 County and the pertinent utility to establish a location which  
5 minimizes to the maximum degree reasonably practicable  
6 impacts on upland enhancement and preservation areas.

7 (b) With respect to the location of major utility transmission lines  
8 on the Property, Developer will consult with County and the  
9 pertinent utility prior to such location in an effort to minimize  
10 impacts from such lines on environmental resources located  
11 on the Property.

12 (c) Nothing herein shall preclude the location of utility or  
13 transmission lines within the north/south "Limited  
14 Transportation, Pedestrian and Utility Corridor" shown on  
15 Exhibit "B" hereto.

16 (15) BRC greenways will be maintained in their natural state and kept free  
17 of refuse and debris. Category I exotic pest plants as defined by the  
18 Florida Exotic Pest Plant Council (EPPC), in effect at time of  
19 permitting, will be controlled to ninety-five percent (95%) occurrence  
20 (except for torpedo grass, *Panicum repens*, and cogon grass,  
21 *Imperata cylindrica*, that will be controlled to a ninety percent (90%)  
22 occurrence) in non-agricultural greenway areas. Category II pest  
23 plants, as defined by the Florida Exotic Pest Plant Council (EPPC),

1 in effect at time of permitting, and other plants reaching a  
2 problematic, invasive level will also be controlled to reasonable and  
3 achievable levels in non-agricultural greenway areas. Maintenance  
4 of these preserve areas will be conducted in perpetuity consistent  
5 with state, local, and federal government environmental permit  
6 approvals.

7 (16) The prescribed fire plan for BRC will be a program that mimics the  
8 natural fire cycle for the various habitat types identified within the  
9 mitigation and preserve areas. Prescribed burning will be planned  
10 and carried out by a Certified Prescribed Burn Manager (as licensed  
11 by the Florida Division of Forestry) and experienced fire crew.

12 (17) The Developer shall dedicate a one (1) acre site and provide a 3,000  
13 square feet, pre-fabricated, shell building to County for mosquito  
14 control operations use pursuant to the schedule shown on Exhibit "D"  
15 hereto.

16 B. Other Conditions.

17 (1) Integrated Pest Management ("IPM") will be utilized in BRC. IPM will  
18 involve the monitoring of sites for pest related problems, determining  
19 when a problem needs attention and taking appropriate action with  
20 the least amount of environmental impact. IPM will maximize the use  
21 of biological controls (i.e., bat houses, etc.), organic pest control  
22 methods, insecticidal soaps, and fish oils beneficial to lowering the

environmental impact of pest control. Property and homeowner education will also be an IPM component within the Community.

(2) All USFWS and FWC threatened and endangered species management plans ("T&E Plans") for the documented listed species including Florida panther (*Puma concolor coryi*) (E), Florida bonneted bat (*Eumops floridanus*) (E), wood stork (*Mycteria americana*) (T), beautiful pawpaw (*Deeringothamnus pulchellus*) (E), Florida sandhill crane (*Gruscanadenis pratensis*) (T), Eastern indigo snake (*Drymarchon corais couperi*) (T), little blue heron (*Egretta caerulea*) (T), tricolored heron (*Egretta tricolor*) (T), gopher tortoise (*Gopherus polyphemus*) (T), American alligator (*Alligator mississippiensis*) (T S/A), crested caracara (*Caracara cheriway*) (T), roseate spoonbill (*Platalea ajaja*) (T), and Florida burrowing owl (*Athene cunicularia floridana*) (T) approved at the time of issuance of this Development Order are incorporated by reference herein and made a part hereof. Any additional species which are listed after the issuance of this Development Order and which are documented in an AIDA shall have a T&E Plan developed and approved by USFWS and FWC and said plan shall be incorporated by reference as a condition of the particular incremental development order.

(3) The SFWMD issued Permit Number 08-00119-P on July 6, 2006, which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property.

Developer has committed to follow this permit and its conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. Such permit is issued under the authority of an agency other than County and, therefore, shall be subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its potential application to development which they may propose to undertake within BRC.

- (4) The **USACOE** issued Permit Number SAJ-1992-264(NW-TWM) on May 22, 2006, which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property. Developer has committed to follow this permit and its conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and

1 assigns are hereby placed on notice of this permit and its application  
2 to development which they may propose to undertake within BRC.

3 (5) The USACOE issued Permit No. SAJ-2006-6656 (IP-MJD) which  
4 includes certain authorizations and permit conditions, in accordance  
5 with its jurisdiction over such matters and the Property. Developer  
6 has committed to follow this permit and its conditions, which is a  
7 separate and enforceable legal document in accordance with its  
8 terms. Compliance with this permit, as it may be amended from time  
9 to time, addresses mitigation of certain impacts of the BRC  
10 development. The permit is issued under the authority of an agency  
11 other than County and, therefore, is subject to enforcement by the  
12 issuing agency. County will assist said agency, if requested, in  
13 monitoring Developer's compliance with the conditions of said  
14 permit. Developers' successors-in-interest and assigns are hereby  
15 placed on notice of this permit and its application to development  
16 which they may propose to undertake within BRC.

17 (6) The SFWMD issued Permit No. 08-00004-S-05 (Application No.  
18 070330-5) to Developer for a conceptual ERP in accordance with its  
19 jurisdiction over such matters and the Property. Developer will follow  
20 the authorizations and permit conditions, which is a separate and  
21 enforceable legal document in accordance with its terms.  
22 Compliance with this permit, as it may be amended from time to time,  
23 addresses mitigation of certain impacts of the BRC development.

1           The permit is issued under the authority of an agency other than  
2           County and, therefore, is subject to enforcement by the issuing  
3           agency. County will assist said agency, if requested, in monitoring  
4           Developer's compliance with the conditions of said permit.  
5           Developers' successors-in-interest and assigns are hereby placed  
6           on notice of this permit and its application to development which they  
7           may propose to undertake within BRC.

8           C.   Incremental Review.

9           (1)   The threatened and endangered species management plan ("T&E  
10           Plan") is that plan for threatened and endangered species provided  
11           for in the ERP and **USACOE** Permit ("ACOEP") for Babcock  
12           Charlotte, as may be amended from time to time.

13           (2)   The incremental review will address compliance of the increment  
14           with the T&E Plan. It will also address the detailed plan to protect  
15           any wetlands in the increment or to mitigate for proposed impacts on  
16           such wetlands. Upland habitats of threatened and endangered  
17           species (not including species addressed in the Biological Opinion of  
18           the U.S. Fish and Wildlife Service for Babcock Charlotte) which are  
19           not addressed by the T&E Plan shall also be addressed in the AIDA  
20           to maintain such habitats to the extent practicable with the  
21           development planned for those areas, or to relocate affected listed  
22           species to other appropriate habitat.

1           (3)    The incremental review will include an assessment of any pertinent  
2                   information developed pursuant to a condition of the MDO which has  
3                   been developed since the MDO was issued in order to determine if  
4                   that new information shows that a change in the T&E Plan is needed  
5                   in order to provide the same level of protection, remediation, or  
6                   mitigation that is contemplated in the MDO.

7           (4)    Each AIDA shall identify the number of acres to be contained in the  
8                   Increment with respect to each of the following Greenway categories  
9                   and the percentage of the total of each and shall include a  
10                  companion map:

11               (a)    Greenway acreage not under conservation easements

12                   (i)    agricultural lands

13                   (ii)   non-agricultural lands

14               (b)    Greenway acreage under conservation easements

15                   (i)    wetland conservation

16                   (ii)   wetland enhancement

17                   (iii)  upland conservation

18                   (iv)  agriculture

19           (5)    Each AIDA shall identify any conservation easements over wetlands  
20                   and uplands which have been delivered.

21           (6)    Each AIDA shall include a copy of any wildlife survey which has been  
22                   conducted pursuant to an ERP or ACOEP since the last AIDA was  
23                   filed.



1           (7)    Each AIDA shall provide an updated Greenway Map.

2           (8)    Each AIDA including roadway within a wildlife corridor will detail the  
3                roadway design features to be employed with regard to surface  
4                material, lighting, signage, access, and speed limits. The existing  
5                unpaved North/South road corridor located along the east Property  
6                line may serve as a transportation, pedestrian, and utility (e.g. wells,  
7                lift stations, transformers, pump stations, associated lines and  
8                infrastructure for water, wastewater, gas, electric, cable, electronic,  
9                etc.) corridor consisting of not more than 120 feet in width with a  
10              maximum speed limit of 20mph. The existing North/South road shall  
11              not be modified beyond its current existing maximum width, nor  
12              paved, unless such modification has been considered in an AIDA  
13              review and approved in an Incremental development order, or has  
14              been reviewed and approved pursuant to **an amendment** to a  
15              development order.

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1    **7.    WASTEWATER MANAGEMENT AND WATER SUPPLY**

2       A.   Representations and Commitments as Conditions

3           (1)   Low Flow Fixtures: Low volume plumbing fixtures will be installed in  
4                   all new homes and businesses. The plumbing fixtures will comply  
5                   with the following maximum flow volumes at 80 psi:

6                           Toilets: 1.28 gallons per flush

7                           Shower heads: 2.5 gallons per minute

8                           Faucets: 2.0 gallons per minute

9           (2)   Customer billing by Town and Country Utilities Company will be  
10                   based on the use of water conservation-based rate structures.

11          (3)   Town and Country Utilities Company will distribute literature to  
12                   households describing water conservation practices.

13          (4)   Drought-Tolerant Landscaping: The use of native landscaping and  
14                   the Florida Yards and Neighborhoods Program principles will be  
15                   incorporated throughout the project site.

16          (5)   Reuse Water: Irrigation water will utilize reclaimed water produced  
17                   by the water reclamation facility. During times when irrigation  
18                   demand exceeds reclaimed water supply, irrigation water will be  
19                   derived from the on-site lake system. The lake system will be  
20                   replenished with ground water.

21          (6)   Leak Detection Program: Reports of water leaks will be directed to  
22                   personnel during business hours. Site tours and routine  
23                   maintenance personnel trips along water supply and distribution

1 lines will also be conducted. On a monthly basis, customer metered  
2 usage will be compared to the master meter reading.

3 (7) Irrigation System Design: Rain sensors and/or soil moisture sensors  
4 are required for irrigation systems within the project site in order to  
5 preclude irrigation during rainfall events. The project will install low  
6 flow irrigation systems for common areas where reasonably  
7 practicable.

8 (8) Fertilization Program: Written fertilization guidelines will be  
9 developed that establish standards for all common area fertilization  
10 and guidelines for individual property owners. The guidelines will  
11 comply with SWFRPC Resolution 2007-1 to the extent adopted by  
12 County and as it may be modified by County from time to time, except  
13 that reuse irrigation water may be applied within 25 feet of a wetland  
14 or water body. The program will be based on the results of soil  
15 samples, water sources, drainage patterns, and the landscape  
16 planned. This program will be designed to provide sufficient nutrition  
17 to sustain density and vigor for the landscape plantings intended for  
18 the Community that will enhance their resistance to disease, weeds,  
19 and insects. Education of residents and landscape maintenance  
20 contractors will be included in the program.

21 The program standards will include an annual schedule for  
22 applications of controlled release and slow release fertilizers. The  
23 program will also identify appropriate buffer requirements for all

1 areas on the site with respect to wetlands and all natural or created  
2 bodies of water. The above fertilization program does not eliminate  
3 the requirement of compliance with any County fertilizer ordinance.

4 (9) Various types of on-site wastewater treatment systems may be used  
5 permanently at solar generating facilities, the North Babcock Area,  
6 restroom facilities in the project's trail system, and any plant nursery,  
7 sod, or agricultural operations facilities. Pursuant to F.S.  
8 381.0065(4), as may be amended, an operating permit must be  
9 obtained prior to the use of any aerobic treatment unit or if the  
10 establishment generates commercial waste. Buildings or  
11 establishments that use an aerobic treatment unit or generate  
12 commercial waste will be subject to annual inspections by the State  
13 Department of Health to assure compliance with the terms of the  
14 operating permit. Any currently permitted uses of such systems may  
15 continue pursuant to existing, modified, and renewed permits.

16 (10) On-site wastewater treatment systems may be utilized at selected  
17 locations such as construction trailers, sales centers, and other non-  
18 residential facilities where centralized sewer is not currently  
19 available. Each of these non-permanent systems must be licensed  
20 as in paragraph (9) above and may continue to be used for five (5)  
21 years from the date of installation of each system and thereafter must  
22 be abandoned in accordance with state and County regulations.  
23 Notwithstanding the foregoing, models, sales centers and associated

1 construction trailers may be extended on an annual basis as needed  
2 and such consent by County shall not be unreasonably withheld.

- 3 (11) Bio-solids may be converted into a Class AA residual that may be  
4 used as a slow release fertilizer on the site, provided this use meets  
5 applicable permitting conditions for the site.

6 B. Other Conditions.

- 7 (1) The proposed water treatment and distribution and wastewater  
8 collection and treatment systems will be designed consistent with  
9 current industry standards in Southwest Florida.

- 10 (2) All potable water facilities, including any possible on-site potable  
11 water treatment plants, will be properly sized to supply average and  
12 peak day domestic demand, in addition to fire flow demand, at a flow  
13 rate approved by the County Fire Department.

- 14 (3) The lowest quality of water available and acceptable should be  
15 utilized for all non-potable water uses.

- 16 (4) Irrigation systems for new construction will comply with County's  
17 irrigation and landscaping ordinance, as may be amended from time  
18 to time.

- 19 (5) Town and Country Utilities Company or its successor or assigns will  
20 provide water, wastewater, and reclaimed water to BRC.

- 21 (6) SFWMD issued Permit Number 08-00122 W, in October 2007, which  
22 includes certain authorizations and permit conditions, in accordance  
23 with its jurisdiction over such matters and the Property. Developer

1 has committed to follow this permit and its conditions, which is a  
2 separate and enforceable legal document in accordance with its  
3 terms. Compliance with this permit, as it may be amended from time  
4 to time, addresses mitigation of certain impacts of the BRC  
5 development. Such permit is issued under the authority of an agency  
6 other than County and, therefore, shall be subject to enforcement by  
7 the issuing agency. County will assist said agency, if requested, in  
8 monitoring Developer's compliance with the conditions of said  
9 permit. Developers' successors-in-interest and assigns are hereby  
10 placed on notice of this permit and its potential application to  
11 development which they may propose to undertake within BRC.

- 12 (7) Developer may apply for a permit(s) from the SFWMD for non-  
13 potable (landscape irrigation) withdrawals, in accordance with its  
14 jurisdiction over such matters and the Property. Upon issuance,  
15 Developer will follow the authorizations and permit conditions, which  
16 will be a separate and enforceable legal document in accordance  
17 with its terms. Compliance with this permit, as it may be amended  
18 from time to time, will address mitigation of certain impacts of BRC  
19 development. Such permit will be issued under the authority of an  
20 agency other than County and, therefore, shall be subject to  
21 enforcement by the issuing agency. County will assist said agency,  
22 if requested, in monitoring Developer's compliance with the  
23 conditions of said permit. Developers' successors-in-interest and

1 assigns are hereby placed on notice of this permit application and its  
2 potential application to development which they may propose to  
3 undertake within BRC.

4 C. Incremental Review.

5 (1) The AIDA which includes the North Babcock Area shall identify the  
6 water and wastewater treatment option(s) which will be employed in  
7 the North Babcock Area.

8 (2) Each AIDA shall include an updated Primary Utility Corridor map.

9 (3) Each AIDA shall identify the source of water for the Increment and  
10 the service provider.

11 (4) Each AIDA shall identify the service provider and the type(s) of  
12 wastewater treatment system(s) to be used in the Increment and  
13 their duration(s) of use.

14 (5) Wastewater treatment options in the North Babcock Area may  
15 include decentralized facilities.

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1    **8.    HISTORICAL AND ARCHEOLOGICAL SITES**

2           A.    Representations and Commitments as Conditions - No relevant provisions.

3           B.    Other Conditions.

4               (1)   A Cultural Resources Survey was prepared and approved by the  
5                       Florida Department of State, Division of Historical Resources  
6                       ("DHR"). No cultural resources eligible for listing on the National  
7                       Register of Historic Places were identified within the BRC, and the  
8                       development is unlikely to affect historic properties. If any  
9                       archaeological/historical resources are discovered during the  
10                      development activities, all work that might cause damage to such  
11                      resources shall cease immediately, and the Developer shall contact  
12                      the DHR, SWFRPC, and County so that a state-certified  
13                      archaeologist can determine the significance of the findings and  
14                      recommend appropriate preservation and mitigation actions, as  
15                      necessary.

16              (2)   When County establishes a local register of historical sites, any sites  
17                      in BRC which qualify for listing on the local register will be listed. Any  
18                      protection of such resources will be subject to agreement between  
19                      Developer and County.

20              (3)   By the end of the second DRI Increment, Developer will establish a  
21                      permanent display of the history of the Babcock Ranch, including but  
22                      not limited to the railroad and telegraph facilities.

23           C.    Incremental Review. – None.



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1   **9.   EDUCATION**

2       A.   Representations and Commitments as Conditions.

3           The Developer shall dedicate five school sites on the Property: three  
4           elementary schools (up to 20± acres each), one middle school (up to 30±  
5           acres), and one high school (up to 50± acres), and an educational service  
6           center (up to 25± acres). Site acreages are net developable acres exclusive  
7           of jurisdictional wetlands and listed species habitat areas. These sites will  
8           be delivered on the schedule set forth in Exhibit “D”, attached hereto, as  
9           that schedule or site dedication requirements may be revised by agreement  
10          of Developer and the Charlotte County School Board.

11       B.   Other Conditions. Public facilities such as parks, libraries, and community  
12          centers shall be co-located with schools to the extent reasonably  
13          practicable. Elementary schools shall be encouraged as focal points for  
14          neighborhoods.

15       C.   Incremental Review. Developer shall provide anticipated student  
16          generation numbers as part of an AIDA using student generation rates  
17          contained in the Student Impact Analysis form.

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1 **10. POLICE AND FIRE [NOTE SUBJECT TO CHANGE based upon Ex D**  
2 **discussions]**

3 A. Representations and Commitments as Conditions.

4 (1) Developer or District shall construct the shells of the law enforcement  
5 and fire/rescue buildings. The term “shell” means site preparation,  
6 foundations, laying of all utilities, exterior building structural  
7 components (including all exterior windows and doors), interior  
8 unfinished load-bearing walls and floors, stairs, elevators, and  
9 general building MEPF (mechanical, electrical, plumbing, and fire)  
10 systems, but not including MEPF systems specific to a floor plan  
11 layout. The building shells may be constructed in phases. The  
12 building shells shall be completed by Developer or District and turned  
13 over to County on the schedule set forth in Exhibit “D” attached  
14 hereto. Until the turnover to County, Developer or District shall be  
15 responsible for maintenance of the building shells and the associated  
16 building landscaping and any costs of operations elected by  
17 Developer or District to be incurred prior to said turnover(s). If the  
18 Developer or the District elects to operate any such buildings prior to  
19 turnover to County, County will consider an operational contract with  
20 District. The Developer or District shall be reimbursed from the  
21 impact fees, but only up to the amount of the impact fees collected  
22 from the Development (not including any interest earned by County),  
23 for the design and construction costs of those buildings and the costs

1 of all associated infrastructure; i.e., water, sewer, paving, drainage,  
2 landscaping, lighting, signage, etc. (collectively the "Costs"), but not  
3 for the sites. Developer or District shall be reimbursed by County  
4 from funds other than impact fees collected from the Development  
5 for the Costs of any portion of a building requested by County which  
6 is in excess of that required by County standards to satisfy the  
7 demand for the building created by the Development Program.

- 8 (2) Site acreages are net developable acres exclusive of jurisdictional  
9 wetlands and listed species habitat areas. The sites shall be  
10 conveyed with exotic pest plants removed, infrastructure provided,  
11 and on a schedule set forth in Exhibit "D" attached hereto.

12 B. Other Conditions.

- 13 (1) The fire flows required for the BRC will be provided. Adequate  
14 system storage and pumping capacity will be installed to provide the  
15 required flows. Distribution system pipes will be sized to deliver the  
16 fire flows to the buildings to meet the requirements of the National  
17 Fire Protection Association.
- 18 (2) As the development of the project progresses, the Developer will  
19 coordinate with the Sheriff's Office prior to or during site plan review  
20 regarding security measures and features that will likely deter  
21 criminal activity in the BRC.
- 22 (3) Four sites totaling approximately 10.25± acres will be dedicated for  
23 police and/or fire rescue operations and for a communications tower.

1 Site acreages are net developable acres exclusive of jurisdictional  
2 wetlands and listed species habitat areas. The Sheriff's facility will  
3 be co-located within a central fire/rescue building on a 5.75 acre site.  
4 Any additional acres requested by County for such operations will be  
5 subject to payment by County pursuant to a purchase contract  
6 negotiated between Developer and County.

7 (4) The Developer has provided an interim fully operational double-wide  
8 trailer as the first Sheriff's Sub-Station pursuant to the schedule in  
9 Exhibit "D".

10 (5) An EMS vehicle has been provided by Developer pursuant to the  
11 schedule in Exhibit "D" . The housing of that vehicle will be the  
12 responsibility of County.

13 (6) The public purpose buildings and sites shall be subject to the land  
14 development regulations and architectural guidelines established for  
15 the Property.

16 (7) All law enforcement, fire, and EMS impact fees collected from the  
17 Development (not including any interest earned by County) shall be  
18 provided to Developer or District in the form of reimbursements.

19 (8) Babcock is intended to be a "Firewise" community and will employ  
20 "Firewise" principles where appropriate. The County's Office of  
21 Emergency Management will cooperate with and assist the District  
22 in this endeavor.

23 C. Incremental Review.

1                   (1)     Each AIDA shall include an updated Exhibit “D” schedule.

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1   **11.   SOLID/HAZARDOUS/MEDICAL WASTE**

2       A.   Representations and Commitments as Conditions. – None.

3       B.   Other Conditions.

4           (1)   The project shall be bound by all applicable recycling requirements  
5                in effect in the County at the time of the development, and all solid  
6                waste shall be disposed of by a waste hauler licensed by the State  
7                of Florida.

8           (2)   Any buildings where hazardous materials, or waste, is to be used,  
9                displayed, handled, generated or stored shall be constructed with  
10              impervious floors with adequate floor drains leading to separate  
11              impervious holding facilities that are adequate to contain and safely  
12              facilitate cleanups of any spill, leakage, or contaminated water.

13          (3)   Discharge of hazardous waste effluent into the sewage system shall  
14                be prohibited unless approved by a permit issued by FDEP. There  
15                shall be no discharge of hazardous waste or of medical wastes from  
16                medical facilities into septic tanks.

17          (4)   Any business within the BRC that generates hazardous waste will be  
18                responsible for the temporary storage, siting and proper disposal of  
19                the hazardous waste generated by such business. However, there  
20                will be no siting of hazardous waste storage facilities contrary to the  
21                County zoning regulations. There shall be no disposal of hazardous  
22                waste within the BRC.

- (5) Any off-site disposal of hazardous waste will be the responsibility of the business that has generated the hazardous waste subject to all applicable local, state, and federal regulations.
- (6) Restaurant operators will be required to comply with the County's grease trap ordinance that requires routine maintenance of the grease removal system.
- (7) The responsibility for disposing of medical and hazardous waste lies with the waste generator in accordance with local, state and federal law.
- (8) Any commercial operations that routinely handle extremely hazardous chemicals (such as the water and wastewater treatment facilities, hospitals and golf courses) will be required to comply with OSHA and NFPA fire and life safety requirements as well as all other local, state, and federal requirements.
- (9) Natural gas is identified as a source of energy for the development. The Developer will meet with the Charlotte County Fire & Emergency Medical Services Department to advise it of the location of gas lines prior to installing such lines.
- (10) All grease traps will be required to comply with local and state codes. The wastewater from these grease traps will be sent to a centrally located wastewater treatment facility, designed to comply with the applicable effluent quality requirements. The captured grease will be hauled off by a licensed hauler.



1       C.     Incremental Review.

- 2           (1)     Each AIDA will indicate whether or not the proposed Increment will  
3                   be part of the County's Sanitation District, and if not, what other  
4                   option will be used. Each AIDA will include a letter from the service  
5                   provider that collection will be provided and a letter of availability  
6                   regarding landfill capacity for the proposed Increment.

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12. **AIR**

A. Representations and Commitments as Conditions.

Dust prevention on development sites will employ wet or other suppression options consistent with applicable NPDES requirements. Unpaved roads will be watered as needed. Paving of roads will be performed as early in the construction schedule as is reasonably possible.

B. Other Conditions.

BRC shall comply with any applicable FDEP regulations regarding air quality.

C. Incremental Review. – None.

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1   **13.   HURRICANE PREPAREDNESS**

2       A.   Representations and Commitments as Conditions.

3           The Developer or District will build the shells of community center civic  
4           buildings and certain portions of public school buildings on the Property **that**  
5           **will be used as shelters to hurricane building standards per local, state,**  
6           **and/or federal standards, as applicable.**

7       B.   Other Conditions.

8           (1)   District **or POA** shall develop a hurricane preparation and shelter  
9           information program for the residents of the Property which will  
10          include annual awareness communications to residents.   The  
11          appropriate County departments dealing with emergency  
12          preparedness will cooperate with and assist the District **or POA** in  
13          the development of this program. A copy of the information program  
14          **was** provided to County prior to the first residential closing.

15  
16      C.   Incremental Review. – None.

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14. **OPEN SPACE, PARKS, AND LIBRARY [NOTE SUBJECT TO CHANGE based upon Exhibit D discussions]**

A. Representations and Commitments as Conditions.

(1) Developer agrees to provide a minimum of thirty-five (35%) percent of the gross acreage of the BRC as open space. "Open Space" shall consist of the Primary Greenway Plan, non-residential vegetated green space (including, but not limited to, community supported agriculture and community gardening), lakes and ponds not engineered for stormwater, lakes and ponds engineered for stormwater with general public access, hiking trails, greenways, bike paths, upland and wetland areas. Active uses such as ball fields, golf courses and other related recreation uses can be counted toward Open Space, but only 50% of the area can be utilized for calculation purposes.

(2) BRC will provide 19.5 acres of mini-parks, 58.4 acres of neighborhood parks, and 177.9 acres of community/regional parks, totaling 255.8 acres, as well as other open space areas within neighborhoods, which will exceed the expected demand created by BRC. As set forth on Exhibit "D" attached hereto, the community and regional park buildings and parks site improvements are required by the issuance of the 5,900<sup>th</sup> dwelling unit certificate of occupancy. Each neighborhood park with pavilion and restrooms will be required

1 by the issuance of the 500<sup>th</sup> dwelling unit certificate of occupancy  
2 within each of the neighborhoods.

3 (3) One site totaling 7 acres will be dedicated for a library. Site acreage  
4 is net developable acres exclusive of jurisdictional wetlands and  
5 listed species habitat. Developer or District shall be required to fund  
6 the construction of a 24,000 square foot library shell building. The  
7 County may desire to construct a library facility totaling 40,000  
8 square feet. The County and the Developer or District agree to  
9 cooperate with respect to the design, construction and funding of this  
10 library facility. Developer or District shall fund the library shell  
11 building costs for 24,000 square feet and the County shall fund the  
12 construction of the library shell building costs for 16,000 square feet,  
13 in addition to the construction completion of the library facility herein.  
14 Phase I of the library **is** to be provided by the issuance of the 10,000<sup>th</sup>  
15 dwelling unit certificate of occupancy, and Phase II of the library **is** to  
16 be provided by the issuance of the 15,000<sup>th</sup> dwelling unit certificate  
17 of occupancy as shown on the schedule in Exhibit "D".

18 (4) The parks and library sites shall be conveyed with exotic pest plants  
19 removed and infrastructure provided.

20 (5) Developer or District shall construct the shells of the public purpose  
21 buildings (including park and library facilities). The term "shell"  
22 means site preparation, foundations, laying of all utilities, exterior  
23 building structural components (including all exterior windows and

1 doors), interior unfinished load-bearing walls and floors, stairs,  
2 elevators, and general building MEPF (mechanical, electrical,  
3 plumbing, and fire) systems, but not including MEPF systems  
4 specific to a floor plan layout. The building shells shall be completed  
5 by Developer or District and turned over to County on the schedule  
6 shown on Exhibit "D" attached hereto. Until the turnover to County,  
7 Developer or District shall be responsible for maintenance of the  
8 building shells and the associated building landscaping and any  
9 costs of operations elected by Developer or District to be incurred  
10 prior to said turnover(s). If the Developer or the District elects to  
11 operate any such buildings prior to turnover to County, County will  
12 consider an operational contract with Developer or District. The  
13 Developer or District shall be reimbursed from the impact fees, but  
14 only up to the amount of the impact fees collected from the  
15 Development (not including any interest earned by County), for the  
16 design, construction, and permitting costs of those buildings and the  
17 costs of all associated infrastructure; i.e., water, sewer, paving,  
18 drainage, landscaping, lighting, signage, etc. (collectively the  
19 "Costs"), but not for the sites. Developer or District shall be  
20 reimbursed by County from funds other than impact fees collected  
21 from the Development for the Costs of any portion of a building  
22 requested by County which is in excess of that required by County

standards to satisfy the demand for the building created by the Development Program.

(6) District or Developer shall prepare the master plans for the park sites in consultation with County and at no cost to the County.

(7) The parks and library buildings and sites shall be subject to the land development regulations and architectural guidelines established for the Property.

B. Other Conditions.

(1) All landscaped open space areas shall be replanted with native vegetation after construction.

(i) Ninety percent (90%) of the trees and ninety percent (90%) of the shrubs installed in public areas will be native plants.

(ii) Seventy-five percent (75%) of the total number of required trees and seventy-five percent (75%) of the shrubs installed in privately owned areas will be native plants.

(iii) One hundred percent (100%) of the trees and shrubs installed in primary greenways will be native plants.

(iv) All plants listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species Category I and II, are prohibited for use as landscaping material.

(v) Plant material used for landscaping must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants (1998 or latest), and Grades

1                                   and Standards for Nursery Plants Florida Department of  
2                                   Agriculture and Consumer Services, Tallahassee, Florida.

3                   (2)    General agricultural operations may be conducted in accordance  
4                                   with the Land Development Code.

5                   (3)    The parks and library buildings shall be completed, staffed, and  
6                                   opened by County on the schedule shown on Exhibit "D" attached  
7                                   hereto.

8                   (4)    Public facilities such as parks, libraries and community centers will  
9                                   be co-located with schools to the extent reasonably practicable.  
10                                  Elementary schools will be encouraged as focal points for  
11                                  neighborhoods.

12                  (5)    All parks and library impact fees collected from the Development (not  
13                                  including any interest earned by County) shall be provided to  
14                                  Developer or District in the form of reimbursements.

15                  (6)    The common recreational areas and common open spaces will be  
16                                  maintained by either a master property owner's association, a  
17                                  neighborhood association, a condominium association, the District,  
18                                  or a Chapter 190 Community Development District.

19                  (7)    Vegetated upland areas within conservation areas will be part of the  
20                                  extensive recreational open space system of BRC.



1           C.    Incremental Review.

2                   (1)    Each AIDA shall provide the number of acres of Open Space to be  
3                           provided in the Increment and the cumulative number with other  
4                           approved Increments.

5                   (2)    Each AIDA shall include an updated Exhibit “D” schedule.

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1   **15.   HOSPITALS AND HEALTHCARE**

2       A.   Representations and Commitments as Conditions. – None.

3       B.   Other Conditions.

4           Hospital beds and assisted living facilities may be provided within BRC  
5           subject to applicable licensing.

6       C.   Incremental Review.

7           Each AIDA shall indicate whether or not a certificate of need has been, or  
8           will be, filed for hospital or other healthcare facilities in the proposed  
9           Increment.

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1   **16.   ENERGY**

2       A.   Representations and Commitments as Conditions.

3           (1)   All community recreational facilities and businesses will be  
4                   encouraged to have bicycle parking facilities located closer to the  
5                   building entrances than non-handicapped parking spaces.

6           (2)   Developer or District will evaluate internal transit options, and will  
7                   implement options determined by the evaluation to be economically  
8                   viable.

9           (3)   Window design, as well as other design features such as building  
10                  orientation, solar roof access, overhangs, shading through  
11                  landscape or interior shades, porches, free standing walls, fences,  
12                  louvers, awnings, or shutters will be considered to optimize energy  
13                  efficiency.

14          (4)   The material choices for streets, parking lots, sidewalks, and the trail  
15                  system shall be selected to encourage the reduction of the heat  
16                  island effect. Alternatives to impervious pavement, and the use of  
17                  open areas, landscaping and shade trees will be an integral  
18                  component of the design.

19          (5)   Lighting for streets, parking, recreation and other public areas should  
20                  include energy efficient fluorescent/electronic ballasts, photovoltaics,  
21                  low voltage lighting, motion sensors and/or timers on lighting and full  
22                  cut-off luminaries in fixtures that comply with the International Dark-  
23                  Sky Association standards.

(6) Water closets will have a maximum water usage of 1.28 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

(7) A primarily native plant pallet to reduce water consumption throughout the community will be used as referenced in Section 14, Open Space, Parks and Library, above. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

(8) All recreational areas as well as the integrated sidewalks, trails, and paths shall include shade trees where design allows.

B. Other Conditions.

(1) Commercial and residential buildings shall comply with the Florida Energy Efficiency Code for Building Construction.

(2) Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

(3) One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.

C. Incremental Review. – None.

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17. **MINING OPERATIONS**

A. Representations and Commitments as Conditions.

Due to the fact that mining operations have been phased out, mining lakes will be properly reclaimed pursuant to applicable permits.

B. Other Conditions. – None.

C. Incremental Review. – None.

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1   **18.   CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

2           County has determined that the BRC project is consistent with the County  
3   Comprehensive Plan.

4   **19.   BIENNIAL REPORTS**

5           The Developer, or its successor(s)-in-title to the undeveloped portions of the  
6   Property, must submit a biennial report to the County. The Developer must inform  
7   successors-in-title to any undeveloped portion of the real property covered by this  
8   development order of this reporting requirement.

9   **20.   CHANGED CONDITIONS**

10          If County, during the course of monitoring the development, can demonstrate that  
11   substantial changes in the conditions underlying the approval of the development order  
12   has occurred or that the development order was based on substantially inaccurate  
13   information provided by the Developer, resulting in additional substantial regional  
14   impacts, then a substantial deviation shall be deemed to have occurred.

15   **21.   COMPLIANCE MONITORING**

16          The County Administrator, or his or her designee, shall be the local official  
17   responsible for assuring compliance with **this** development order. Monitoring procedures  
18   will include County's site plan review and code enforcement procedures, and the Biennial  
19   Reports.

20   **22.   EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION**

21          Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this project is exempt  
22   from downzoning, intensity reduction, or unit density reduction until **May 8, 2043**, unless  
23   County can demonstrate that substantial changes in the conditions underlying the

approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

**23. COMMENCEMENT OF DEVELOPMENT**

Development shall commence in accordance with the deadline(s) established in the Incremental development orders.

**24. PROJECTED BUILDOUT**

The project is being built in Increments. Buildout of the final Increment is projected to occur on or about **May 24, 2050** ("Buildout Date").

**25. EXPIRATION DATE**

The expiration date for this Development Order is **November 21, 2051**.

**26. DEVELOPMENT PERMITS**

Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners of Charlotte County ("Board"), after due notice and hearing, that one or more of the following items listed in Paragraphs A and B is present. Upon such a finding, the Board may take any action authorized by Subsection 380.06(19), Florida Statutes, pending issuance of an amended development order.

A. A substantial deviation from the terms or conditions of this development order, a failure to carry out conditions, commitments or mitigation measures to the extent set forth herein or consistent with the timing schedules specified herein or substantial deviation from the approved development plans which create a reasonable likelihood of

1 additional regional impacts or other types of regional impacts which were not previously  
2 reviewed by the SWFRPC; or

3 B. An expiration of this development order as provided herein.

4 **27. GENERAL PROVISIONS**

5 The approval granted by this development order is limited. Such approval shall  
6 not be construed to relieve the Developer of the duty to comply with all other applicable  
7 local, state or federal permitting regulations.

8 A. Developer and County shall work together in a cooperative manner to  
9 ensure that the necessary applications to County, the issuance of permits and the conduct  
10 of inspections occur expeditiously and that development is not impeded by unnecessary  
11 delays associated with such applications, permit issuances, and inspections.

12 B. It is understood that any reference herein to any governmental agency shall  
13 be construed to mean any future entity which may be created or be designated or succeed  
14 in interest to, or which otherwise possesses any of the powers and duties of, any  
15 referenced governmental agency in existence on the effective date of this development  
16 order.

17 C. Appropriate conditions and commitments contained herein may be  
18 assigned to or assumed by District.

19 D. If there is a conflict between a provision in this development order and a  
20 provision in an ERP, a Consumptive Use Permit ("CUP"), a FDEP 404 Permit, or ACOEP,  
21 the provision in the ERP, CUP, FDEP 404 Permit, or ACOEP shall prevail.

22 E. In the event that any portion or section of this development order is  
23 determined to be invalid, illegal, or unconstitutional by a court or agency of competent



1 jurisdiction, such decision shall in no manner, affect the remaining portions of this  
2 development order which shall remain in full force and effect.

3 F. This development order shall be binding upon the County and the  
4 Developer, its assignees or successors-in-interest.

5 G. This development order shall become effective as provided by law.

6 H. This Resolution shall be recorded in the Minutes of the Board.

7 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
8

PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney

**EXHIBITS**

1		
2	Exhibit A	Legal Description
3	Exhibit B	Master Concept Plan (Map H)
4	Exhibit C	Questions to be addressed in AIDAs
5	Exhibit D	Updated Summary of Land Dedications and Facilities
6		Construction
7	Exhibit E	RESERVED
8	Exhibit F	Master (Buildout 2040) Roadway Network with Initial
9		Internal Capture Rate – 22% and with Developer’s
10		Estimated Community Capture Rate – 71%

**CHARLOTTE COUNTY PARCEL:**

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°38'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.56 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'58"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.85 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 475.20 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 861.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S89°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°28'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.60 acres, more or less.

Dimensions and acreage shown are grid values.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

S:\20056201-01\Charlotte-Sketch and Description.dwg (11x14-P (3)) sp Oct 23, 2007 - 7:58am

**JOHNSON**  
ENGINEERING

251 WEST HICKPOCREE AVENUE  
LABELL, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #842 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	3



**FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF +/- 13,630.6 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY, FLORIDA  
BABCOCK RANCH**

**FIXED DEVELOPMENT CRITERIA**

1. **The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, university research facilities, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional and** will not be attributed to other development components and will not require use of the equivalency matrix.
2. **Agricultural uses shall be permitted throughout the Babcock Ranch Community.**
3. **There shall be a minimum of thirty-five (35%) percent Open Space provided overall.**
4. **Open Space/Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.**
5. **When combined with non-residential development in the Lee County Babcock Mixed Use Planned Development District, the total non-residential development shall not exceed the total square footage in the Charlotte County Babcock Ranch Master Development of Regional Impact Development Order (as may be modified by the DRI's adopted Land Use Equivalency Matrix).**
6. **Solar arrays and related facilities are permitted in all of Increment 1 North Area, except in the Passive Greenway, Observation Greenway, and Conservation Easement Corridor.**

**VARIABLE DEVELOPMENT CRITERIA**

1. **The following items will be refined during subsequent incremental reviews and/or final permitting:**
  - a. **Final acreages of all proposed uses;**
  - b. **Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;**

- c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - d. The internal road alignments and circulation;
  - e. The configuration and detail associated with the agriculture areas;
  - f. The final location, allocation, alignment and use of the conceptual trail system;
  - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - h. The limited transportation, pedestrian, and utility corridor between the northern most mixed use/residential/commercial area and North Babcock Area.
2. The boundaries of the areas shown as "Mixed Use/Residential/Commercial" (MURC) including Town Center, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use" "residential" or "commercial", included, but not limited to: parking, stormwater lakes, preservation areas, parks, or other space may be identified and refined during the review and/or through subsequent permitting consistent with local land development regulations.
  3. Golf course/Recreation is allowed in MURC.
  4. If it is determined that future Right-of-Way (ROW) is not required for SR 31 in the North Babcock Area, land identified for ROW may be used for development, in accordance with the MDO.

The following indicates which application questions are to be addressed only in the MDO Application and which questions are to be addressed in both the AMDA (“Master”) and the AIDA’s (“Increment”). It also indicates those instances where only documentation required by the corresponding Incremental Review provision of this Master Development Order is to be provided (“Documentation”).

### **AMDA and AIDA Questionnaire Responses**

Question	1, Statement of Intent .....	Master, Increment
Questions	2, 3 Applicant Information .....	Master, Increment
Question	4, Notarized Authorization .....	Master, Increment
Question	5, Legal Description .....	Master, Increment
Question	6, Binding Letter Status .....	Master
Question	7, Local Government Jurisdiction .....	Master
Question	8, Permitting Status .....	Master, Increment
Question	9, Maps (All).....	Master
Question	9, Maps B, F, G, H, I, J .....	Increment
Question	10, Part 1, Project Description .....	Master, Increment (Only Part 1A)
Question	10, Part 2, Comprehensive Plan .....	Master
Question	10, Part 3, Demographics .....	Master
Question	10, Part 4, Impact Summary .....	Master
Question	11, Revenue Generation .....	Master
Question	12, Vegetation and Wildlife .....	Master, Increment
	<b>(MDO Condition 6)</b>	
Question	13, Wetlands .....	Master, Increment
	<b>(MDO Condition 6)</b>	
Question	14, Water .....	Master, Increment
	<b>(MDO Condition 4)</b>	
Question	15, Soils .....	Master
Question	16, Floodplains .....	Master, See Stormwater
	Management	
	<b>(MDO Condition 4)</b>	
Question	17, Water Supply .....	Master, Increment
	<b>(MDO Condition 7)</b>	
Question	18, Wastewater Management .....	Master, Documentation
	<b>(MDO Condition 7)</b>	
Question	19, Stormwater Management .....	Master, Increment
	<b>(MDO Condition 4)</b>	
Question	20, Solid Waste .....	Master, Documentation
	<b>(MDO Condition 11)</b>	
Question	20, Hazardous Waste .....	Master, Documentation
	<b>(MDO Condition 11)</b>	
Question	21, Transportation .....	Master, Increment
	<b>(MDO Condition 5)</b>	
Question	22, Air .....	Master
	<b>(MDO Condition 12)</b>	



**AMDA and AIDA Questionnaire Responses, (continued)**

Question	23, Hurricane Preparedness .....	Master, Documentation ( <b>MDO Condition 13</b> )
Question	24, Housing .....	Master ( <b>MDO Condition 3</b> )
Question	25, Police and Fire Protection .....	Master, Documentation ( <b>MDO Condition 10</b> )
Question	26, Recreation/Open Space .....	Master, Documentation ( <b>MDO Condition 14</b> )
Question	27, Education .....	Master ( <b>MDO Condition 9</b> )
Question	28, Health Care .....	Master, Documentation ( <b>MDO Condition 15</b> )
Question	29, Energy .....	Master, Documentation ( <b>MDO Condition 16</b> )
Question	30, Historical/Archaeological .....	Master, Documentation ( <b>MDO Condition 8</b> )
Question	33, Hospitals .....	Master, Documentation ( <b>MDO Condition 15</b> )
Question	35, Mining Operations .....	Master, Documentation ( <b>MDO Condition 17</b> )



EXHIBIT F							
BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020)							
MASTER (BUILDOUT - 2040) ROADWAY NETWORK							
			Page 1 of 2				
				(1)			
Initial Internal Capture Rate - 22%							
(Transportation Condition B.(1)(c))							
SIGNIFICANTLY IMPACTED ROADWAYS				(2)		(3)	(3)
Roadway	From	To	ADVERSE IMPACTS	TRANSPORTATION DEFICIENT	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES	PROJECT-RELATED IMPROVEMENTS # OF LANES
Charlotte County			"Y" = Yes, "-" = No or Not Applicable				
SR 31	Lee County Line	Cypress Pkwy.	Y	--	2	Widen From 2L to 10L	Widen From 2L to 10L
(Babcock Ranch Pkwy.)	Lake Babcock Dr.	Cook Brown Rd.	Y	--	2	Widen From 2L to 6L	Widen From 2L to 6L
	Cook Brown Rd.	CR 74	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 74	DeSoto County Line	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
DeSoto County							
SR 31	Charlotte County Line	CR 763 (Farm Rd.)	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 763 (Farm Rd.)	CR 760 A	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 760 A	N. of CR 760	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	N. of CR 760	SR 70	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
Lee County							
Broadway St. (Alva)	SR 80	North River Rd.	Y	Y	2	Widen From 2L to 4L	None
Buckingham Rd.	Gunnery Rd.	Cemetery Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	Cemetery Rd.	Orange River Blvd.	Y	Y	2	Widen From 2L to 4L	None
	Orange River Blvd.	SR 80	Y	Y	2	Widen From 2L to 4L	None
Gunnery Rd.	Lee Blvd.	Buckingham Rd.	Y	Y	2	Widen From 2L to 4L	None
Joel Blvd.	18th St.	SR 80	Y	Y to 4L	(2L) 2	Widen From 2L to 6L	Widen From 4L to 6L
Littleton Rd.	Corbett Rd.	US 41	Y	Y	2	Widen From 2L to 4L	None
N. River Rd.	SR 31	Franklin Lock Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	Franklin Lock Rd.	Broadway Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
Orange River Blvd.	SR 80	Staley Rd.	Y	Y	2	Widen From 2L to 4L	None
Ortiz Ave.	Colonial Blvd.	SR 82	Y	Y	2	Widen From 2L to 4L	None
	SR 82	Lockett Rd.	Y	Y	2	Widen From 2L to 4L	None
SR 884 (Colonial Blvd.)	CR 865/Ortiz Ave.	I-75	Y	Y to 10L	(6L) 6	Widen From 6L to 12L	Widen From 10L to 12L
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	Y	Y	2	Widen From 2L to 4L	None
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	I-75	SR 31 (Babcock Ranch Rd.)	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	Y	Y	4	Widen From 4L to 6L	None
	Broadway St/CR 78	CR 884 (Joel Blvd.)	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
SR 80 EB	SR 739 (Fowler St.)	SR 739 (Park Ave.)	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
(SR 80/Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	Y	Y	2	Widen From 2L to 4L	None
SR 78 (Pine Island Rd.)	Del Prado Blvd.	W. of CR 78A/Pondella Rd.	Y	Y	4	Widen From 4L to 6L	None
	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	Y	Y	4	Widen From 4L to 6L	None
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	NewPost Rd./Hart Rd.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	NewPost Rd./Hart Rd.	W. of Willow Stream Ln.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	W. of Pritchett Pkwy.	Pritchett Pkwy.	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	Pritchett Pkwy.	Old Bayshore Rd.	Y	Y	2	Widen From 2L to 4L	None
	Old Bayshore Rd.	SR 31	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
SR 93A-75	SR 884/Colonial Blvd.	SR 82/Immokalee Rd.	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
SR 93A-75	SR 82/Immokalee Rd.	Lockett Rd.	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
SR 31	SR 80	SR 78	Y	Y to 4L	(2L) 2	Widen From 2L to 8L	Widen From 4L to 8L
(Babcock Ranch Rd.)	SR 78	Old Rodeo Dr.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	Old Rodeo Dr.	CR 78/N. River Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	CR 78/N. River Rd.	Shirley Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 12L	Widen From 4L to 12L
	Shirley Ln.	Fox Hill Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 12L	Widen From 4L to 12L
	Fox Hill Rd.	Busbee Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	Busbee Ln.	Charlotte County Line	Y	--	2	Widen From 2L to 10L	Widen From 2L to 10L

**EXHIBIT F (Continued)**  
**BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020)**  
**MASTER (BUILDOUT - 2040) ROADWAY NETWORK**

Page 2 of 2

(4)

**Developer's Estimated Community Capture Rate - 66%**  
**(Transportation Condition B.(1)(b))**

SIGNIFICANTLY IMPACTED ROADWAYS			(2)			(3)		(3)	
Roadway	From	To	ADVERSE IMPACTS	TRANSPORTATION DEFICIENT	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES	PROJECT-RELATED IMPROVEMENTS # OF LANES		
Charlotte County			"Y" = Yes, "-" = No or Not Applicable						
SR 31 (Babcock Ranch Pkwy.)	Lee County Line	Cypress Pkwy.	Y	--	2	Widen From 2L to 6L (5)	Widen From 2L to 6L		
	Cypress Pkwy.	Lake Babcock Dr.	Y	--	2	Widen From 2L to 4L (5)	Widen From 2L to 4L		
	Lake Babcock Dr.	Cook Brown Rd.	Y	--	2	Widen From 2L to 4L (5)	Widen From 2L to 4L		
	Cook Brown Rd.	CR 74	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L		
Lee County			"Y" = Yes, "-" = No or Not Applicable						
Broadway St.	SR 80	North River Rd.	Y	Y	2	Widen From 2L to 4L	None		
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.	Y	Y	2	Widen From 2L to 4L	None		
	Orange River Blvd.	SR 80	Y	Y	2	Widen From 2L to 4L	None		
Gunnery Rd.	Lee Blvd.	Buckingham Rd.	Y	Y	2	Widen From 2L to 4L	None		
Joel Blvd.	18th St.	SR 80	Y	Y	2	Widen From 2L to 4L	None		
Orange River Blvd.	SR 80	Staley Rd.	Y	Y	2	Widen From 2L to 4L	None		
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	Y	Y	2	Widen From 2L to 4L	None		
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	Y	Y	4	Widen From 4L to 6L	None		
SR 80 EB (Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	Y	Y	2	Widen From 2L to 4L	None		
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	Y	Y	4	Widen From 4L to 6L	None		
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.	Y	Y	4	Widen From 4L to 6L	None		
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.	Y	Y	4	Widen From 4L to 6L	None		
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	Y	Y	4	Widen From 4L to 6L	None		
	Pritchett Pkwy.	Old Bayshore Rd.	Y	Y	2	Widen From 2L to 4L	None		
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78	Y	Y	2	Widen From 2L to 4L	None		
	SR 78	Old Rodeo Dr.	Y	Y to 4L	(2L) 2	Widen From 2L to 6L (5)	Widen From 4L to 6L		
	Old Rodeo Dr.	CR 78/N. River Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 6L (5)	Widen From 4L to 6L		
	CR 78/N. River Rd.	Shirley Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 6L (5)	Widen From 4L to 6L		
	Shirley Ln.	Fox Hill Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 6L (5)	Widen From 4L to 6L		
	Fox Hill Rd.	Busbee Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 6L (5)	Widen From 4L to 6L		
	Busbee Ln.	Charlotte County Line	Y	--	2	Widen From 2L to 6L (5)	Widen From 2L to 6L		
Footnotes:									
(1) Roadway Network based on initial internal capture rate of 22% as mandated by the review agencies. Subject to adjustment based on Master Traffic Study Updates per Master Development Order. Per AMDA Development Order, initial capture rate of 22% controls for first increment and subsequent increment until such time that Exhibit F is revised and updated.									
(2) Transportation Deficient facility as defined in Chapter 163.3180, F.S.									
(3) Recommended and Project-Related Improvements are presented for information purpose only. Transportation mitigation assessment is not applicable at the Master DRI level. All transportation mitigation are assessed at the Incremental DRI level.									
(4) Roadway Network based on Developer's estimated community capture rate (Daily = 70%, Peak Hour = 66%) of a new town. Subject to adjustment based on Master Traffic Study Updates per Master Development Order.									
(5) Per FDOT SR 31 SEIR/PD & E Study.									

**MDO CHANGES:**

- In "Whereas" Clauses, update WilsonMiller, Inc. to Stantec Consulting Services Inc.
- In "Whereas" Clauses, remove references to DEO, consistent with revisions to 380.06, F.S..
- In "Whereas" Clauses, Remove references to "Notice of Proposed Change", consistent with revisions to 380.06, F.S..
- In Findings of Fact and Conclusions of Law, update to consistently reference "Map H" as the Babcock Master Concept Plan.
- In Findings of Fact and Conclusions of Law, clarify that clubhouses and similar neighborhood amenities are among the range of ancillary facilities.
- In Findings of Fact and Conclusions of Law, clarify incremental review of non-residential development within the Mixed Use/Residential/Commercial (MURC) development areas, in order to be consistent with Map H.
- Removed all references throughout to DEO, as DEO no longer reviews DRIs.
- Revise Affordable Housing Condition A.1 to be consistent with updates to State Statute (Chapter 420.9071, F.S.)
- Revise Affordable Housing Condition A.7 removing DEO from agreeing on methodology to conduct the Determination of Adequate Housing Need Analysis. Also clarified the parties that may agree to an alternative methodology.
- Revise Stormwater Condition A.4 to clarify where reports required by NPDES permits are to be maintained.
- Revise Stormwater Condition A.20 to reference the SWFWMD Conceptual ERP.
- Revise Stormwater Conditions B.3 and B.4 to identify the District, rather than the Developer, for littoral zone maintenance and annual inspections.
- Revise Stormwater Condition B.5 to clarify who is responsible for regularly scheduled vacuum sweeping of streets and parking areas, and indicating what streets and parking areas will be regularly maintained.
- Revise Transportation Condition 5.B.1.a to update horizon year from 2030 to 2040.
- Revise Transportation Condition 5.B.1.b to reference "community capture rate" and update, consistent with the Master Traffic Study Update (MTSU).
- Revise Transportation Condition 5.B.1.c - e to reflect changes, consistent with the MTSU.
- Revise Transportation Conditions 5.B.2.a to be consistent with the MTSU and remove text that is no longer applicable or has been completed.
- Revise Transportation Conditions 5.B.2.a.2.a - c to be consistent with the MTSU.
- Revise Transportation Conditions 5.B.2.b.1.a - d to be consistent with the MTSU and remove condition language that is no longer applicable.
- Delete Transportation Condition 5.B.5, as the condition has been completed.
- Revise new Transportation 5.B.5 to clarify timing of when an external transit feasibility study will be provided, at the request of the County.
- Revise renumbered Transportation Condition 5.B.6 to indicate locations of permanent traffic count stations installed at specific BRC ingress/egress points.
- Delete Transportation Condition 5.B.8, as it has been completed.
- Revise Transportation Condition C.1.a to clarify significantly impacted external road segments are shown on Exhibit "F".
- Revise Transportation Condition C.1.c to be consistent with the MTSU

- Revise Transportation Condition C.1.f to remove references to State Statutes that no longer exist.
- Revise Transportation Condition C.2.c to specify that access points are established in the MDO.
- Delete Transportation Condition C.6.d, as the State Statute referenced is no longer in effect.
- Delete Transportation Condition C.7 regarding the Lee Road Agreement, as that agreement has been fulfilled and neither party has any further obligation to the other thereunder (refer to Paragraph 3 of the Babcock Ranch Memorandum of Understanding with Lee County dated September 23, 2008).
- Revise Vegetation, Wildlife, and Wetlands Condition 13 to clarify timing of conservation easements for existing agricultural uses outside of development areas and that conservation easements will only be recorded for on-site mitigation and not for off-site (State owned lands) property.
- Update Vegetation, Wildlife, and Wetlands Condition B.2 to reflect currently documented listed species, as noted in the most up-to-date threatened and endangered species management plans.
- Revise Wastewater Management and Water Supply Condition A.1 to reflect low volume plumbing fixture maximum flow volume of 1.28 gallons per flush for toilets.
- Revise Wastewater Management and Water Supply Condition 9 to clarify locations for on-site wastewater treatment systems.
- Revise Police and Fire Condition 10.A.1 to clarify Developer or District responsibility and clarify definition of shell building.
- Revise Police and Fire Condition 10.B.4 and 5 to reflect commitments that have been fulfilled for the Sheriff's Sub-Station and EMS vehicle, pursuant to Exhibit "D".
- Revise Police and Fire Condition 10.B.7 to clarify Developer or District responsibility.
- Revise Hurricane Preparedness Condition 13.A to clarify the Developer or District responsibility and revise language regarding building standards.
- Revise Hurricane Preparedness Condition 13.B.1 to clarify District or POA will develop a hurricane preparation and shelter information program.
- Delete Hurricane Preparedness Condition 13.B.2 because it is required by Florida Building Code.
- Revise Open Space, Parks, and Library Condition 14.A.5 to clarify Developer or District responsibility and clarify definition of shell building.
- Delete Open Space, Parks, and Library Condition 14.B.3 regarding the mining lake, as all mining has now ceased.
- Revise Energy Condition 16.A.2 to clarify Developer or District responsibility regarding internal transit options.
- Revise Energy Condition 16.A.6 regarding water closet water usage limits.
- Delete Energy Condition 16.B.4 and 5 regarding alternative energy or energy efficient features, as builders provide these options.
- Revise Mining Operations Condition 17.A to reflect the completion of mining.
- Delete 27.H - General Provisions, regarding certified copies of the Development Order, as State Statutes have been amended and the referenced Subsection is no longer in effect.
- Update Buildout and Expiration Dates of this Development Order per Governor's Executive Orders

- Other amendments for internal consistency and to reflect updates to Florida Statutes, as applicable.
- Update Exhibit B, Master Concept Plan notes, to be consistent with approved entitlements.
- Update Exhibit D to reflect land dedication and shell building requirements (we are working with County staff to finalize these updates).
- Update Exhibit F to be consistent with the MTSU.

**IDO CHANGES SINCE ORIGINAL REVIEW:**

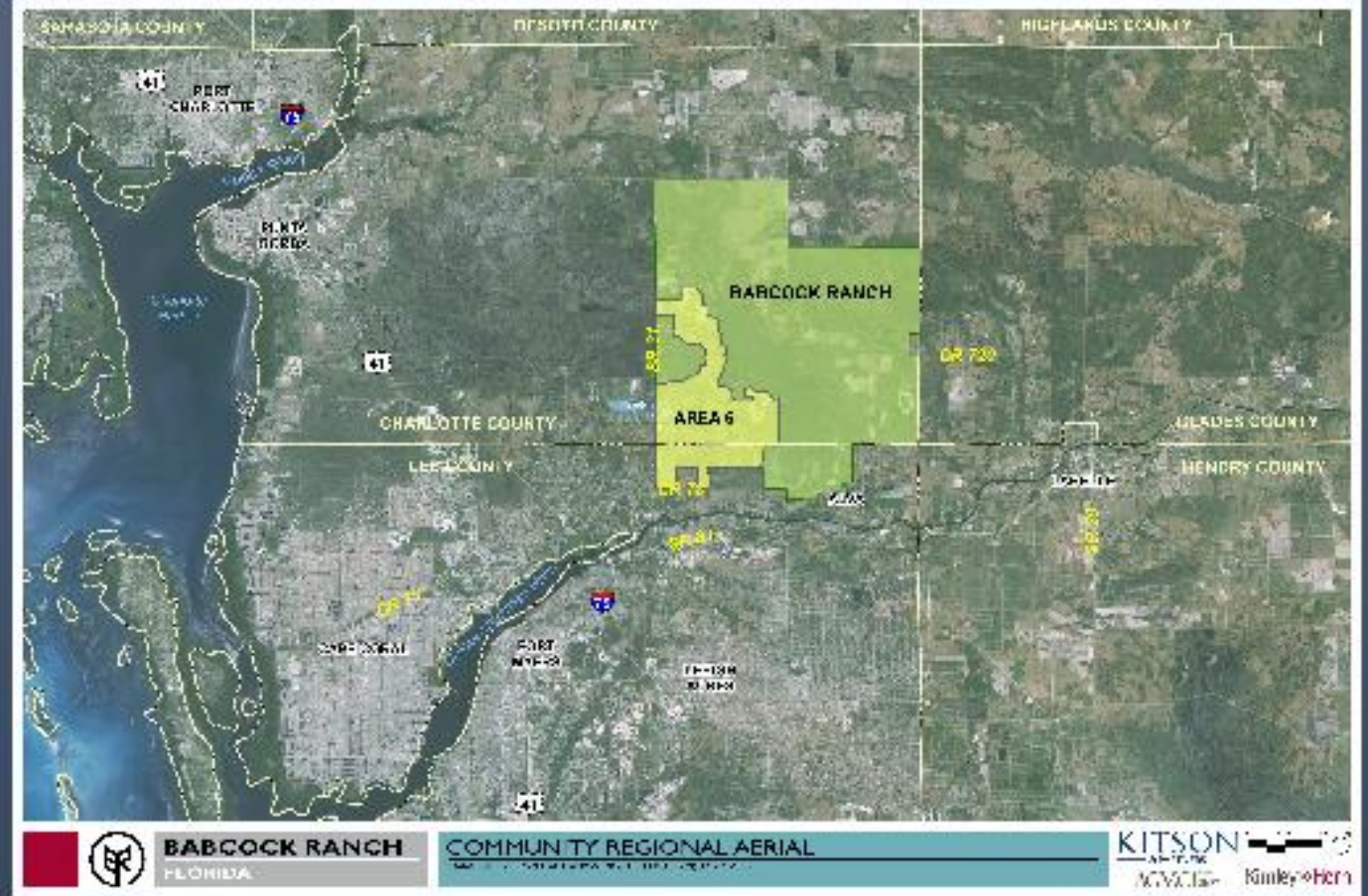
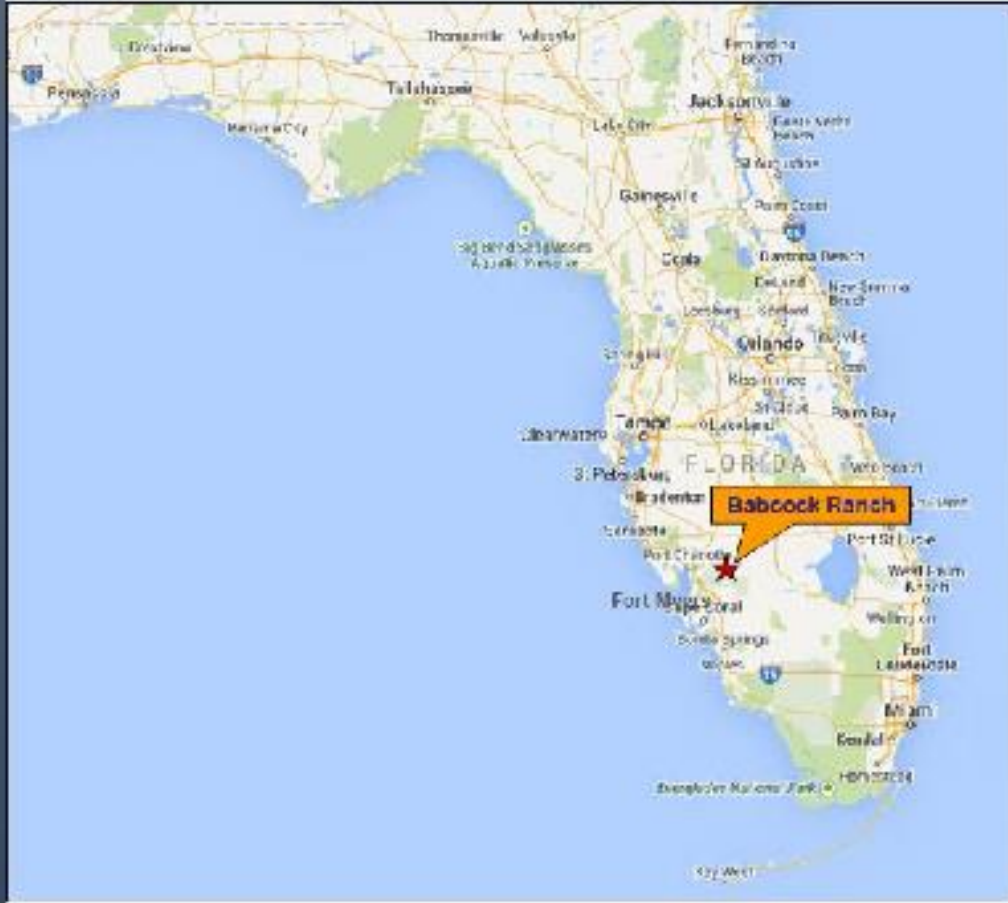
- Transportation Conditions have been added for your review.
- Police and Fire Condition A.2 was added to clarify how fire protection will be provided.
- Section 21.F of General Provisions - revised to include FDEP 404 Permit, consistent with State Law that is now in effect.

## **BABCOCK RANCH COMMUNITY MASTER TRANSPORTATION STUDY UPDATE NOTICE OF PROPOSED CHANGE TO MASTER DEVELOPMENT ORDER**

- The original Master Development Order (MDO) Resolution 2007-196 was approved by the Charlotte County Board of County Commissioners on December 13, 2007 (see Location Map and Master DRI Development Plan Map).
- The Master DRI process requires Increments to be submitted with specific development entitlements approved and conditions for approval.
- The first Incremental Development Order (IDO) was approved on December 15, 2009 (see Increment I Development Plan Map).
- The portion of Babcock Ranch in Lee County (Babcock MPD) is not part of the Babcock Ranch Community DRI in Charlotte County. The Babcock MPD was approved by Lee County in 2018 with an entitlement of up to 1,630 residential units, 600 hotel rooms, and over 1.17 million square feet of retail and office uses (see Development Plan Map).
- The approved Babcock MPD is being developed independently and reflected in the master planning of Babcock Ranch. This MTSU includes a cumulative analysis of both the Babcock Master DRI in Charlotte County and the Babcock MPD in Lee.



# Overview



# Master DRI Development Order (MDO)

17,870 residential units

1,400,000 SF retail

3,500,000 SF office (general office, medical  
office and civic)

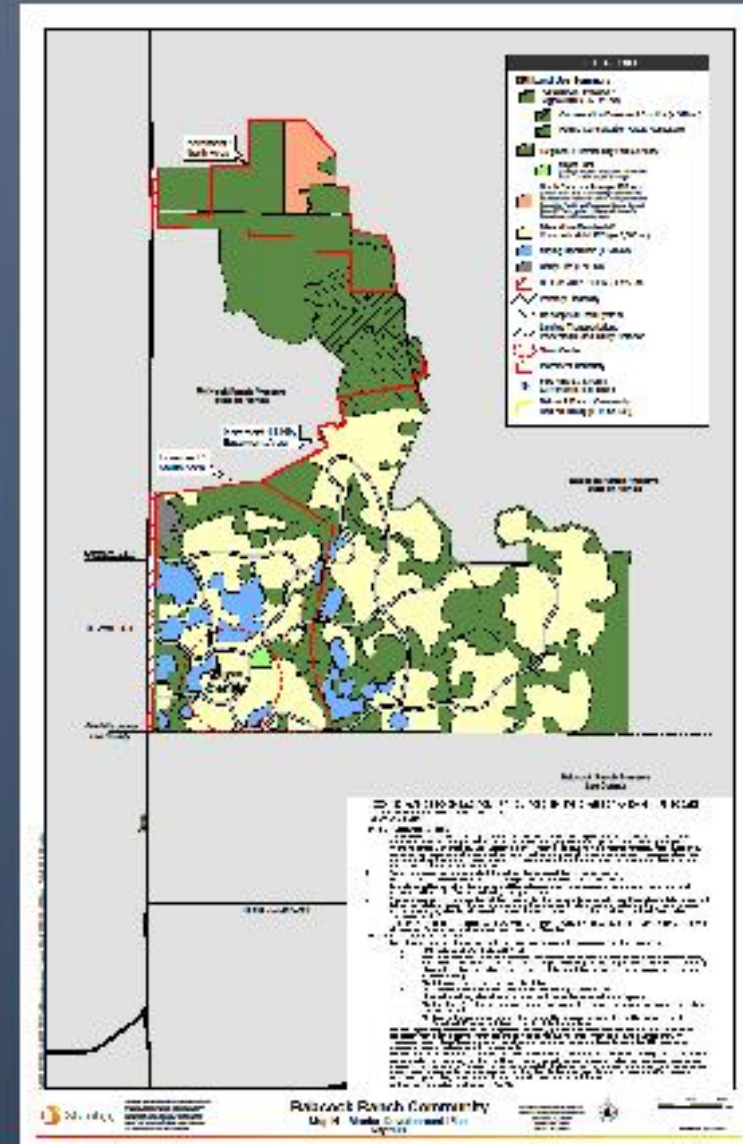
600 hotel rooms

177 hospital beds

418 units of assisted living facilities

54 golf holes

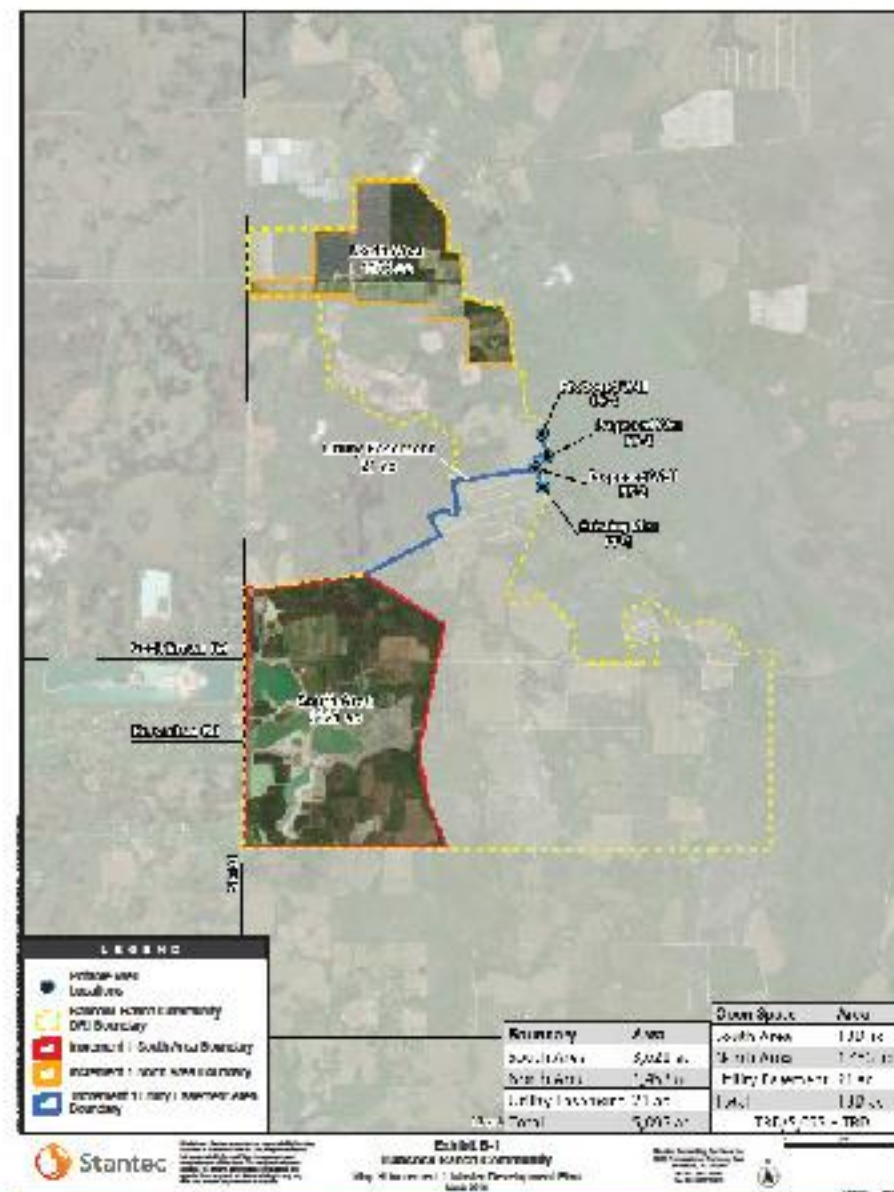
Ancillary facilities





# Increment 1 (IDO-1)

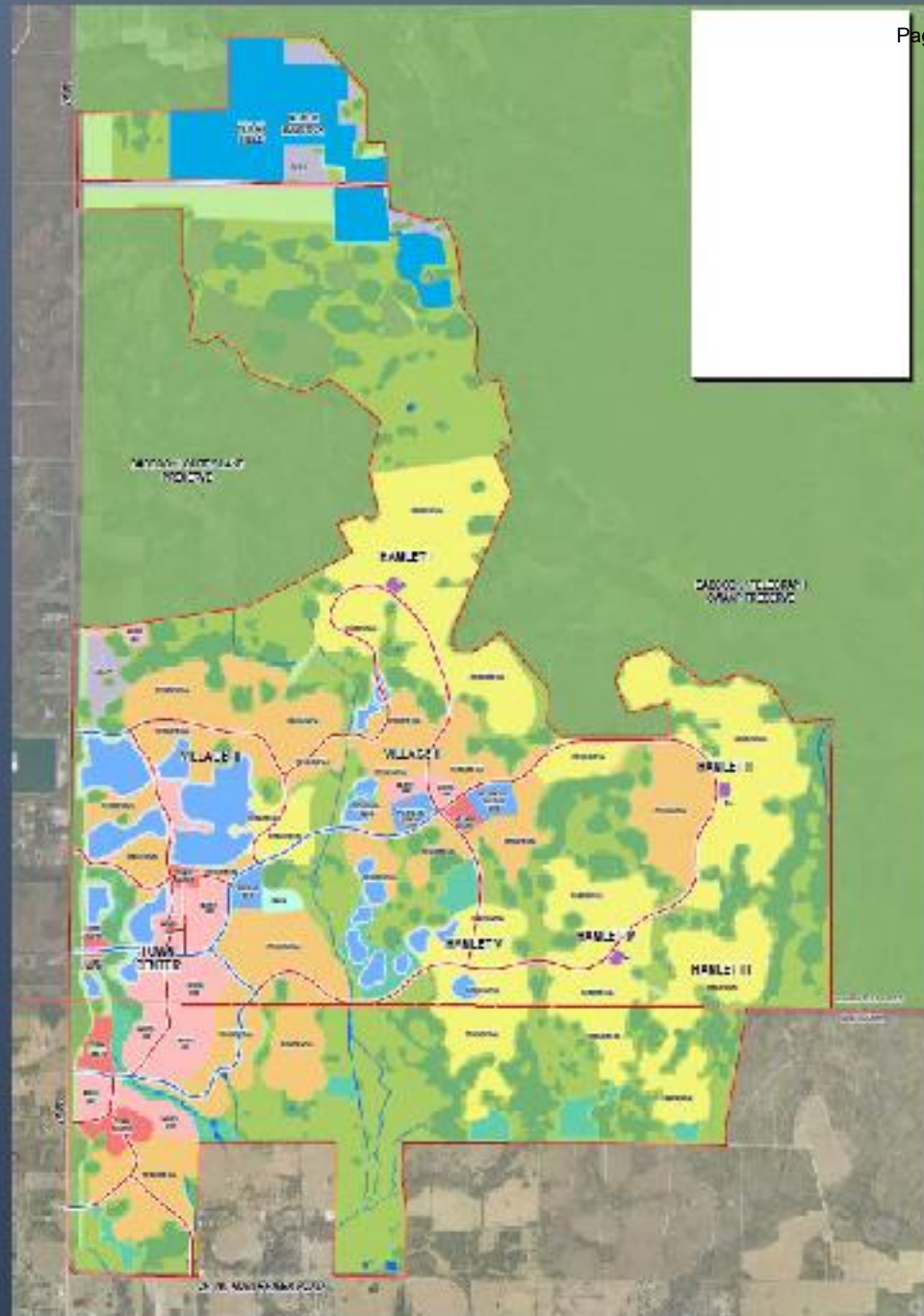
- Originally approved December 15, 2009
- Amended May 26, 2020 as follows:
- Residential Dwelling Units – 5,000 \*
  - 3,000 single family units
  - 2,000 multi-family units
- Non-Residential – 1,220,000 S.F.\*
  - 870,000 SF Retail
  - 350,000 SF Office
- 600 Hotel Rooms\*
- 18 Golf Holes\*
- Assisted Living – 100 Units\*
- Proportionate Share Mitigation - \$45,729,000
  - Includes:
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from SR78 to Cypress parkway with infrastructure and grading provided for 6-Lane expansion
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from Cypress parkway to Horseshoe Road with sidewalk on one side



# Total Entitlements

\*Charlotte and Lee Counties

- Residential Dwelling Units – 19,500
- Non-Residential Uses – 6M S.F.
- 54 Golf Holes
- Assisted Living Facilities – 418 Units
- 177 Hospital Beds
- 650,000 SF of Industrial
- 600 Hotel Rooms



- The primary reason for this MDO amendment is to address the BRC DRI MTSU (2020) traffic assessment at horizon year 2040. However, additional changes are proposed to provide minor clarifications to various conditions throughout the MDO.
- The MDO specified that updates to the Master DRI traffic study must be undertaken no later than every five years.
- The MTSU dated 2020 traffic study May 13, 2021, was finalized and went through three sufficiency reviews with the public agencies. Florida Department of Transportation, Lee County Transportation staff and Charlotte County staff all participated in the sufficiency review and final comments.
- DRI buildout date is proposed for year 2045 and the BRC MTSU Development Parameters Summary are show in Table 21-1.
- Future 2040 Needed Roadway Improvements With DRI, Recommended Improvements for Significantly Impacted Roadways and Project Related Improvements are shown on following Maps.

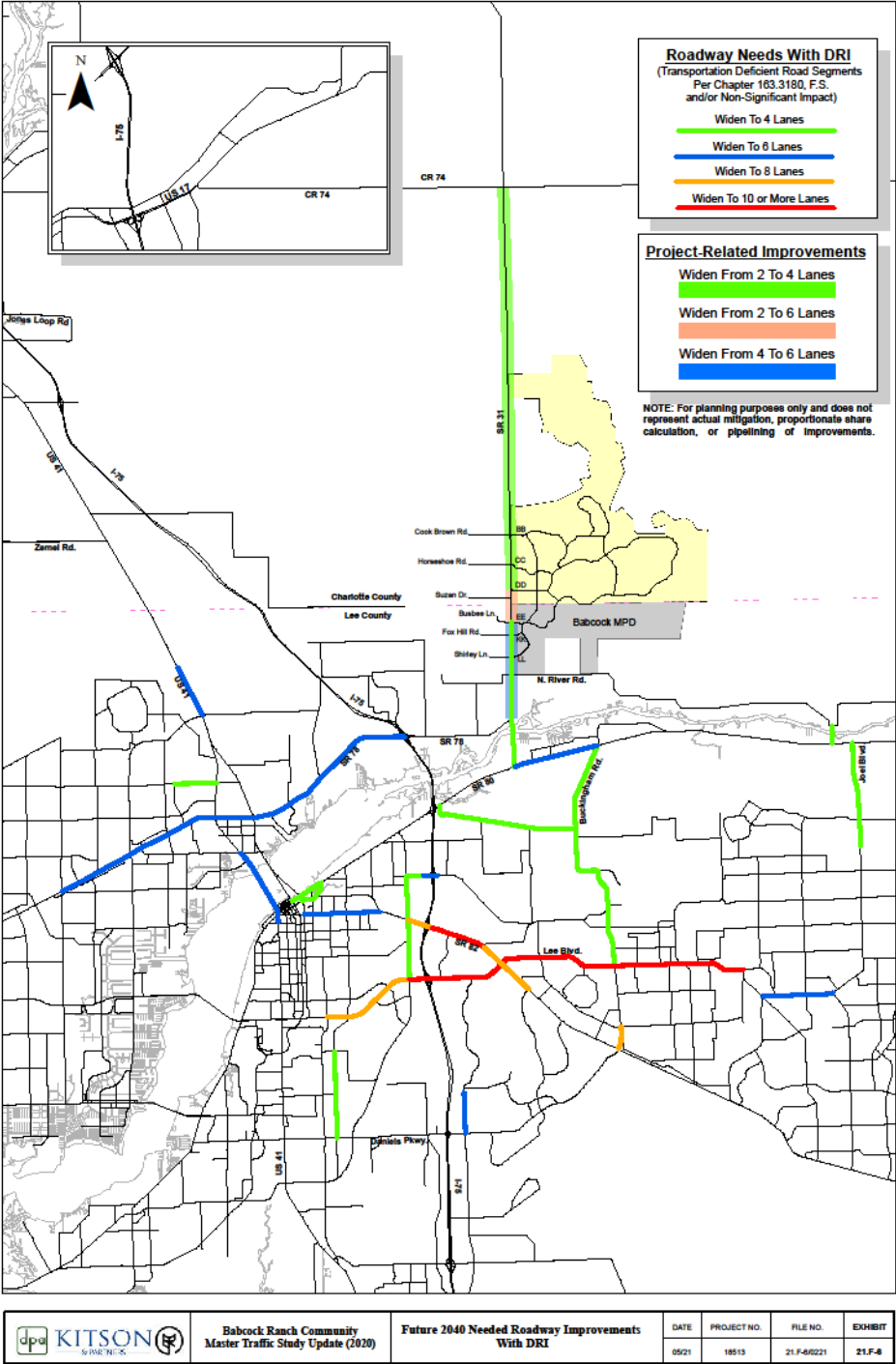


<b>Table 21-1</b> <b>BRC MTSU (2020)</b> <b>Babcock Ranch Development Parameters Summary</b>					
Land Use Type	Unit	BRC DRI			Babcock MPD <sup>(2)</sup>
		Master DRI (This Update)	Increment 1 <sup>(6)</sup>	Future Increment(s)	
<b>Total Residential <sup>(1)</sup></b>	<b>d.u.</b>	<b>17,870</b>	<b>5,000</b>	<b>12,870</b>	<b>1,630</b>
Single-Family	d.u.	11,615	3,000	8,615	980
Multifamily	d.u.	6,255	2,000	3,255	650
<b>Total Non-Residential <sup>(1)</sup></b>	<b>sq. ft.</b>	<b>5,910,000</b>	<b>1,630,000</b>	<b>4,280,000</b>	<b>1,530,000</b>
<b>Total Commercial (Retail + Office) <sup>(2)</sup></b>	<b>sq. ft.</b>	<b>4,425,500</b>	<b>1,220,000</b>	<b>3,205,500</b>	<b>1,170,000</b>
Retail <sup>(1,2)</sup>	sq. ft.	1,400,000	870,000	530,000	870,000
Office <sup>(1,2)</sup>	sq. ft.	3,025,500	350,000	2,675,500	300,000
General	sq. ft.	2,338,710	257,000	2,081,710	257,000
Medical	sq. ft.	580,900	43,000	537,900	43,000
Civic	sq. ft.	105,890	50,000	55,890	0
Hotel <sup>(1,3)</sup>	rooms	600	600	0	600
	sq. ft.	360,000	360,000	0	360,000
Industrial <sup>(1)</sup>	sq. ft.	650,000	0	650,000	0
Hospital <sup>(1,4)</sup>	beds	177	0	177	0
	sq. ft.	265,500	0	265,500	0
ALF <sup>(1,5)</sup>	beds	418	100	318	0
	sq. ft.	209,000	50,000	159,000	0
Golf Course	holes	54	18	36	0
Elementary School	students	1,162	536	626	0
Middle School	students	643	330	313	0
High School	students	911	600	311	0
Church	sq. ft.	120,000	0	120,000	0
Library	sq. ft.	24,000	0	24,000	0
Park	acres	256	50	206	48
Recreation Center	sq. ft.	100,000	0	100,000	0

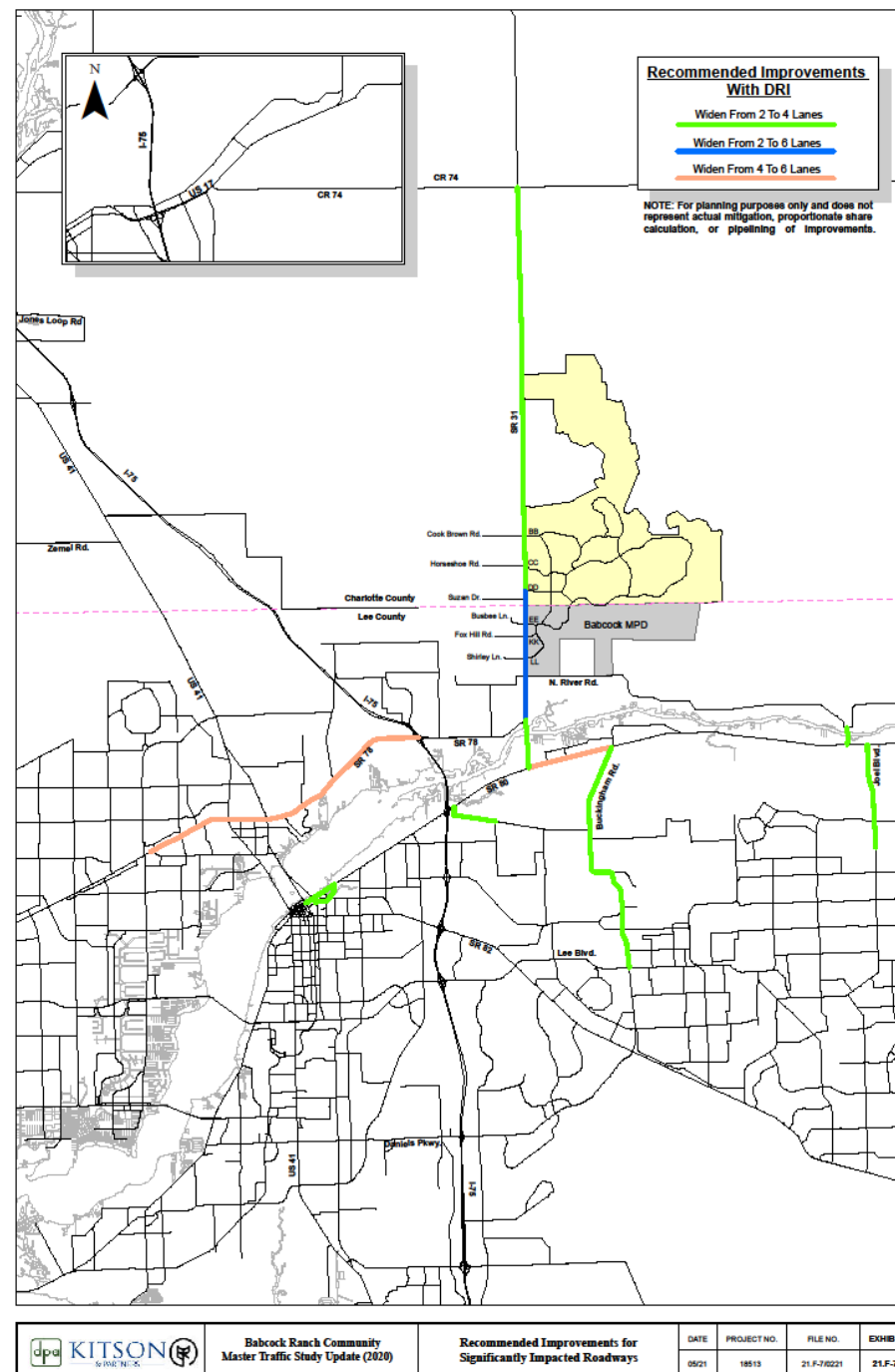
**Footnotes:**

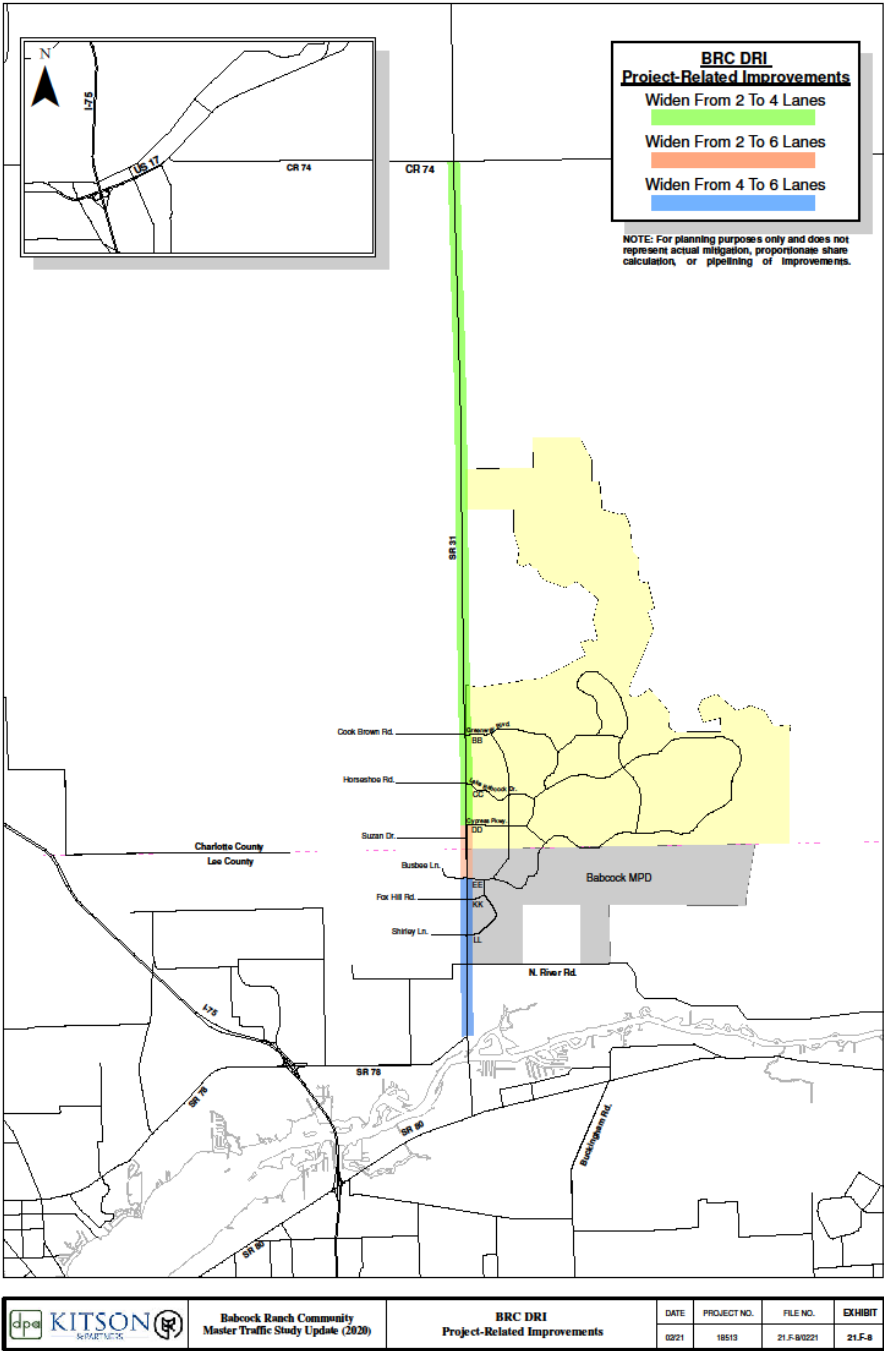
- (1) Subject to BRC Master DRI Development Order (MDO) – Exhibit B. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Approved BRC IDO-1.

<b>Table 21.F-3</b> <b>BRC MTSU (2020)</b> <b>With Master BRC DRI</b> <b>Year 2040 – BRC DRI Significant and Adverse Impact</b> <b>Charlotte County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
SR 31 (Babcock Ranch Rd.)	Lee County Line	Cypress Pkwy.
	Cook Brown Rd.	CR 74
<b>Lee County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
Broadway St.	SR 80	North River Rd.
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.
	Orange River Blvd.	SR 80
Gunnery Rd.	Lee Blvd.	Buckingham Rd.
Joel Blvd.	18th St.	SR 80
Orange River Blvd.	SR 80	Staley Rd.
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd/Old Olga Rd.
SR 80 EB (SR 80/Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78
	SR 78	Old Rodeo Dr.
	Old Rodeo Dr.	CR 78/N River Rd./Old Bayshore Rd.
	CR 78/N River Rd./Old Bayshore Rd.	Shirley Ln.
	Shirley Ln.	Fox Hill Rd.
	Fox Hill Rd.	Busbee Ln.
	Busbee Ln.	Charlotte County Line









The BRC Master DRI and the MTSU are not subject to transportation mitigation as all transportation mitigation is assessed at the incremental stages. Therefore, the main objective of the MTSU is to provide a buildout snapshot of potential future transportation needs of the area and to assist with the MPO Long-Range Transportation Plan.

The findings and conclusions of BRC DRI MTSU (2020) transportation assessment are as follows.

1. The Master DRI anticipates future improvement needs on the following road segments that are attributed to the Project coincident with buildout at year 2040.

- SR 31 from SR 78 to Bermont Road (CR 74)

2. The Incremental DRI will continue to provide the detailed transportation assessment and the necessary proportionate share mitigation to fund the roadway needs are outlined in the Incremental Development Order (IDO).

3. Current and on-going roadway improvement efforts of the MPO LRTP include the following.

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- SR 31 PD&E/SEIR (CR 78 to Cook Brown Road)
- SR 31 PD&E Study (SR 78 to CR 78)
- SR 31 PD&E Study (SR 80 to SR 78)
- SR 78 PD&E Study (I-75 to SR 31)

4. BRC will continue its collaborative efforts with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.

5. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

### **REGIONAL STAFF ANALYSIS Substantial Deviation Presumption Rebuttal**

The ITE trip generation in this Master Traffic Study Update is 20.6% and 24.4% lower than that of the originally approved AMDA on a daily and PM peak hour basis, respectively. Therefore, it is concluded that this NOPC has rebutted the DRI substantial deviation presumption.

## **ACCEPTANCE OF THE PROPOSED MDO AMENDMENT**

The applicant has provided an acceptable draft development order to address the changes resulting from the MTSU and other minor clarifications throughout the MDO (see Attachment VIII of the Agenda Item).

- RECOMMENDED ACTIONS:**
- 1. Notify Charlotte County and the applicant that the proposed changes to the MDO are acceptable to address regional impacts.**
  - 2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO amendments related to the proposed changes.**

# Agenda Item

6b

6b

Babcock Ranch Community  
Increment II

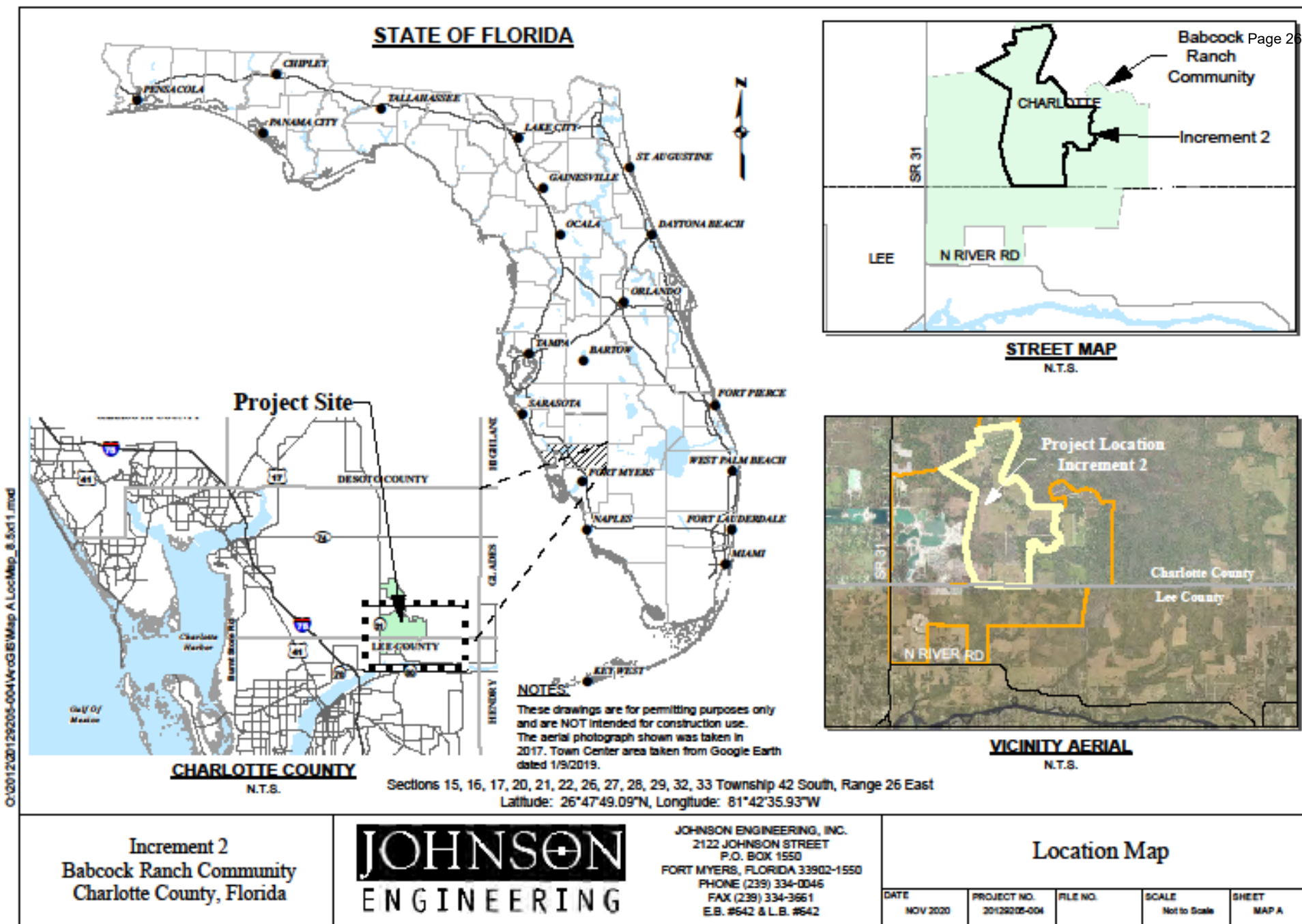
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# **DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR BABCOCK RANCH INCREMENT 2**

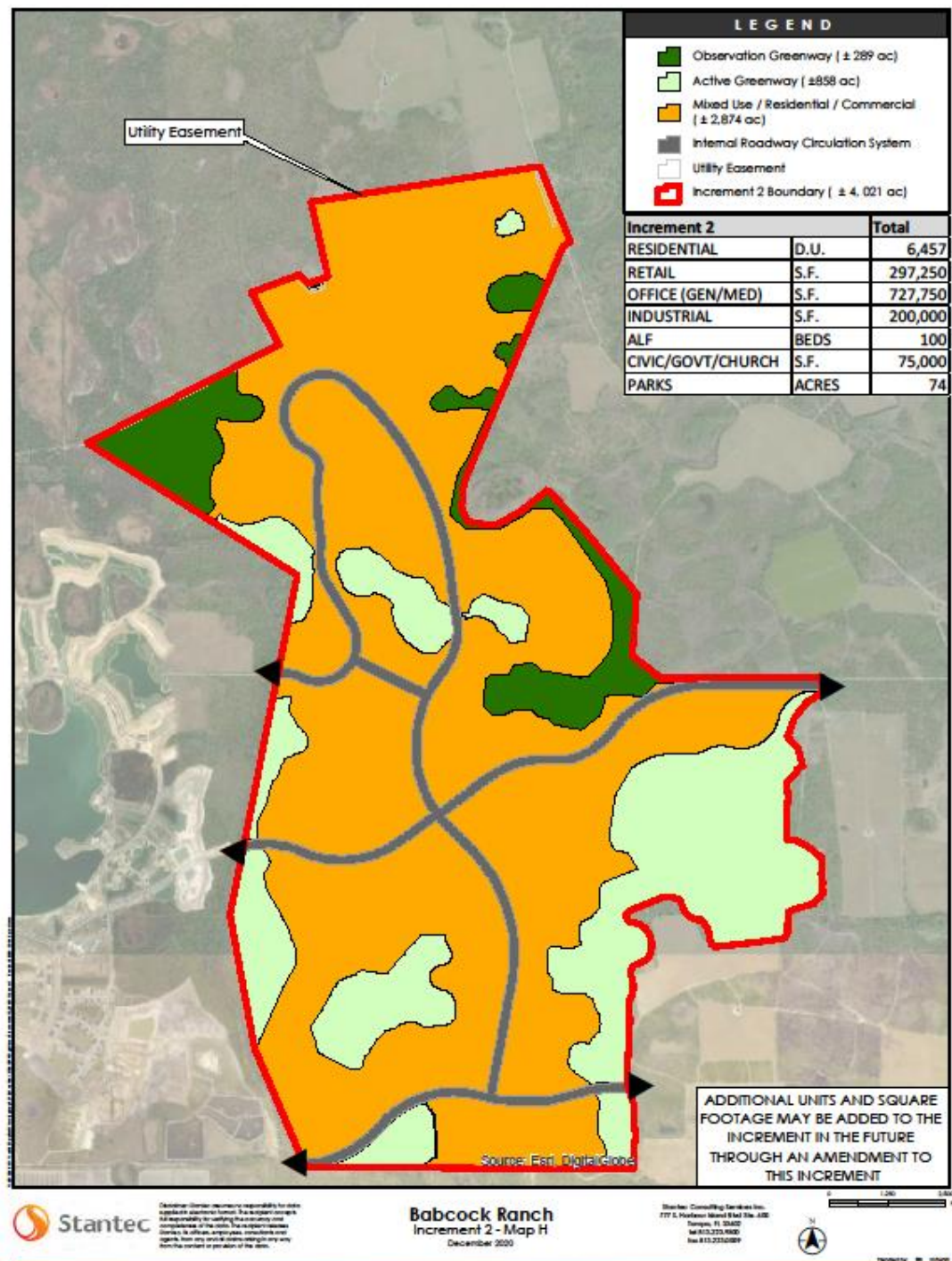
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## **Project Description**

- Increment 2 contains approximately 4,021 acres and will include extensive open space, will preserve and enhance critical environmental areas including extended contiguous wetland corridors that contribute to the natural beauty of this area, and will positively improve the quality of life for the residents (see Increment 2 Location Map).
- Increment 2 will include 4,434 single-family residential units; 2,023 multi-family units; and 1,275,000 square feet of non-residential development (see Increment 2 Development Plan). The specific land uses are shown in the table below.
- Construction is anticipated to begin in 2021. The anticipated buildout is 2033.







<b>Development Parameters</b>	<b>Increment 2</b>
<b>Residential</b>	<b>6,457</b>
Single-Family (d.u.)	4,434
Multifamily (d.u.)	2,023
<b>Total Commercial - Retail + Office (sq. ft.)</b>	<b>1,025,000</b>
Retail (sq. ft.)	297,250
Office (sq. ft.)	727,750
General Office (sq. ft.)	562,550
Medical Office (sq. ft.)	139,730
Civic Office (sq. ft.)	25,470
Industrial (sq. ft.)	200,000
ALF Units (Beds)	100
Golf Course (holes)	18
<b>Ancillary/Community</b>	
Church (sq. ft.)	60,000
Parks (acres)	74
Recreation Center (sq. ft.)	15,000

- This AIDA is supported by an Equivalency Matrix (EM), which proposes a set of alternate land uses, density and intensity levels for Increment 2.
- The purpose is to provide a framework for simultaneously increasing/decreasing development levels to meet market demand.
- The EM provides for an exchange between these uses, densities and intensities while ensuring that the level of service (LOS) standards for traffic, potable water, wastewater and solid waste are not exceeded.

**REGIONAL STAFF ANALYSIS**

- On November 19, 2020, the SWFRPC approved the AIDA questionnaire checklist for Increment 2 which is consistent with Exhibit “C” of the MDO that dictates the questions to be addressed in the AIDA. The AIDA was submitted for sufficiency review to the applicable state, federal and local agencies.

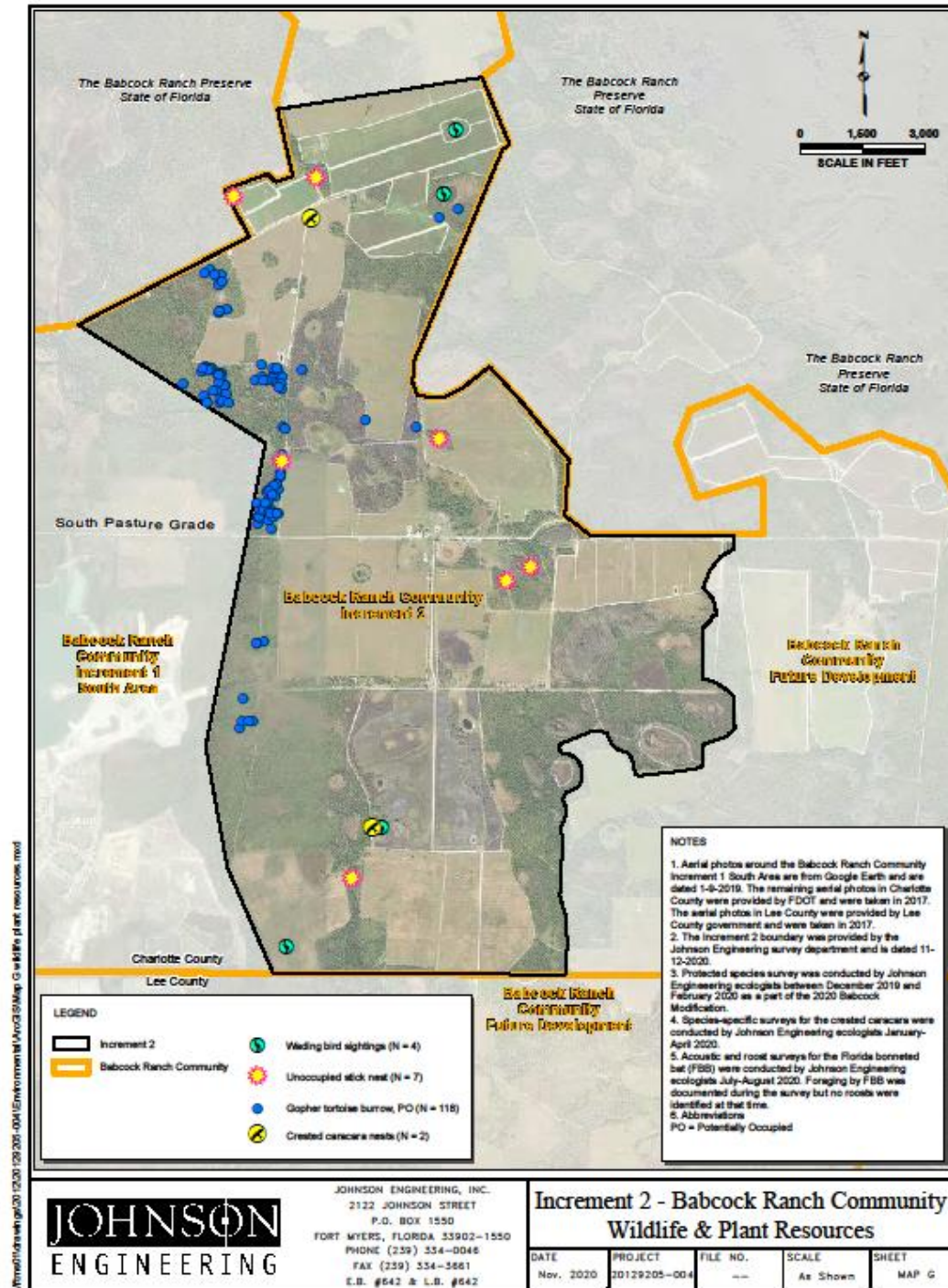
- The Council staff assessment only addresses the following regional issues and is based on information provided in the AIDA. The local issues will be addressed by Charlotte County.

## **Wildlife Management**

The Threatened and Endangered Species Management Plan (T&E) for the Babcock Ranch Community (BRC) was originally approved with SFWMD Environmental Resource Permit (ERP) issued in 2010.

The T&E plans are being modified to include:

- (i) address changes in the listing status of several wading bird species,
- (ii) include the Florida bonneted bat (FBB) which was listed as federally endangered in November 2013,
- (iii) address the presence of nesting caracara within approved development pods that were not present at time of original review, and
- (iv) include a component to address human-wildlife coexistence (see Wildlife and Plant Map for Increment 2).





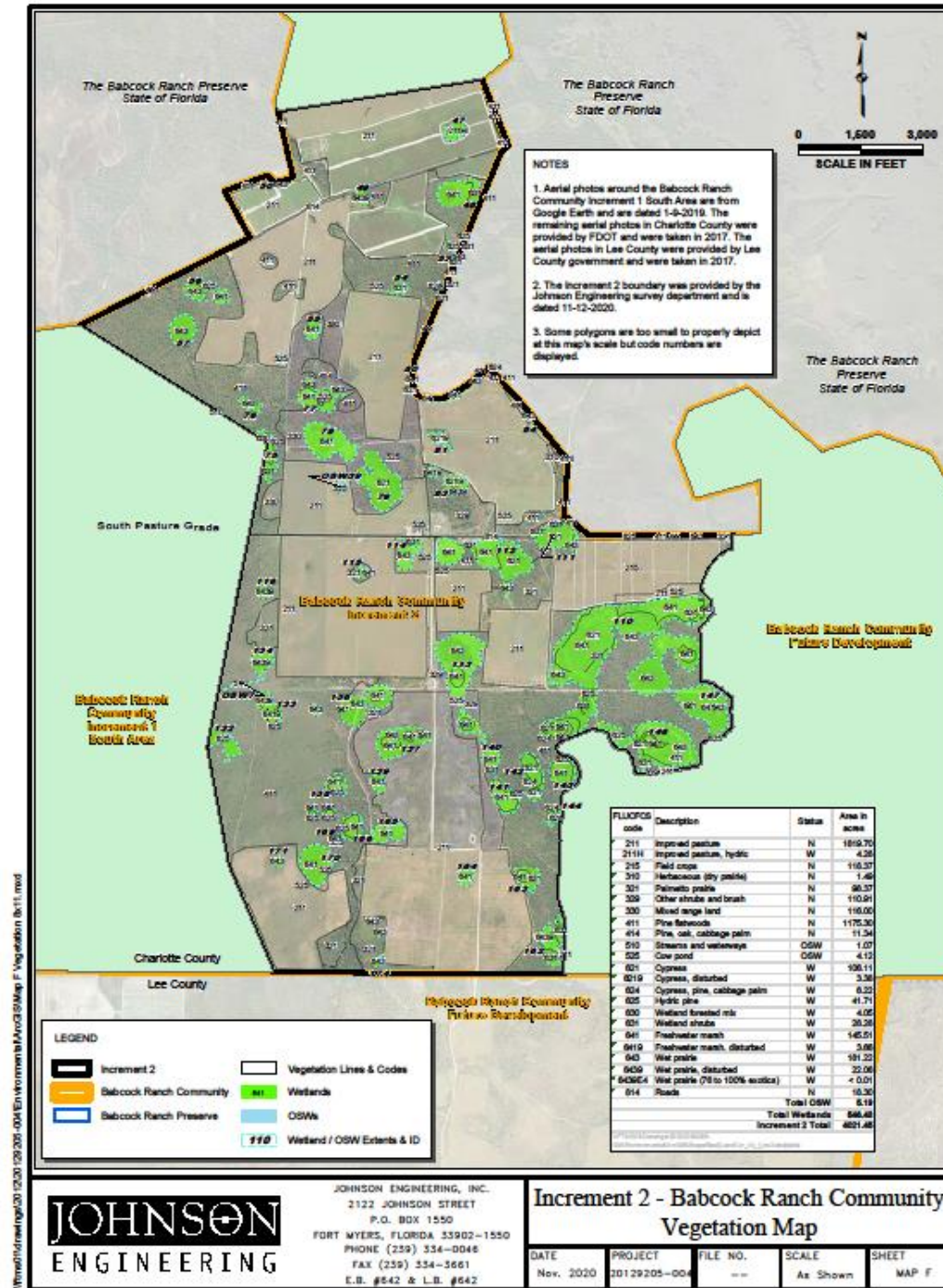
The September 2020 Listed Species Management Plans & Human-Wildlife Coexistence Plan (“September 2020 T&E Plan”) was included as Appendix 12-1 of the AIDA.

This plan addresses the following listed species and management issues: American Alligator, Gopher Tortoise, Eastern Indigo Snake, Sandhill Crane, colonial nesting wading birds, Burrowing Owl, Crested Caracara, Florida Scrub Jay, Red-cockaded Woodpecker, Florida Bonneted Bat, Florida Black Bear, Florida Panther, Beautiful Pawpaw, prescribed fire, wildlife crossings and fencing, human-wildlife coexistence plan, community signage and education plan.

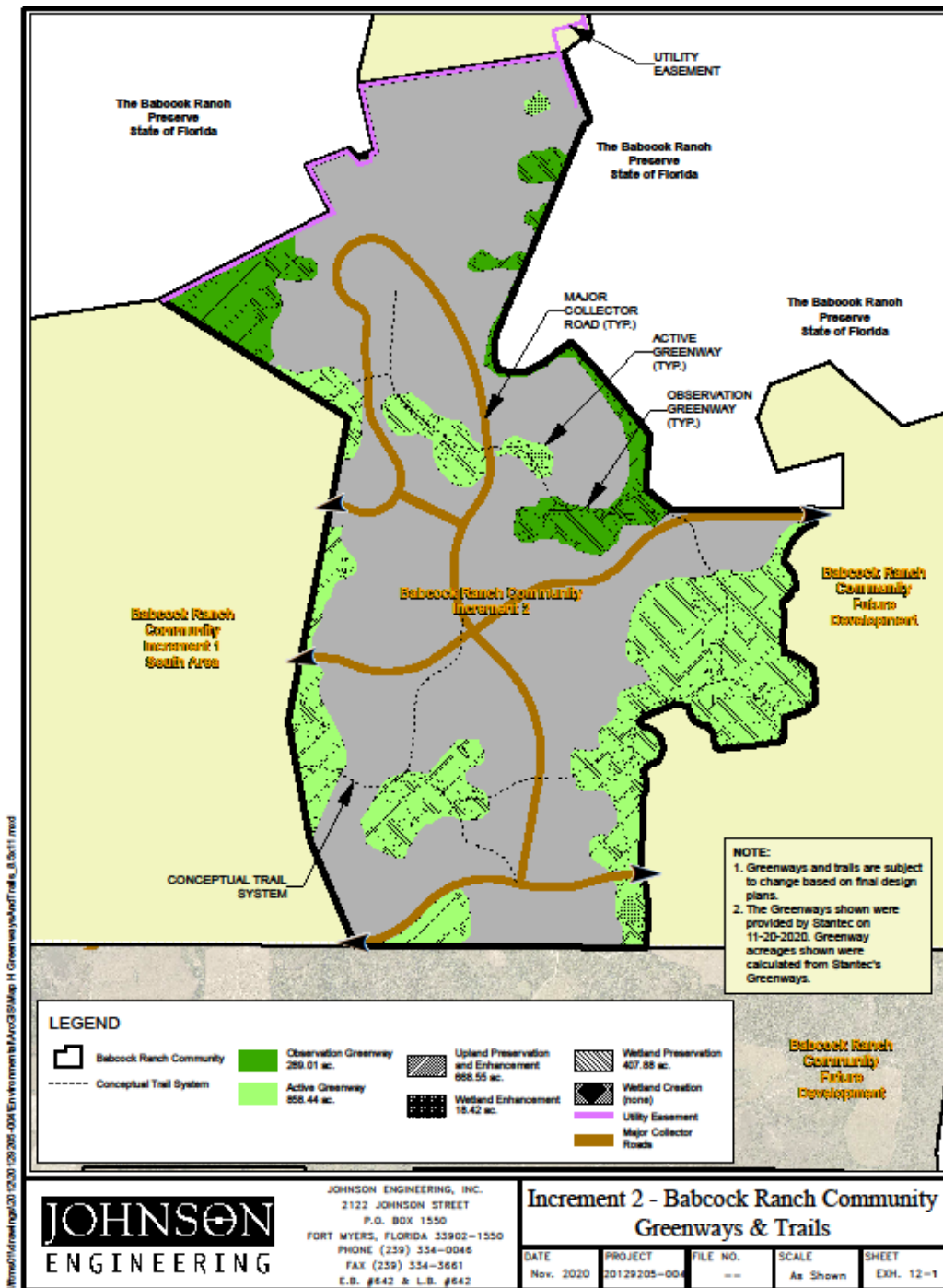
### **Wetlands Impact Mitigation**

- The BRC Mitigation Plan approved with the 2010 ERP and ACOE permit was previously determined to protect on-site wetlands and compensate for unavoidable wetland impacts associated with the development of the BRC.
- The 2010 Mitigation Plan consisted of 12,700± acres comprising a combination of off-site and on-site mitigation and included wetland creation, wetland enhancement and preservation, and upland enhancement, restoration, and preservation.

- The 2010 Mitigation Plan has been modified to address changes in development/preserve layouts that are occurring with the 2020 Babcock Modification, which includes the Increment 2 area.
- With the site plan modifications occurring with the 2020 Babcock Modification, the entire BRC will necessitate approximately 530 acres of direct wetland impacts ( $\pm 19\%$ ) and approximately 17 acres ( $\pm 18\%$ ) of direct surface water impacts.
- The UMAM analysis contained within the September 2020 BRC Mitigation Plan demonstrates that the  $\pm 12,913$  acres of mitigation generates  $\pm 3,214$  UMAM functional units upon meeting full mitigation success (2,392 forested credits and 822 herbaceous credits), which far exceeds wetland mitigation needs.
- The Increment 2 boundary contains a total of 546.48 acres of wetlands, of which 120.18 acres are proposed for impact and 426.30 acres are part of the BRC mitigation plan which will be placed under conservation easement (see Increment 2 Vegetation Map and Greenways & Trails Maps).







\\mws01\shared\ng\2012\20129205-004\Environmental\Map\Map 14 GreenwaysAndTrails\_8 8x11.mxd

- The design of the Increment 2 surface water management system will comply with the “Stormwater Plan” outlined in Subsection A and B in Condition 4 of the MDO (see Increment 2 Master Drainage Plan).
- The FEMA floodplain maps for Babcock Ranch, which include lands within the area of Increment 2, have been previously modified and accepted by FEMA. No floodplain map amendments are proposed with this AIDA at this time.

## **Transportation Mitigation**

- A comparison summary of the Master and Incremental (to-date) DRI development parameters, as well as the Lee County Babcock MPD parameters, is presented below in Table 21-1.
- The calculated cumulative proportionate share for the Incremental DRI with both Increments 1 and 2 is \$50,761,263 based upon the proportionate share percentages as calculated per

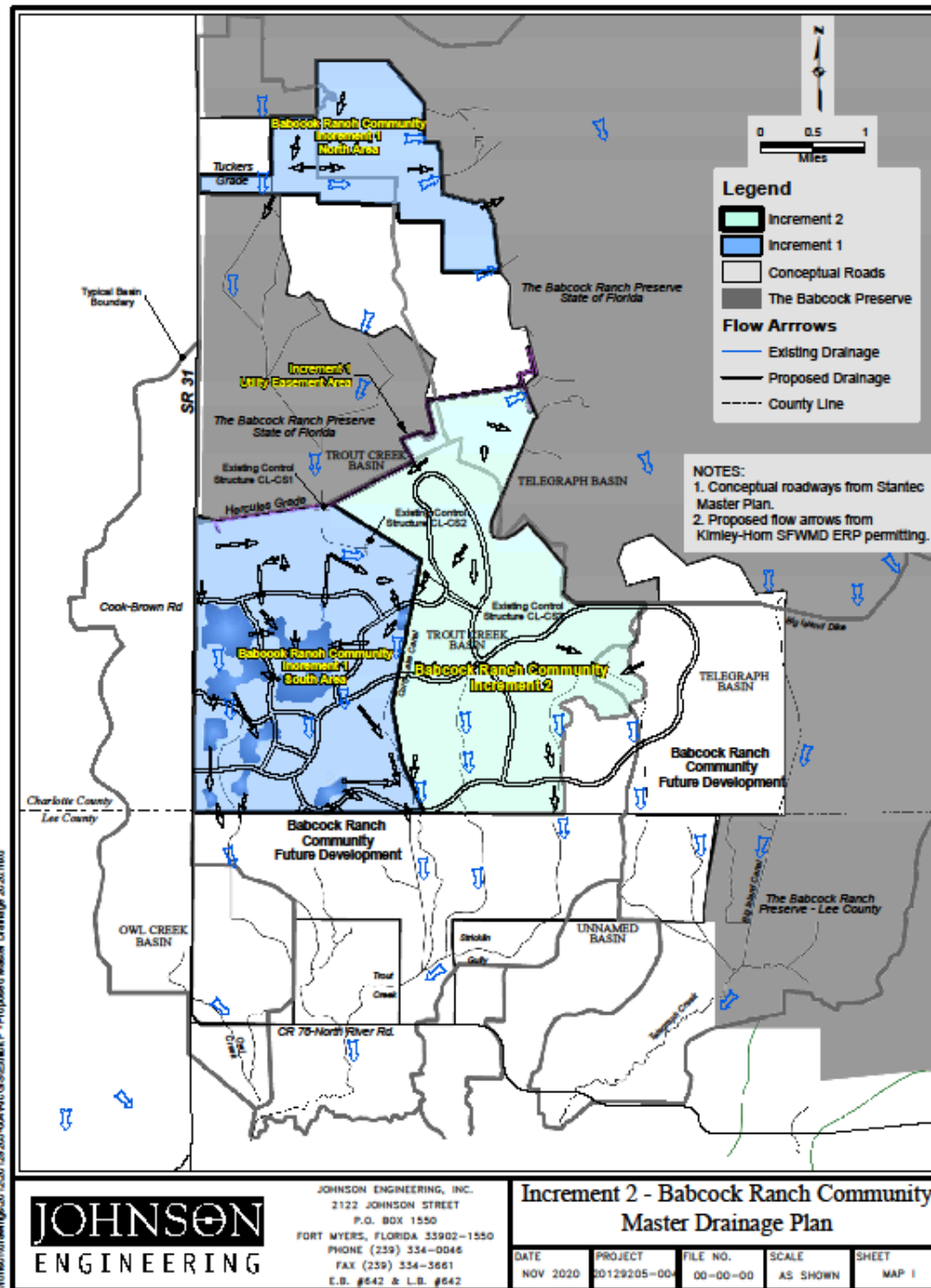


Table 21-1 BRC Increment 2 (2020) Babcock Ranch Development Parameters Summary						
Land Use Type	Unit	BRC DRI				Babcock MPD <sup>(2)</sup>
		Master DRI <sup>(6)</sup>	Incremental DRI			
			Increment 1 (Approved) <sup>(7)</sup>	Increment 2 (Proposed) <sup>(8)</sup>	Cumulative Increments <sup>(9)</sup>	
Total Residential <sup>(1)</sup>	d.u.	17,870	5,000	6,457	11,457	1,630
Single-Family	d.u.	11,615	3,000	4,434	7,434	980
Multifamily	d.u.	6,255	2,000	2,023	4,023	650
Total Non-Residential <sup>(1)</sup>	sq. ft.	5,910,000	1,630,000	1,275,000	2,905,000	1,530,000
Total Commercial (Retail + Office) <sup>(2)</sup>	sq. ft.	4,425,500	1,220,000	1,025,000	2,245,000	1,170,000
Retail <sup>(1,2)</sup>	sq. ft.	1,400,000	870,000	297,250	1,167,250	870,000
Office <sup>(1,2)</sup>	sq. ft.	3,025,500	350,000	727,750	1,077,750	300,000
General	sq. ft.	2,338,710	257,000	562,550	819,550	257,000
Medical	sq. ft.	580,900	43,000	139,730	182,730	43,000
Civic	sq. ft.	105,890	50,000	25,470	75,470	0
Hotel <sup>(1,3)</sup>	rooms	600	600	0	600	600
	sq. ft.	360,000	360,000	0	360,000	360,000
Industrial <sup>(1)</sup>	sq. ft.	650,000	0	200,000	200,000	0
Hospital <sup>(1,4)</sup>	beds	177	0	0	0	0
	sq. ft.	265,500	0	0	0	0
ALF <sup>(1,5)</sup>	beds	418	100	100	200	0
	sq. ft.	209,000	50,000	50,000	100,000	0
Golf Course	holes	54	18	18	36	0
Elementary School	students	1,162	536	562	1,098	0
Middle School	students	643	330	0	330	0
High School	students	911	600	0	600	0
Church	sq. ft.	120,000	0	60,000	60,000	0
Library	sq. ft.	24,000	0	0	0	0
Park	acres	256	50	74	124	48
Recreation Center	sq. ft.	100,000	0	15,000	15,000	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – Exhibit B. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Development parameters reflected in the Babcock Ranch Community DRI Master Traffic Study Update (2020) dated November 30, 2020.
- (7) Approved BRC IDO-1.
- (8) Proposed Increment 2.
- (9) Includes approved Increment 1 and proposed Increment 2.

- lane mile for each improvement as shown on Exhibit K of the IDO of the agenda item.
- The proportionate share calculation was based on 5,117 pm peak hour two-way external trips and 5,087 pm peak hour two-way net new trips assigned to the external road network established by the AIDA traffic analysis.
- The proportionate share percentages have been accepted by Charlotte County and FDOT for Increments 1 and 2, recognizing that the actual costs may increase, or decrease based upon the final actual costs of the agreed upon improvements.

**The findings and conclusions of Increment 2 (2020) AIDA transportation assessment are as follows.**

1. BRC Increment 2 includes a total of 6,457 residential units and 1.275 million square feet of non-residential uses with buildout anticipated in year 2033. Combined with Increment 1, the cumulative development totals 11,457 residential units and 2.905 million square feet of non-residential uses.

2. The anticipated improvements attributed to the cumulative Increments (approved Increment 1 and proposed Increment 2) coincident with buildout at year 2033 include the following road segments.
  - SR 31 from SR 78 to Lake Babcock Drive
3. Current and on-going roadway improvement efforts of the MPO LRTP and the FDOT include the following.
  - SR 31 PD&E Study (SR 78 to CR 78)
  - SR 31 SEIR (CR 78 to Cook Brown Road)
  - SR 78 PD&E Study (I-75 to SR 31)
  - SR 31 PD&E Study (SR 80 to SR 78)
4. BRC will continue to mitigate its off-site impacts through the payment of proportionate share as outlined in the DRI Master Development Order (MDO) and Incremental Development Order (IDO). Increment 2's cumulative (inclusive of approved Increment 1) proportionate share for impacted roadways and intersections is estimated at \$50.76 million. The BRC proportionate share dollars will be pipelined towards the planned widening of SR 31 from SR 78 to Horseshoe Road/Lake Babcock Drive.

5. Babcock Ranch will continue to work with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.
6. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

### **ACCEPTANCE OF THE PROPOSED INCREMENT 2 DEVELOPMENT ORDER**

The applicant has provided an acceptable draft incremental development order (IDO) to address the proposed Increment 2 development impact on regional resources and facilities consistent with the requirements of the MDO (see Attachment IX of the agenda item).

- RECOMMENDED ACTIONS:**
- 1. Notify Charlotte County and the applicant that the proposed Increment 2 IDO is acceptable to address impacts on regional resources and facilities.**
  - 2. Request that Charlotte County provide SWFRPC staff with copies of the final Increment 2 IDO.**

# Agenda Item

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New Business	
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# Agenda Item

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Adjourn

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