



2009 ECFRPC

Council Member Briefing Book

*General Information about the Regional Planning Council,
Legislation and the Planning Process*



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Agency Overview



1. Agency Overview. 2. The Council. 3. The Board Composition. 4. Mission Statement.

1. Agency Overview

The East Central Florida Regional Planning Council (ECFRPC) is a public agency that assists the public, private, and institutional sectors in a six-county area to address regional scale issues.

The East Central Regional Planning Council offers services to the six counties of Brevard, Lake, Orange, Osceola, Seminole, and Volusia. This planning area includes three major metropolitan areas, sixty-eight cities, sixty-five hundred square miles and nearly 3 million people. The ECFRPC (Region 6) is one of 11 regional planning councils in Florida established under the authority of Chapter 186, Florida statutes. It has been in operation since 1962.

2. The Council

There are two distinct components of the RPC:

- the RPC’s Governing Board, or Council, a body of representatives that governs the agency;
- and the staff, the professionals who provide technical support for Council decision-making and services for local governments throughout the region.

The Council comprises local government elected officials and private citizen representatives within the region.

Member counties and leagues of cities are responsible for appointing two-thirds of the representatives, and Florida’s governor is responsible for appointing one-third.

The Council also provides for non-voting representation by five organizations with expertise in important issues addressed by the Council.

Council members establish policies, adopt plans, allocate agency resources, and develop programs to meet regional needs.

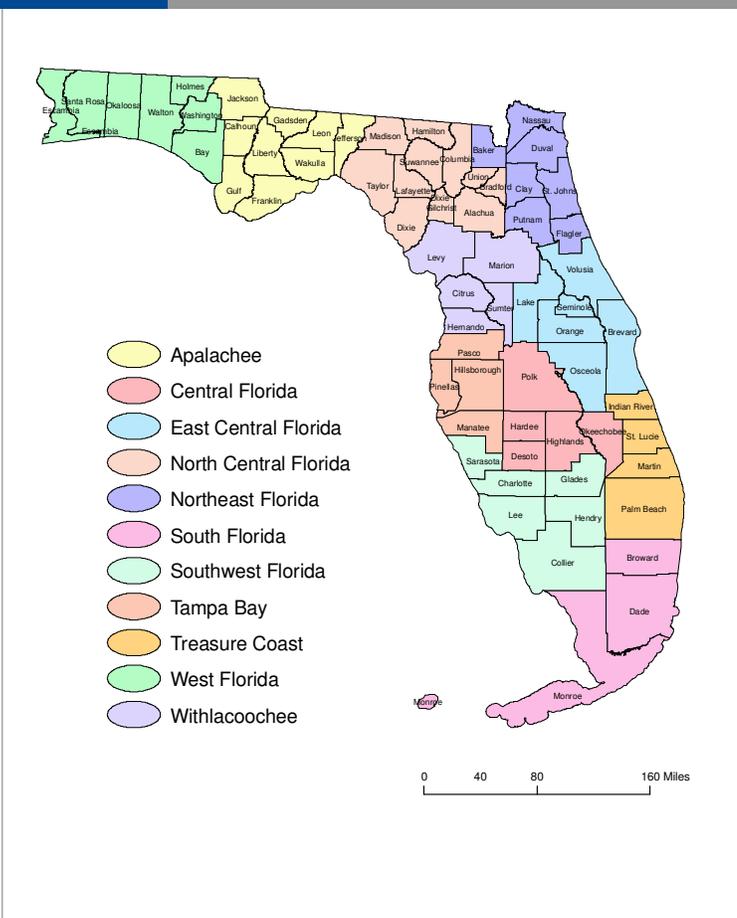
The governing body of the RPC is comprised of 29 voting members made up of :

- 12 representatives from six counties,
- 6 appointees from three leagues of cities,
- 1 representative from the largest city
- 10 gubernatorial appointees, and
- Non-voting ex-officio members

Attendance:

After a council member misses three meetings, a phone call will be made to the council member informing them of the Council’s policy to notify the county or agency they represent after the 4th absence. If a 4th absence occurs, the Executive Director will send a letter notifying the appointing agency of their representative’s attendance history so that agency has the opportunity to be properly represented on the ECFRPC.

FIGURE 1 RPCs IN FLORIDA



3. The Board

The Council's membership (as of December 2008) is:

Executive Committee

Chairman Malcolm McLouth
Governor's Appointee, Brevard County

Vice Chair Mary Martin
Vice-Mayor, City of Port Orange

Treasurer Cheryl Grieb
City of Kissimmee Commissioner

Secretary Elaine Renick
Lake County Commissioner

County Appointees

Robin Fisher, Commissioner, Brevard County

Andy Anderson, Commissioner, Brevard County

Welton Cadwell, Commissioner, Lake County

Elaine Renick, Commissioner, Lake County

Fred Brummer, Commissioner, Orange County

S. Scott Boyd, Commissioner, Orange County

Brandon Arrington, Commissioner, Osceola County

Atlee Mercer, Property Appraiser, Osceola County

Dick Van Der Weide, Commissioner, Seminole County

Brenda Carey, Commissioner, Seminole County

Patricia Northey, Council Member, Volusia County

Jack Hayman, Council Member, Volusia County

City Appointees

Patty Sheehan, Commissioner, City of Orlando

John Land, Mayor, Apopka
Tri-County League of Cities

Mary Martin, Vice-Mayor, City of Port Orange
Volusia League of Cities

Cheryl Grieb, Commissioner, City of Kissimmee

Rocky Randels, Mayor of Cape Canaveral, Space Coast
League of Cities

John Bush, Mayor of Winter Springs, Seminole County
League of Cities

Governor's Appointees

Al Glover, Brevard County Representative

Malcolm McLouth - Brevard County Representative

VACANT—Lake County Representative

Jon Rawlson, Arkerman Senterfitt—Orange County
Representative

Daniel O'Keefe, Shutts & Bowen LLP—Orange County
Representative

VACANT—Volusia County Representative

Aileen Cubillos, Seminole County Representative

VACANT—Osceola County Representative

Ex-officio Membership

St. Johns River Water Management District

South Florida Water Management District

Florida Department of Transportation

OEOA

Enterprise Florida

LYNX

City of Sanford

Florida Department of Environmental Protection

4. Mission Statement

"To undertake a strategic planning program that provides for leadership in representing identified regional resources and interests, development and maintenance of a common and coordinated regional data system, coordination and assistance to government at all levels, development of shared vision for the future of the region, and coordination of the region's resources and energies to achieve common goals."

Chapter 186 F.S. establishes the powers and responsibilities of the Regional Planning Councils. *It is the declared purpose of this act to establish a common system of regional planning councils for area wide coordination and related cooperative activities of federal, state, and local governments; ensure a broad-based regional organization that can provide a truly regional perspective; and enhance the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.*

The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council. Success is related directly to their ability to function effectively at a level that transcends their boundaries. The primary mission of the Regional Planning Council is to help the region's communities successfully function at this level. A council shall not act as a permitting or regulatory entity.

The Regional Planning Council approaches its mission through the programs and projects described on its work program. This mix can change from year to year, based upon the changing needs of the region's communities as expressed through the RPC's Governing Board.



Planning in the RPCs

1. Levels of Planning.

2. Plans and Policies.

1. Levels of Planning

Planning occurs on all levels from top down and bottom up. As the East Central Florida Regional Planning Council, regional level planning, consistent with the Strategic Policy Plan, is the priority and goal.

Levels of Planning Organizations

State Level Planning

- State Comprehensive Plan
(adopted by Legislature)
- Florida Land Development Plan
- Florida Transportation Plan
- Florida Water Plan
- Areas of Critical State Concern

Regional Planning Level

- Strategic Regional Policy Plan
- Long-Range Transportation Plan
- Regional Water Supply Plan
- Developments of Regional Impact

Local Level Planning

- Local Comprehensive Plan
- Land Development Regulations
- Capital Improvements Program

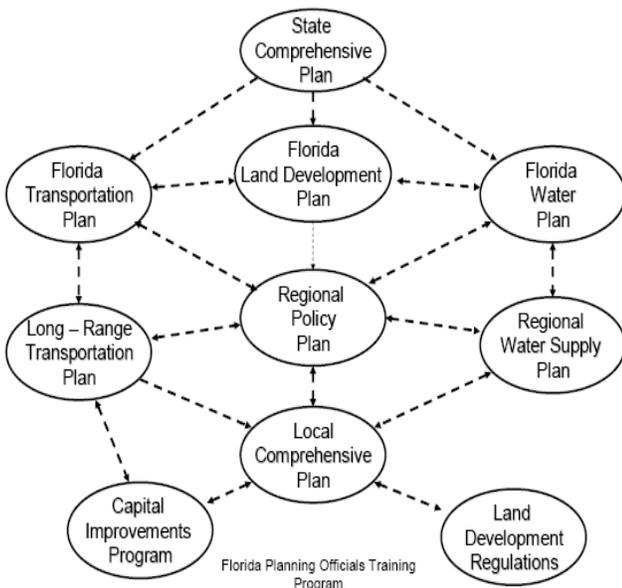
2. Plans and Policies

Strategic Regional Policy Plans

A strategic regional policy plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and address significant regional resources and facilities.

In preparing the strategic regional policy plan, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the strategic regional policy plan. These issues and future growth patterns will have been addressed in the regional visioning exercises and the strategic regional policy plan for the ECFRPC will be formulated around the region's view for the future.

Persuant to SB 360, local governments and regional planning councils are encouraged to conduct visioning processes in order to update comprehensive plans and the Strategic Regional Policy Plan. The "adopted" vision by the East Central Florida region through the 2006/2007 "How Shall We Grow" regional visioning process will be the driving force behind a new regional strategic Policy Plan.



Concurrency

Florida law requires that adequate public facilities must be in place (or in some cases programmed) at the time development occurs. This provision is referred to as "concurrency". The local Comprehensive Plan must establish levels of service for purposes of managing concurrency.

The key provisions are:

"...development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development."

The following public facilities are subject to concurrency on a statewide basis i.e. mandatory:

- sanitary sewer,
- solid waste,
- drainage,
- potable water,
- parks and recreation
- transportation facilities (exceptions)
- schools

Development of Regional Impact (DRI)

A DRI is any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. It was created by the Environmental and Water Management Act of 1972 and is the State's longest-standing growth management tool. The process requires regional and state oversight of large-scale land development projects deemed to have regional impact. The State defines the thresholds of development intensity deemed to constitute a regional impact. Developments exceeding this threshold must undergo regional and state review in addition to the local development review process. The Florida Department of Community Affairs reviews DRIs for compliance with state law and to identify the regional and state impacts of large-scale developments and solicits comments from state and regional agencies. The Department makes recommendations to local governments for approving, suggesting mitigation conditions, or not approving proposed developments. A developer, the local government or DCA may appeal local and regional agencies.

Principles of Smart Growth

1) Create Range of Housing Opportunities and Choices

Providing quality housing for people of all income levels is an integral component in any smart growth strategy. Housing is a critical part of the way communities grow, as it constitutes a significant share of new construction and development. More importantly, however, is also a key factor in determining households' access to transportation, commuting patterns, access to services and education, and consumption of energy and other natural resources. By using smart growth approaches to create a wider range of housing choices, communities can mitigate the environmental costs of auto-dependent development, use their infrastructure resources more efficiently, ensure a better jobs-housing balance, and generate a strong foundation of support for neighborhood transit stops, commercial centers, and other services.

No single type of housing can serve the varied needs of today's diverse households. Smart growth represents an opportunity for local communities to increase housing choice not only by modifying their land use patterns on newly-developed land, but also by increasing housing supply in existing neighborhoods and on land served by existing infrastructure. Integrating single- and multi-family structures in new housing developments can support a more diverse population and allow more equitable distribution of households of all income levels across the region. The addition of units -- through attached housing, accessory units, or conversion to multi-family dwellings -- to existing neighborhoods creates opportunities for communities to slowly increase density without radically changing the landscape. New housing construction can be an economic stimulus for existing commercial centers that are currently vibrant during the work day, but suffer from a lack of foot traffic and consumers in evenings or weekends. Most importantly, providing a range of housing choices allow all households to find their niche in a smart growth community -- whether it is a garden apartment, a rowhouse, or a traditional suburban home -- and accommodate growth at the same time.

2) Create Walkable Neighborhoods

Walkable communities are desirable places to live, work, learn, worship and play, and therefore a key component of smart growth. Their desirability comes from two factors. First, walkable communities locate within an easy and safe walk goods (such as housing, offices, and retail) and services (such as transportation, schools, libraries) that a community resident or employee needs on a regular basis. Second, by definition, walkable communities make pedestrian activity possible, thus expanding transportation options, and creating a streetscape that better serves a range of users -- pedestrians, bicyclists, transit riders, and automobiles. To foster walkability, communities must mix land uses and build compactly, and ensure safe and inviting pedestrian corridors. Walkable communities are nothing new. Outside of the last half-century communities worldwide have created neighborhoods, communities, towns and cities premised on pedestrian access. Within the last fifty years public and private actions often present created obstacles to walkable communities. Conventional

uses, thus lengthening trips and making walking a less viable alternative to other forms of travel. This regulatory bias against mixed-use development is reinforced by private financing policies that view mixed-use development as riskier than single-use development. Many communities -- particularly those that are dispersed and largely auto-dependent -- employ street and development design practices that reduce pedestrian activity.

As the personal and societal benefits of pedestrian friendly communities are realized -- benefits which include lower transportation costs, greater social interaction, improved personal and environmental health, and expanded consumer choice -- many are calling upon the public and private sector to facilitate the development of walkable places. Land use and community design plays a pivotal role in encouraging pedestrian environments. By building places with multiple destinations within close proximity, where the streets and sidewalks balance all forms of transportation, communities have the basic framework for encouraging walkability.

3) Encourage Community and Stakeholder Collaboration

Growth can create great places to live, work and play -- if it responds to a community's own sense of how and where it wants to grow. Communities have different needs and will emphasize some smart growth principles over others: those with robust economic growth may need to improve housing choices; others that have suffered from disinvestment may emphasize infill development; newer communities with separated uses may be looking for the sense of place provided by mixed-use town centers; and still others with poor air quality may seek relief by offering transportation choices. The common thread among all, however, is that the needs of every community and the programs to address them are best defined by the people who live and work there. Citizen participation can be time-consuming, frustrating and expensive, but encouraging community and stakeholder collaboration can lead to creative, speedy resolution of development issues and greater community understanding of the importance of good planning and investment. Smart Growth plans and policies developed without strong citizen involvement will at best not have staying power; at worst, they will be used to create unhealthy, undesirable communities. When people feel left out of important decisions, they will be less likely to become engaged when tough decisions need to be made. Involving the community early and often in the planning process vastly improves public support for smart growth and often leads to innovative strategies that fit the unique needs of each community.

4) Foster Distinctive, Attractive Places with a Strong Sense of Place

Smart growth encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness, as well as expanded choices in housing and transportation. It seeks to create interesting, unique communities which reflect the values and cultures of the people who reside there, and foster the types of physical environments which support a more cohesive community fabric. Smart growth promotes development which uses natural and man-made boundaries and landmarks to create a sense of defined neighborhoods, towns, and regions. It encourages the construction and preservation of buildings which prove

to be assets to a community over time, not only because of the services provided within, but because of the unique contribution they make on the outside to the look and feel of a city.

Guided by a vision of how and where to grow, communities are able to identify and utilize opportunities to make new development conform to their standards of distinctiveness and beauty. Contrary to the current mode of development, smart growth ensures that the value of infill and greenfield development is determined as much by their accessibility (by car or other means) as their physical orientation to and relationship with other buildings and open space. By creating high-quality communities with architectural and natural elements that reflect the interests of all residents, there is a greater likelihood that buildings (and therefore entire neighborhoods) will retain their economic vitality and value over time. In so doing, the infrastructure and natural resources used to create these areas will provide residents with a distinctive and beautiful place that they can call "home" for generations to come.

5) Make Development Decisions Predictable, Fair and Cost Effective

For a community to be successful in implementing smart growth, it must be embraced by the private sector. Only private capital markets can supply the large amounts of money needed to meet the growing demand for smart growth developments. If investors, bankers, developers, builders and others do not earn a profit, few smart growth projects will be built. Fortunately, government can help make smart growth profitable to private investors and developers. Since the development industry is highly regulated, the value of property and the desirability of a place is largely affected by government investment in infrastructure and government regulation. Governments that make the right infrastructure and regulatory decisions will create fair, predictable and cost effective smart growth.

Despite regulatory and financial barriers, developers have been successful in creating examples of smart growth. The process to do so, however, requires them to get variances to the codes -- often a time-consuming, and therefore costly, requirement. Expediting the approval process is of particular importance for developers, for whom the common mantra, "time is money" very aptly applies. The longer it takes to get approval for building, the longer the developer's capital remains tied up in the land and not earning income. For smart growth to flourish, state and local governments must make an effort to make development decisions about smart growth more timely, cost-effective, and predictable for developers. By creating a fertile environment for innovative, pedestrian-oriented, mixed-use projects, government can provide leadership for smart growth that the private sector is sure to support.

6) Mix Land Uses

Smart growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live. By putting uses in close proximity to one another, alternatives to driving, such as walking or biking, once again become viable. Mixed land uses also provides a more diverse and sizable population and commercial base for supporting viable

public transit. It can enhance the vitality and perceived security of an area by increasing the number and attitude of people on the street. It helps streets, public

spaces and pedestrian-oriented retail again become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life. Mixed land uses can convey substantial fiscal and economic benefits. Commercial uses in close proximity to residential areas are often reflected in higher property values, and therefore help raise local tax receipts. Businesses recognize the benefits associated with areas able to attract more people, as there is increased economic activity when there are more people in an area to shop. In today's service economy, communities find that by mixing land uses, they make their neighborhoods attractive to workers who increasingly balance quality of life criteria with salary to determine where they will settle. Smart growth provides a means for communities to alter the planning context which currently renders mixed land uses illegal in most of the country.

7) Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas

Smart growth uses the term "open space" broadly to mean natural areas both in and surrounding localities that provide important community space, habitat for plants and animals, recreational opportunities, farm and ranch land (working lands), places of natural beauty and critical environmental areas (e.g. wetlands). Open space preservation supports smart growth goals by bolstering local economies, preserving critical environmental areas, improving our communities quality of life, and guiding new growth into existing communities. There is growing political will to save the "open spaces" that Americans treasure. Voters in 2000 overwhelmingly approved ballot measures to fund open space protection efforts. The reasons for such support are varied and attributable to the benefits associated with open space protection.

Protection of open space provides many fiscal benefits, including increasing local property value (thereby increasing property tax bases), providing tourism dollars, and decreases local tax increases (due to the savings of reducing the construction of new infrastructure). Management of the quality and supply of open space also ensures that prime farm and ranch lands are available, prevents flood damage, and provides a less expensive and natural alternative for providing clean drinking water.

The availability of open space also provides significant environmental quality and health benefits. Open space protects animal and plant habitat, places of natural beauty, and working lands by removing the development pressure and redirecting new growth to existing communities. Additionally, preservation of open space benefits the environment by combating air pollution, attenuating noise, controlling wind, providing erosion control, and moderating temperatures. Open space also protects surface and ground water resources by filtering trash, debris, and chemical pollutants before they enter a water system.

8) Provide a Variety of Transportation Choices

Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth. Communities are increasingly seeking these choices -- particularly a wider range of transportation options -- in an effort to improve beleaguered transportation systems. Traffic congestion is worsening across the country. Where in 1982 65 percent of travel occurred in uncongested conditions, by 1997 only 36 percent of peak travel occurred did so. In fact, according to the Texas Transportation Institute, congestion over the last several years has worsened in nearly every major metropolitan area in the United States.

In response, communities are beginning to implement new approaches to transportation planning, such as better coordinating land use and transportation; increasing the availability of high quality transit service; creating redundancy, resiliency and connectivity within their road networks; and ensuring connectivity between pedestrian, bike, transit, and road facilities. In short, they are coupling a multi-modal approach to transportation with supportive development patterns, to create a variety of transportation options.

9) Strengthen and Direct Development Towards Existing Communities

Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe. Development in existing neighborhoods also represents an approach to growth that can be more cost-effective, and improves the quality of life for its residents. By encouraging development in existing communities, communities benefit from a stronger tax base, closer proximity of a range of jobs and services, increased efficiency of already developed land and infrastructure, reduced development pressure in edge areas thereby preserving more open space, and, in some cases, strengthening rural communities.

The ease of greenfield development remains an obstacle to encouraging more development in existing neighborhoods. Development on the fringe remains attractive to developers for its ease of access and construction, lower land costs, and potential for developers to assemble larger parcels. Typical zoning requirements in fringe areas are often easier to comply with, as there are often few existing building types that new construction must complement, and a relative absence of residents who may object to the inconvenience or disruption caused by new construction.

Nevertheless, developers and communities are recognizing the opportunities presented by infill development, as suggested not only by demographic shifts, but also in response to a growing awareness of the fiscal, environmental, and social costs of development focused disproportionately on the urban fringe. Journals that track real estate trends routinely cite the investment appeal of the "24-hour city" for empty nesters, young professionals, and others, and developers are beginning to respond. A 2001 report by Urban Land Institute on urban infill housing states that, in 1999, the increase in housing permit activity in cities relative to average annual figures from the preceding decade exceeded that of the suburbs, indicating that infill development is possible and profitable.

10) Take Advantage of Compact Building Design

Smart growth provides a means for communities to incorporate more compact building design as an alternative to conventional, land consumptive development. Compact building design suggests that communities be designed in a way which permits more open space to be preserved, and that buildings can be constructed which make more efficient use of land and resources. By encouraging buildings to grow vertically rather than horizontally, and by incorporating structured rather than surface parking, for example, communities can reduce the footprint of new construction, and preserve more greenspace. Not only is this approach more efficient by requiring less land for construction. It also provides and protects more open, undeveloped land that would exist otherwise to absorb and filter rain water, reduce flooding and stormwater drainage needs, and lower the amount of pollution washing into our streams, rivers and lakes.

Compact building design is necessary to support wider transportation choices, and provides cost savings for localities. Communities seeking to encourage transit use to reduce air pollution and congestion recognize that minimum levels of density are required to make public transit networks viable. Local governments find that on a per-unit basis, it is cheaper to provide and maintain services like water, sewer, electricity, phone service and other utilities in more compact neighborhoods than in dispersed communities.

research based on these developments has shown, for example, that well-designed, compact New Urbanist communities that include a variety of house sizes and types command a higher market value on a per square foot basis than do those in adjacent conventional suburban developments. Perhaps this is why increasing numbers of the development industry have been able to successfully integrate compact design into community building efforts. This despite current zoning practices – such as those that require minimum lot sizes, or prohibit multi-family or attached housing – and other barriers – community perceptions of "higher density" development, often preclude compact design.

Source:

Smart Growth Network; www.smartgrowth.org

New Urbanism

The Congress for the New Urbanism views disinvestment in central cities, the spread of placeless sprawl, increasing separation by race and income, environmental deterioration, loss of agricultural lands and wilderness, and the erosion of society's built heritage as one interrelated community-building challenge. They stand for the restoration of existing urban centers and towns within coherent metropolitan regions, the reconfiguration of sprawling suburbs into communities of real neighborhoods and diverse districts, the conservation of natural environments, and the preservation of a built legacy.

They recognize that physical solutions by themselves will not solve social and economic problems, but neither can economic vitality, community stability, and environmental health be sustained without a coherent and supportive physical framework.

The group advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.

The Charter for New Urbanism represents a broad-based citizenry, composed of public and private sector leaders, community activists, and multidisciplinary professionals. We are committed to reestablishing the relationship between the art of building and the making of community, through citizen-based participatory planning and design.

We dedicate ourselves to reclaiming our homes, blocks, streets, parks, neighborhoods, districts, towns, cities, regions, and environment.

Source:

*Congress for the New Urbanism; www.cnu.org. For additional information see: Congress for the New Urbanism. **Charter of the New Urbanism: Region / Neighborhood, District, and Corridor / Block, Street, and Building.** New York: McGraw-Hill Books, 1999.*

Statutory Provision for RPCs



1. Statutory Provision.

2. ECFRPC By-Laws

1. Statutory Provision

PLANNING AND DEVELOPMENT CHAPTER 186 STATE AND REGIONAL PLANNING

186.501 Short title.--Sections 186.501-186.513 shall be known and may be cited as the "Florida Regional Planning Council Act."

186.502 Legislative findings; public purpose.--

(1) The Legislature finds and declares that:

(a) The problems of growth and development often transcend the boundaries of individual units of local general-purpose government, and often no single unit can formulate plans or implement policies for their solution without affecting other units in their geographic area.

(b) There is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis.

(c) Federal and state programs should have coordinated purposes and consistent policy direction in order to avoid the proliferation of overlapping, duplicating, and competing regional agencies. To further this end, these efforts should result in ¹entities agencies which effectively carry out a wide variety of federal and state program designations.

(d) The financial and technical assistance of the state should be provided to regional planning agencies to maximize the effective use of regional programs undertaken with the authorization of local, state, or federal governments serving the citizens of this state.

(e) There is a need for the establishment at the regional level of clear policy plans that will guide broad-based representative regional planning agencies as they undertake regional review functions.

(2) It is the declared purpose of this act to establish a common system of regional planning councils for areawide coordination and related cooperative activities of federal, state, and local governments; ensure a broad-based regional organization that can provide a truly regional perspective; and enhance the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.

(3) The regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.

(4) The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. A council shall not act as a permitting or regulatory entity.

(5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

History.--ss. 2, 5, ch. 80-315; s. 4, ch. 82-46; s. 10, ch. 84-257; s. 1, ch. 92-182; ss. 27, 38, ch. 93-206; s. 91, ch. 99-251.

¹**Note.**--The word "entities" appears to be an error; it was substituted for the word "regional" in the preparation of C.S. for H.B. 1452 (1980).

Note.--Former s. 160.002.

186.503 Definitions relating to Florida Regional Planning Council Act.--As used in this act, the term:

(1) "Comprehensive planning districts" means the geographic areas within the state specified by rule by the Executive Office of the Governor pursuant to s. 186.006.

(2) "Cross-acceptance" means a process by which a regional planning council compares plans to identify inconsistencies. Consistency between plans may be achieved through a process of negotiation involving the local governments or regional planning council which prepared the respective plans.

(3) "Elected official" means a member of the governing body of a municipality or county or an elected county official chosen by the go(4) "Existing regional planning council" means a regional planning council created by local general-purpose governments prior to October 1, 1980, pursuant to chapters ¹160 and 163.

(5) "Federal" or "Federal Government" means the United States Government or any department, commission, agency, or other instrumentality thereof.

(6) "Local general-purpose government" means any municipality or county created pursuant to the authority granted under ss. 1 and 2, Art. VIII of the State Constitution.

(7) "Local health council" means a regional agency established pursuant to s. 408.033.

(8) "State" or "state government" means the government of the State of Florida or any department, commission, agency, or other instrumentality thereof.

(9) "Strategic regional policy plan" means a long-range guide for physical, economic, and social development of a comprehensive planning district which identifies regional goals and policies.

History.--ss. 3, 5, ch. 80-315; s. 7, ch. 81-167; s. 4, ch. 82-46; s. 7, ch. 83-55; s. 18, ch. 84-257; s. 22, ch. 85-80; s. 99, ch. 91-282; s. 1, ch. 92-182; ss. 28, 38, ch. 93-206; s. 25, ch. 95-280; s. 12, ch. 97-79.

¹Note.--Transferred to ch. 186 by the reviser incident to compiling the 1984 Supplement to the Florida Statutes 1983.

Note.--Former s. 160.003.

186.504 Regional planning councils; creation; membership.--

(1) A regional planning council shall be created in each of the several comprehensive planning districts of the state. Only one agency shall exercise the responsibilities granted herein within the geographic boundaries of any one comprehensive planning district.

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association.

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, to include one elected school board member, subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

two-thirds of the governing body of the regional planning council is composed of locally elected officials.

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(a) A representative of the Department of Transportation.

(b) A representative of the Department of Environmental Protection.

(c) A representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(d) A representative of the appropriate water management district or districts.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

(5) Nothing contained in this act shall be construed to mandate municipal government membership or participation in a regional planning council. However, each county shall be a member of the regional planning council created within the comprehensive planning district encompassing the county.

(6) The existing regional planning council in each of the several comprehensive planning districts shall be designated as the regional planning council specified under subsections (1)-(5), provided the council agrees to meet the membership criteria specified therein and is a regional planning council organized under either s. 163.01 or s. 163.02 or ss. 186.501-186.515.

History.--s. 1, ch. 59-369; s. 19, ch. 63-400; s. 1, ch. 69-63; ss. 3, 5, ch. 80-315; s. 4, ch. 82-46; s. 11, ch. 84-257; s. 1, ch. 92-182; ss. 29, 38, ch. 93-206; s. 40, ch. 94-356; s. 92, ch. 99-251; s. 30, ch. 2001-60; s. 12, ch. 2002-296.

Note.--Former s. 160.01.

186.505 Regional planning councils; powers and duties.--Any regional planning council created hereunder shall have the following powers:

(1) To adopt rules of procedure for the regulation of its affairs and the conduct of its business and to appoint from among its members a chair to serve annually; however, such chair may be subject to reelection.

(2) To adopt an official name and seal.

(3) To maintain an office at such place or places within the comprehensive planning district as it may designate.

(4) To employ and to compensate such personnel, consultants, and technical and professional assistants as it deems necessary to exercise the powers and perform the duties set forth in this act.

(5) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.

(6) To hold public hearings and sponsor public forums in any part of the regional area whenever the council deems it

necessary or useful in the execution of its other functions.

(7) To sue and be sued in its own name.

(8) To accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources. Each regional planning council shall render an accounting of the receipt and disbursement of all funds received by it, pursuant to the federal Older Americans Act, to the Legislature no later than March 1 of each year.

(9) To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality when approved by the council and to act as an agency to receive and expend federal funds for planning.

(10) To act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.

(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management under s. 252.34(4).

(12) To fix and collect membership dues, rents, or fees when appropriate.

(13) To acquire, own, hold in custody, operate, maintain, lease, or sell real or personal property.

(14) To dispose of any property acquired through the execution of an interlocal agreement under s. 163.01.

(15) To accept gifts, grants, assistance, funds, or bequests.

(16) To conduct studies of the resources of the region.

(17) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.

(18) To select and appoint such advisory bodies as the council may find appropriate for the conduct of its activities.

(19) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region and which the council finds feasible to perform.

(20) To provide technical assistance to local governments on growth management matters.

(21) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.

(22) To establish and conduct a cross-acceptance negotiation process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.

(23) To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems.

(24) To review plans of independent transportation authorities and metropolitan planning organizations to identify

inconsistencies between those agencies' plans and applicable local government plans.

(25) To use personnel, consultants, or technical or professional assistants of the council to help local governments within the geographic area covered by the council conduct economic development activities.

History.--s. 2, ch. 59-369; ss. 17, 35, ch. 69-106; s. 1, ch. 73-283; ss. 3, 5, ch. 80-315; s. 8, ch. 81-167; s. 4, ch. 82-46; s. 8, ch. 83-55; s. 4, ch. 83-334; s. 12, ch. 84-257; s. 1, ch. 92-182; ss. 30, 38, ch. 93-206; s. 959, ch. 95-147; s. 15, ch. 95-196; s. 71, ch. 99-2; s. 93, ch. 99-251.

Note.--Former s. 160.02.

186.506 Executive Office of the Governor; powers and duties.--The Executive Office of the Governor, or its designee, shall:

(1) Arbitrate and settle disputes between regional planning councils.

(2) Provide assistance to local general-purpose governments concerning organization of, or reorganization into, a regional planning council.

(3) Review, modify, reject, or approve those rules of the regional planning councils which pertain to the functions designated to the regional planning councils by the state. These rules shall be submitted to the Governor or his or her designee and, if not acted upon within 30

days of receipt, they will be assumed to be in force.

(4) Conduct an in-depth analysis of the current boundaries of comprehensive planning districts to ensure that the regional planning councils working within them together form a workable system for effective regional planning, and that each council can adequately perform the tasks assigned to it by law. The Executive Office of the Governor shall include in its study the preferences of local general-purpose governments; the effects of population migration, transportation networks, population increases and decreases, economic development centers, trade areas, natural resource systems, federal program requirements, designated air quality nonattainment areas, economic relationships among cities and counties, and media markets; and other data, projections, or studies that it determines to be of significance in establishing district boundaries. The Executive Office of the Governor may make such changes in the district boundaries as are found to be feasible and desirable, shall complete a review of existing boundaries by January 1, 1994, and may revise and update the boundaries from time to time thereafter.

History.--ss. 3, 5, ch. 80-315; s. 4, ch. 82-46; s. 1, ch. 92-182; ss. 31, 38, ch. 93-206; s. 960, ch. 95-147.

Note.--Former s. 160.05.

186.507 Strategic regional policy plans.--

(1) A strategic regional policy plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and address significant regional resources and facilities. Regional plans shall be consistent with the state comprehensive plan.

(2) The Executive Office of the Governor may adopt by rule minimum criteria to be addressed in each strategic regional policy plan and a uniform format for each plan. Such criteria must emphasize the requirement that each regional planning council, when preparing and adopting a strategic regional policy plan, must focus on regional rather than local resources and facilities.

(3) In preparing the strategic regional policy plan, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the strategic regional policy plan.

(4) The regional goals and policies shall be used to develop a coordinated program of regional actions directed at resolving the identified problems and needs.

(5) The council shall give consideration to existing state, regional, and local plans in accomplishing the purposes of this section.

(6) The draft regional plan shall be circulated to all local governments in the region, and the local governments shall be afforded a reasonable opportunity to

comment on the regional plan.

(7) The council shall provide for adequate input by citizens into the regional planning process.

(8) Upon adoption, a strategic regional policy plan shall provide, in addition to other criteria established by law, the basis for regional review of developments of regional impact, regional review of federally assisted projects, and other regional comment functions.

(9) Regional planning councils shall consider, and make accessible to the public, appropriate data and studies, including development-of-regional-impact applications and agency reports, in order to assist participants in the development-of-regional-impact review process. A major objective of the regional planning process shall be to coordinate with the state land planning agency in order to achieve uniformity and consistency in land use information and data collection efforts in this state and provide a usable and accessible database to local governments and the private sector.

(10) Each regional planning council shall enter into a memorandum of agreement with each local health council in its comprehensive planning district to ensure the coordination of health planning, if the regional planning council elects to address health issues in its strategic regional policy plan. The memorandum of agreement shall specify the manner in which each regional planning council and local health council will coordinate their activities.

(11) All natural resources of regional significance identified in the strategic regional policy plan shall be identified by a specific geographic location and not solely by generic type.

(12) In addressing regional transportation, the council may recommend minimum density guidelines for development along designated public transportation corridors and identify investment strategies for providing transportation infrastructure where growth is desired, rather than focusing primarily on relieving congestion in areas where growth is discouraged.

(13) Standards included in strategic regional policy plans may be used for planning purposes only and not for permitting or regulatory purposes. However, a regional planning council may not adopt a planning standard that differs materially from a planning standard adopted by rule by a state or regional agency, when such rule expressly states the planning standard is intended to preempt action by the regional planning council. The absence of a planning standard for a particular issue on the part of a state or other regional agency shall not be deemed to create a material difference from a planning standard adopted by a regional planning council. Planning standards may be used as a basis for comments on federal consistency and clearing-house reviews. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act.

(14) A regional planning council may not, in its strategic regional policy plan or by any other means, establish binding level-of-service standards for public facilities and services provided or regulated by local governments. This limitation shall not be construed to limit the authority of regional planning councils to propose objections, recommendations, or comments on local plans or plan amendments.

(15) A strategic regional policy plan or any amendment thereto shall be adopted by rule by a two-thirds vote of the membership of the governing body of a regional planning council present at a duly noticed meeting constituting a quorum; however, no strategic regional policy plan or amendment thereto shall be adopted by less than the majority of the members of the governing body.

(16) In formulating regional policies, the regional planning council shall consider existing requirements in other planning and regulatory programs.

(17) Each regional planning council, in its strategic regional policy plan, may recommend specific locations or activities in which a project, due to character or location, should be a development of regional impact within that comprehensive planning district.

History.--ss. 3, 5, ch. 80-315; s. 4, ch. 82-46; s. 13, ch. 84-257; s. 100, ch. 91-282; s. 1, ch. 92-182; ss. 32, 38, ch. 93-206; s. 8, ch. 95-322; s. 21, ch. 98-176.

Note.--Former s. 160.07.

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.--

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule established by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan to ensure

consistency with the adopted state comprehensive plan and shall, within 60 days, provide any recommended revisions. The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the strategic regional policy plan shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

(2) If a local government within the jurisdiction of a regional planning council challenges a portion of the council's regional policy plan pursuant to s. 120.56, the applicable portion of that local government's comprehensive plan shall not be required to be consistent with the challenged portion of the regional policy plan until 12 months after the challenge has been resolved by an administrative law judge.

(3) All amendments to the adopted regional policy plan shall be subject to all challenges pursuant to chapter 120.

History.--s. 14, ch. 84-257; s. 23, ch. 85-55; s. 13, ch. 86-191; s. 101, ch. 91-282; s. 1, ch. 92-182; ss. 34, 38, ch. 93-206; s. 31, ch. 96-410; s. 14, ch. 97-79; s. 22, ch. 98-176.

186.509 Dispute resolution process.--Each regional planning council shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of voluntary mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

History.--s. 15, ch. 84-257; s. 1, ch. 92-182; ss. 35, 38, ch. 93-206.

186.511 Evaluation of strategic regional policy plan; changes in plan.--The regional planning process shall be a continuous and ongoing process. Each regional planning council shall prepare an evaluation and appraisal report on its strategic regional policy plan at least once every 5 years; assess the successes or failures of the plan; address changes to the state comprehensive plan; and prepare and adopt by rule amendments, revisions, or updates to the plan as needed. Each regional planning council shall involve the appropriate local health councils in its region if the regional planning council elects to address regional health issues. The evaluation and appraisal report shall be prepared and submitted for review on a schedule established by the Executive Office of the Governor. The schedule shall facilitate and be

coordinated with, to the maximum extent feasible, the evaluation and revision of local comprehensive plans pursuant to s. 163.3191 for the local governments within each comprehensive planning district.

History.--s. 16, ch. 84-257; s. 14, ch. 86-191; s. 102, ch. 91-282; s. 1, ch. 92-182; ss. 37, 38, ch. 93-206; s. 23, ch. 98-176.

186.513 Reports.--Each regional planning council shall prepare and furnish an annual report on its activities to the department and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

History.--ss. 3, 5, ch. 80-315; s. 4, ch. 82-46; s. 1, ch. 92-182; s. 38, ch. 93-206.

Note.--Former s. 160.08.

186.515 Creation of regional planning councils under chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss.

186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164(19) and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164(19) or s. 380.031(15).

History.--ss. 4, 5, ch. 80-315; s. 4, ch. 82-46; s. 44, ch. 91-45; s. 1, ch. 92-182; ss. 3, 38, ch. 93-206.

Note.--Former s. 160.09.

Source:

<http://www.leg.state.fl.us/Welcome/>

Official Internet Site of the Florida Legislature – Online Sunshine

HB 683 - Growth Management GENERAL BILL

Growth Management: Revises provisions for filing certain interlocal agreements and amendments; encourages local governments to adopt recreational surface water use policies; provides criteria for calculating certain deviations; removes waterport and marina developments from development-of-regional-impact review; provides that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects, etc.

Effective Date: July 1, 2006.

Source and full bill:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?>

File-

[Name=_h0683er.doc&DocumentType=Bill&BillNumber=0683&Session=2006](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?Name=_h0683er.doc&DocumentType=Bill&BillNumber=0683&Session=2006)

SB 360—Infrastructure Planning and Funding

Due to the lengthiness of the bill, a brief summary from the Florida Chapter of the American Planning Association, FAPA can be found below. For the bill in its entirety, see the source information.

The bill appropriates \$1.5 billion in new money for transportation, water and school infrastructure programs. The money is split evenly between nonrecurring and recurring dollars. As such, it appropriates \$750 million annually to fund these infrastructure projects (the Senate's summary provides a table on how these dollars are to be spent). It appropriates \$3 million annually from the Grants and Donations Trust Fund to DCA for technical assistance, as well as \$250,000 annually to support the Century Commission (as explained below). DCA is tasked with staffing that commission.

- The bill makes numerous changes to requirements associated with the Capital Improvements Element, including defining financial feasibility, requiring a local government's comprehensive plan to be financially feasible, requiring the capital improvements element to include a schedule of improvements that ensure the adopted LOS standards are achieved and maintained,

year long-term concurrency management system for transportation and school facilities under certain circumstances.

- The bill strengthens the link between land use and water supply planning by requiring the potable water element to incorporate alternative water supply projects within 18 months of adoption of regional water supply plans.
- With regard to schools, the bill requires that adequate school facilities be in place or under construction within three years after the issuance of a final subdivision or site plan approval. It requires all local governments to adopt a public schools element and update to the interlocal agreement by December 1, 2008. No plan amendments that increase residential density may be adopted after that date unless the element and update are in place. School concurrency issues are also addressed including providing for proportionate-share mitigation for school capacity.
- The bill makes numerous revisions to transportation concurrency requirements including requiring local governments to adopt a proportionate-share ordinance and adopt it in their concurrency management system by December 1, 2006; under certain conditions, provides that proportionate-share mitigation be applied as a credit to transportation impact fees.
- The bill provides numerous regulatory incentives. For instance, it encourages local governments to adopt a community vision and urban service area in exchange for amendments within those areas being treated as small scale amendments. It also creates a DRI exemption in certain urban service areas, Rural Land Stewardship Areas, and Urban Infill and Redevelopment Areas provided in all cases the local government enters into an agreement with FDOT and adjacent jurisdictions to address the mitigation of impacts.
- The bill creates a 15 member Century Commission and charges it with developing a 25 and 50 year vision for the State of Florida.
- The Bill creates a School Concurrency Task Force to review the requirements for school concurrency and develop recommendations to streamline the process as well as review and make recommendations with respect to the methodology and processes used for funding public school construction.
- The bill creates the Florida Impact Fee Review Task Force and charges it with surveying and reviewing the current impact fee program in Florida.

Source:

http://www.floridaplanning.org/legislative/2005_summary.asp
FAPA Legislative Summary of SB 360

For SB 360 in its entirety:

http://www.flsenate.gov/cgi-bin/view_page.pl?File=sb0360er.html&Directory=session/2005/Senate/bills/billtext/html&Tab=session&Submenu=1

S. 286.011 Sunshine Law

Public meetings and records; public inspection; criminal and civil penalties.--

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.--s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353.

Source:

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Stat-)

[20Stat-utes&SubMenu=1&App_mode=Display_Statute&Search_String=286.011&URL=CH0286/Sec011.HTM](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Stat-utes&SubMenu=1&App_mode=Display_Statute&Search_String=286.011&URL=CH0286/Sec011.HTM)

380.06 - Developments of Regional Impact

(1) DEFINITION.--The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) STATEWIDE GUIDELINES AND STANDARDS.--

(a) The state land planning agency shall recommend to the Administration Commission specific statewide guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt statewide guidelines and standards to be used in determining whether particular developments shall undergo development-of-regional-impact review. The statewide guidelines and standards previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless revised pursuant to this section or superseded by other provisions of law. Revisions to the present statewide guidelines and standards, after adoption by the Administration Commission, shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved by law by the Legislature, the revisions to the present guidelines and standards shall not become effective.

(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:

1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.
2. The amount of pedestrian or vehicular traffic likely to be generated.
3. The number of persons likely to be residents, employees, or otherwise present.
4. The size of the site to be occupied.
5. The likelihood that additional or subsidiary development will be generated.
6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.
7. The unique qualities of particular areas of the state.

(c) With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.--

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3) (c), (d), and (h), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.--It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable individual use guidelines and standards for residential, hotel, motel, office, and retail developments and multiuse guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effectiveness of the designation.

(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS.--

The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction or a part of its jurisdiction. A number of requests may be combined in a single petition.

(a) When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:

1. Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.
2. Any applicable policies in an adopted strategic regional policy plan.
3. Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.
4. Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.
5. Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.

(b) The affected regional planning agency, adjoining local governments, and the local government shall be given a reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.

(c) The Administration Commission shall have authority to increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.

(d) The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.

(e) Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective.

4) BINDING LETTER.--

(a) If any developer is in doubt whether his or her proposed development must undergo development-of-regional-impact review under the guidelines and standards, whether his or her rights have vested pursuant to subsection (20), or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the developer may request a determination from the state land planning agency. The developer or the appropriate local government having jurisdiction may request that the state land planning agency determine whether the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3.

(b) Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-

regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards.

(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an administrative or judicial proceeding pursuant to this chapter.

(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.

(e) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the state land planning agency shall review the proposed change within the context of:

1. Criteria specified in paragraph (19)(b);
2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
3. All rights and obligations arising out of the vested status of such development;
4. Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
5. Any regional impacts arising from the proposed change.

(f) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20). Furthermore, where all or a portion of the development of regional impact for which rights had

previously vested pursuant to subsection (20) is demolished and reconstructed within the same approximate footprint of buildings and parking lots, so that any change in the size of the development does not exceed the criteria of paragraph (19)(b), such demolition and reconstruction shall not divest the rights which had vested.

(g) Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:

1. Three years from October 1, 1985, for binding letters issued prior to the effective date of this act; or
2. Three years from the date of issuance of binding letters issued on or after October 1, 1985.

(h) The expiration date of a binding letter, established pursuant to paragraph (g), shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction, and the developer.

(i) In response to an inquiry from a developer or the appropriate local government having jurisdiction, the state land planning agency may issue an informal determination in the form of a clearance letter as to whether a development is required to undergo development-of-regional-impact review or whether the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3. A clearance letter may be based solely on the information provided by the developer, and the state land planning agency is not required to conduct an investigation of that information. If any material information provided by the developer is incomplete or inaccurate, the clearance letter is not binding upon the state land planning agency. A clearance letter does not constitute final agency action.

(5) AUTHORIZATION TO DEVELOP.--

(a)1. A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if the development has been approved under the requirements of this section.

2. If the land on which the development is proposed is within an area of critical state concern, the development must also be approved under the requirements of s. 380.05.

(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review or

after the developer obtains a development order pursuant to this section.

(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 373 and 403 in effect when such development order is issued. The rules adopted pursuant to chapters 373 and 403 in effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:

1. The later adopted rule is determined by the rule-adopting agency to be essential to the public health, safety, or welfare;
2. The later adopted rule is adopted pursuant to s. 403.061(27);
3. The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program;
4. The later adopted rule is mandated in order for the state to maintain delegation of a federal program;
5. The later adopted rule is required by state or federal law.

(d) The provision of day care service facilities in developments approved pursuant to this section is permissible but is not required.

Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.--

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(7) PREAPPLICATION PROCEDURES.--

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and

local environmental reviews when such reviews are required by law.

(c) If the application for development approval is not submitted within 1 year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.

3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.

4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.

5. The preliminary development agreement may allow development which is:

a. Less than 100 percent of any applicable threshold if the developer demonstrates that such development is consistent with subparagraph 4.; or

b. Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a proposed downtown development of regional impact specified in subsection (22) or part of any areawide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.

6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.

7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.

8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. A notice of the preliminary development agreement shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:

a. A final development order under this section has been rendered that approves all of the development actually constructed; or

b. The amount of development is less than 100 percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.

In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.

(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.

(c) The provisions of this subsection shall also be available to a developer who chooses to seek development approval of a Florida Quality Development pursuant to s. 380.061.

(9) CONCEPTUAL AGENCY REVIEW.--

(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.60(1) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under ss. 120.569 and 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under ss. 120.569 and 120.57 on the proposed development by any parties to the prior proceeding.

4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.

(b) The Department of Environmental Protection, each water management district, and each other state or regional agency that requires construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.

2. Dredging and filling activities.

3. The management and storage of surface waters.

4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 3.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.

2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.

(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3) and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:

1. That an applicant or his or her agent has submitted materially false or inaccurate information in the application for conceptual approval;
2. That the developer has violated a condition of the conceptual approval; or
3. That the development will cause a violation of the agency's applicable laws or rules.

(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.

(g) Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.

(10) APPLICATION; SUFFICIENCY.--

(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.

(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If an applicant does not provide the information requested by a regional planning agency within 120 days

of its request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.

(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).

(11) LOCAL NOTICE.--Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:

(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review.

(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development-of-regional-impact application may be reviewed.

(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency review process under subsection (9), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting. The public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set, unless an extension is requested by the applicant.

(12) REGIONAL REPORTS.--

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) When the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.

(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN.--If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. The provisions of this section shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.

(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.--If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(a) The development is consistent with the local comprehensive plan and local land development regulations;

(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12); and

(c) The development is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be construed and applied in accordance with s. 187.101(3).

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government 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. The date established pursuant to this subparagraph shall be no sooner than the buildout date of the project.

4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination or a notice of proposed change under subsection (19).

6. Shall include a legal description of the property.

(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:

1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.

3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.

4. Construction or expansion of a public facility by a nongovernmental developer as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional for any part of the construction or design.

(e)1. A local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance

which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.

(f) Notice of the adoption of a development order or the subsequent amendments to an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980.

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;
2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);
3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 20 percent of any applicable development-of-regional-impact threshold; or
4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish

the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(h) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.

(16) CREDITS AGAINST LOCAL IMPACT FEES.--

(a) If the development order requires the developer to contribute land or a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address. The nongovernmental developer need not be required, by virtue of this credit, to competitively bid or negotiate any part of the construction or design of the facility, unless otherwise requested by the local government.

(b) If the local government imposes or increases an impact fee or exaction by local ordinance after a development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the

(c) The local government and the developer may enter into capital contribution front-ending agreements as part of a development-of-regional-impact development order to reimburse the developer, or the developer's successor, for voluntary contributions paid in excess of his or her fair share.

(d) This subsection does not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent such facilities are necessary to provide safe and adequate services to the development.

(17) **LOCAL MONITORING.**--The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.

(18) **BIENNIAL REPORTS.**--The developer shall submit a biennial report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies in alternate years on the date specified in the development order, unless the development order by its terms requires more frequent monitoring. If the report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.

(19) **SUBSTANTIAL DEVIATIONS.**--

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds

any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 10 percent or 330 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 10 percent or 1,100 spectators, whichever is greater.
2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.
3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.
4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.
5. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.
6. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.
7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.
8. An increase in commercial development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10-percent increase of either of these, whichever is greater.
9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.
10. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.
11. A decrease in the area set aside for open space of 5 percent

or 20 acres, whichever is less.

12. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

13. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

14. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in 2subparagraphs 3., 5., 8., 9., and 12., excluding residential uses, and in subparagraph 13., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-

regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government. (e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads that do not affect external access points.
- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.
- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.
- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.
- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.
- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in

the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided the developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified income class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.

l. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph l., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

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

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multi-

use development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s.

380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(20) VESTED RIGHTS.--Nothing in this section shall limit or modify the rights of any person to complete any development that was authorized by registration of a subdivision pursuant to former chapter 498, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If a developer has, by his or her actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those

regulations in a way adverse to the developer's interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. Anyone claiming vested rights under this paragraph must notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this paragraph to remain valid after June 30, 1990, development of the vested plan must be commenced prior to that date upon the property that the state land planning agency has determined to have acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements have not been met, the vested rights authorized by this paragraph shall expire June 30, 1986, unless development commenced prior to that date.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(21) COMPREHENSIVE APPLICATION; MASTER PLAN DEVELOPMENT ORDER.--

(a) If a development project includes two or more developments of regional impact, a developer may file a comprehensive development-of-regional-impact application.

(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) do not apply to this subsection, except that a developer may elect to utilize the review process established in subsection (9) for review of the increments of a master plan.

1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.

2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order, unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.

(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.

(22) DOWNTOWN DEVELOPMENT AUTHORITIES.--

(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.

(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.

(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

(d) The provisions of subsection (9) do not apply to this subsection.

(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.--

(a) The state land planning agency shall adopt rules to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement development-of-regional-impact reviews. The state land planning agency, in consultation with the regional planning agencies, may also designate types of development or areas suitable for development in which reduced information requirements for development-of-regional-impact review shall apply.

(b) Regional planning agencies shall be subject to rules adopted by the state land planning agency. At the request of a regional planning council, the state land planning agency may adopt by rule different standards for a specific comprehensive planning district upon a finding that the statewide standard is inadequate to protect or promote the regional interest at issue. If such a regional standard is adopted by the state land planning agency, the regional standard shall be applied to all pertinent development-of-regional-impact reviews conducted in that region until rescinded.

(c) Within 6 months of the effective date of this section, the state land planning agency shall adopt rules which:

1. Establish uniform statewide standards for development-of-regional-impact review.
2. Establish a short application for development approval form which eliminates issues and questions for any project in a jurisdiction with an adopted local comprehensive plan that is in compliance.

(d) Regional planning agencies that perform development-of-regional-impact and Florida Quality Development review are

authorized to assess and collect fees to fund the costs, direct and indirect, of conducting the review process. The state land planning agency shall adopt rules to provide uniform criteria for the assessment and collection of such fees. The rules providing uniform criteria shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons. Until the state land planning agency adopts a rule implementing this paragraph, rules of the regional planning councils currently in effect regarding fees shall remain in effect. Fees may vary in relation to the type and size of a proposed project, but shall not exceed \$75,000, unless the state land planning agency, after reviewing any disputed expenses charged by the regional planning agency, determines that said expenses were reasonable and necessary for an adequate regional review of the impacts of a project.

(24) STATUTORY EXEMPTIONS.--

(a) Any proposed hospital is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.
2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.
3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from the provisions of this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from the provisions of this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from the provisions of this section, if the following conditions exist:

- 1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

- b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or
 - c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and
2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from the provisions of this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with the provisions of s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from the provisions of this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from the provisions of this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of

Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(o) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(p) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(q) Any proposed nursing home or assisted living facility is exempt from this section.

(r) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(s) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(t) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(u) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(t), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project.

(25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--

(a) An authorized developer may submit an areawide development of regional impact to be reviewed pursuant to the procedures and standards set forth in this section. The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required under this section. After review and approval of an areawide development of regional impact under this section, all development within the defined planning area shall conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development-of-regional-impact review, unless otherwise provided in the development order. As used in this subsection, the term:

1. "Areawide development plan" means a plan of development that, at a minimum:

- a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;
- b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;
- c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;

d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and

e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.

2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.

(b) A developer may petition for authorization to submit a proposed areawide development of regional impact for a defined planning area in accordance with the following requirements:

1. A petition shall be submitted to the local government, the regional planning agency, and the state land planning agency.

2. A public hearing or joint public hearing shall be held if required by paragraph (e), with appropriate notice, before the affected local government.

3. The state land planning agency shall apply the following criteria for evaluating a petition:

a. Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.

b. Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.

4. The state land planning agency shall develop and make available standard forms for petitions and applications for development approval for use under this subsection.

(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that government to approve that person as a developer, whether or not any or all development will be undertaken by that person, and to approve the area as appropriate for an areawide development of regional impact.

(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only:

1. After scheduling and conducting a public hearing as specified in paragraph (e); and

2. After conducting such hearing, finding that the planning area meets the standards and criteria pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.

(e) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation that meets the requirements of

this paragraph. The advertisement must be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement must be in type no smaller than 18 point. The advertisement shall not be published in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement must appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement must be in substantially the form used to advertise amendments to comprehensive plans pursuant to s. 163.3184. The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for and benefits of an areawide development of regional impact, and such other issues relevant to a full consideration of the petition. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government holding the joint hearing shall comply with the following additional requirements:

1. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.

2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.

(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.

(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.

(j) In reviewing an application for a proposed areawide develop-

ment of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).

(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).

(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions,

of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.

(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:

1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and
2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.

(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.--

(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in which the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government prior to or

at the public hearing pertaining to abandonment of the development of regional impact. The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order shall not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The rules shall also provide a procedure for filing notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Any decision by a local government concerning the abandonment of a development of regional impact shall be subject to an appeal pursuant to s. 380.07. The issues in any such appeal shall be confined to whether the provisions of this subsection or any rules promulgated thereunder have been satisfied.

(b) Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural county of economic concern which was approved prior to the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice. All development following abandonment shall be fully consistent with the current comprehensive plan and applicable zoning.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.--

If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Community Affairs shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

(28) PARTIAL STATUTORY EXEMPTIONS.--

(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement referenced under paragraph (24)(n) for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l), paragraph (24)(m), or paragraph (24)(n) shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), a rural land stewardship area under paragraph (24)(m), or an urban infill and redevelopment area under paragraph (24)(n), must address transportation impacts only.

(e) The vesting provision of s. 163.3167(8) relating to an authorized development of regional impact shall not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

History.--s. 6, ch. 72-317; s. 2, ch. 74-326; s. 5, ch. 75-167; s. 1, ch. 76-69; s. 2, ch. 77-215; s. 148, ch. 79-400; s. 3, ch. 80-313; s. 22, ch. 83-222; s. 4, ch. 83-308; s. 1, ch. 84-331; s. 43, ch. 85-55; s. 15, ch. 86-191; s. 1, ch. 88-164; s. 1, ch. 89-375; s. 1, ch. 89-536; s. 52, ch. 90-331; s. 20, ch. 91-192; s. 20, ch. 91-305; s. 1, ch. 91-309; s. 15, ch. 92-129; s. 2, ch. 93-95; s. 52, ch. 93-206; s. 345, ch. 94-356; s. 1029, ch. 95-148; s. 11, ch. 95-149; s. 9, ch. 95-322; s. 3, ch. 95-412; s. 114, ch. 96-410; s. 10, ch. 96-416; s. 1, ch. 97-28; s. 7, ch. 97-253; s. 52, ch. 97-278; s. 8, ch. 98-146; ss. 26, 31, ch. 98-176; s. 71, ch. 99-251; s. 7, ch. 99-378; s. 27, ch. 2001-201; s. 95, ch. 2002-20; s. 30, ch. 2002-296; s. 1, ch. 2004-10; s. 16, ch. 2005-157; s. 4, ch. 2005-166; s. 13, ch. 2005-281; s. 17, ch. 2005-290; s. 12, ch. 2006-69; s. 8, ch. 2006-220; s. 73, ch. 2007-5; ss. 8, 9, ch. 2007-198; s. 6, ch. 2007-204; s. 17, ch. 2008-240.

1Note.--As amended by s. 95, ch. 2002-20. The amendment by s. 30, ch. 2002-296, provides for less than or equal to 100 percent.

2Note.--Subparagraph cites were amended by s. 12, ch. 2006-69, and s. 8, ch. 2006-220. Reference to subparagraph 7. regarding the increase in the number of dwelling units may have inadvertently been left out of the list of cites.

2. ECFRPC BY-LAWS

29F-1.101 Organization.

There is hereby organized a regional planning council under the authority of Chapter 186, Florida Statutes, which shall be known as the EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, located in Comprehensive Planning District Six, consisting of the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia. Council headquarters shall be in a central location as determined by a majority vote of the Council. Field offices may be maintained at other locations.

29F-1.102 Purpose.

To exercise the rights, duties, and powers of a regional planning council as defined in Chapter 186 and Section 403.723, Florida Statutes, and of a regional planning agency as defined in Chapters 23, 380 and Section 403.723, Florida Statutes, as amended, including those functions enumerated by legislative finding and declarations of Chapter 186, Florida Statutes, and other applicable federal, State and local laws.

(1) To provide regional coordination for the local governments in the East Central Florida Region.

(3) To exchange, interchange, and review the various programs referred to it that are of regional concern.

(4) To promote communication among local governments, public agencies and the private and nonprofit sectors in the Region.

(5) To identify regional problems and issues and work toward their resolution.

(6) To ensure the orderly and balanced growth and development of this Region, consistent with the protection of the natural resources and environment of the Region, and to promote safety, welfare and quality of life of the residents of the Region.

(7) To encourage and promote communications between neighboring regional planning districts in an attempt to ensure compatibility in development and long-range planning goals.

29F-1.103 Definitions.

(1) Council – the East Central Florida Regional Planning Council.

(2) Council Member(s) – representatives appointed by the Governor or by a member local government or League of Cities.

(3) Elected official – a member of the governing body of a municipality or county or a county elected official chosen by the governing body.

(4) Department – the Florida Department of Community Affairs.

(5) Federal or federal government – the government of the United States of America or any department, commission, agency or instrumentality thereof.

(6) Local general-purpose government – any municipality or county created pursuant to the authority granted under Section 1 and 2, Article VIII of the Constitution for the State of Florida.

(7) Member government – any county or any association representing a group of municipalities located within the Region.

(8) Population – the population according to the current determination by the executive office of the Governor pursuant to Section 186.901, Florida Statutes, for

revenue sharing purposes.

(9) Principal member unit – each of the counties in the Region.

10) Region or East Central Florida Region – the geographical area, including both land and water, within or adjacent to the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia.

(11) State or State government – the government of the State of Florida, or any department, commission, agency or instrumentality thereof.

(12) Strategic regional policy plan – a long-range guide for physical, economic and social development of the Region that identifies regional goals, objectives and policies.

29F-1.104 – Membership.

(1) Each county in the Region shall have two (2) voting representatives on the Council, each of whom shall be an elected official as defined in Section 186.503, F.S., provided, however, that in the event the Governor appoints an elected official from a respective county, then, and in that event, such respective county may appoint a lay citizen who is a qualified elector of the county from which that representative is appointed.

(2) The municipality having the largest population in the Region may appoint one (1) voting representative who shall be an elected official, as defined in Section 186.503(3), F.S., from that municipality.

(3) Municipalities in Brevard, Lake and Volusia County may caucus through their respective local League of Cities (Space Coast League of Cities, Lake County League of Cities, and Volusia League of Cities), and shall each appoint from their members one (1) voting representative who shall be an elected official, as defined in Section 186.503(3), F.S., from a municipality. In the event a League of Cities does not appoint a representative, then the municipality with the largest population in the county whose municipalities are not represented shall be entitled to a voting representative, unless that municipality is the largest in the region and is already represented pursuant to paragraph (2), above. In that event, the second largest city in that county shall be entitled to a voting representative.

(4) Municipalities in Orange, Osceola, and Seminole County may caucus through the Tri-County League of Cities and appoint from its members three (3) voting representatives – one from each county, each of whom shall be an elected official, as defined in Section 186.503(3), F.S., from a municipality. In the event the Tri-County League of Cities does not appoint one or more representatives, then the municipality with the largest population in each county whose municipalities are not represented shall be entitled to a voting representative, unless that municipality is the largest in the region and is already represented pursuant to paragraph (2), above. In that event, the second largest city in that county shall be entitled to a voting representative.

(5) Pursuant to Section 186.504(3), F.S., the Governor of the State of Florida appoints one-third of the voting members of the governing board of the Council.

(12)(6) Each municipality in the region may appoint one (1) non-voting representative. Such representatives shall have the right to participate in all activities of the Council and may make motions, but shall not have the right to vote or to serve as an officer of the Council and shall not be counted in determining either a quorum or

the member balance of elected officials to Governor's appointees.

(7) Ex officio, nonvoting members as appointed pursuant to Section 186.504(4), F.S., shall have the right to participate in all activities of the Council and may make motions, but shall not have the right to vote or to serve as an officer of the Council and shall not be counted in determining either a quorum or the member balance of elected officials to Governor's appointments.

Specific Authority 186.505 FS.

Law Implemented 120.53, 120.54, 186.504, 186.505 FS.

History – New 5-1-99.

29F-1.1042 – Membership Fees.

(1) There shall be two types of fees, the Annual Assessment and the Special Assessment.

(2) The Annual Assessment shall be for the purpose of maintaining the general administration and operations of the Council and for satisfying the matching fund requirements of various grant-in-aid programs and shall be set annually by the Council upon adoption of the Annual Budget. The Annual Assessment shall be at a uniform per capita rate for each county member in the Region and shall be in an amount sufficient, when combined with other revenue sources, to satisfy the financial requirements of the adopted Annual Budget.

(3) The Special Assessment shall be for the purpose of financially supporting any special activities that the Council elects to incorporate in the adopted Annual Work Program. Such special activities shall apply to either the total area of the Region or to a specifically designated geographic or jurisdictional area within the Region. When any special activity is designated to apply to the entire geographic area of the Region each county member shall be assessed at a uniform per capita rate. When any special activity is limited to specified geographic areas or jurisdictions within the Region only those member governments within the specified area or jurisdiction shall be assessed a fee for the special activity.

Specific Authority 186.505 FS.

Law Implemented 120.53, 120.54, 186.504, 186.505 FS.

(12)History – New 5-1-99.

(12)29F-1.105 Council.

(1) There shall be a council composed of voting representatives of member local governmental units and gubernatorial appointees.

(2) The Council shall meet once each month, provided there is business to conduct; the Annual Meeting will be held in September.

(3) At the Annual Meeting, the Council shall elect the officers and the Executive Committee; adopt the Annual Budget and Work Program; establish a schedule of regular meetings for the upcoming fiscal year; and conduct other business as deemed appropriate. The schedule of meetings may be amended by vote of the Council or by the Chairperson, when the Chairperson, in consultation with the Executive Director, determines that:

(a) There is insufficient business to convene a meeting on the regularly scheduled date, in which case, the meeting will be postponed to the next regularly scheduled date; or

(b) Timely action of the Council is required in order to prevent a missed opportunity that is dependent upon Council action before the next regular meeting.

(4) The chairperson or any five voting representatives of the Council shall call special meetings of the Council. Calls for special meetings shall be in writing to the Executive Director sufficiently in advance to accommodate the requirements for the publication of public meeting notices in the Florida Administrative Weekly and subsection 29F-1.1005(5), F.A.C.

(5) Written notice of Council meetings shall be mailed to each representative, at the representative's address, as it appears on the records of the Council, at least seven

(7) days prior to that meeting. The notice shall state the time, place, and the business to be transacted. Business transacted at all meetings shall be confined to the subject stated in the notice, except that business of an emergency nature requiring timely action of the Council may be acted upon provided that the nature of the emergency is first declared by the Chairperson and recorded in the minutes of the Council meeting.

(6) Representatives entitled to cast one-third (1/3) of the total number of votes on the Council shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any question, other than Rules revision or amendment brought to a vote before the Council.

(7) The appointing authority may designate a standing alternate for each of their members, who may attend in that member's place. Alternates shall have the same rights as members, including voting.

(8) Each representative on the Council shall have one (1) vote on all matters under consideration.

(9) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes, and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.

29F-1.106 Council Meeting Agenda.

(1) For each Council meeting the Agenda shall be set in the following manner:

(a) The Agenda shall be set ten (10) days prior to each meeting.

(b) The Executive Director shall be responsible for setting the Agenda. In fulfilling this responsibility, the Executive Director shall consult with the Chairperson. All items requested by the Chairperson shall be placed on the Agenda.

(c) Any additions, modifications or deletions to the Agenda subsequent to it being set shall be in accordance with the provisions of Section 120.525(2), Florida Statutes. In particular, such additions, modifications or deletions must be determined by the Chairperson or other officer designated to preside to be of a critical or emergency nature. Items to be included within the scope of a critical or emergency nature are items that would require Council action prior to a subsequent regularly scheduled meeting at which time the item could be considered, and that by delaying consideration the purpose of the Council would not be reasonably achieved.

(d) The Agenda shall be considered by the Council at the beginning of each meeting and shall be accepted, or modified and accepted, in accordance with paragraph (c) of this section.

(2) Any person, individual, or organization may request that an item be placed on the Agenda. All requests shall be considered in the following manner:

(a) All requests for placing an item on the Agenda, except those made by the Chairperson, shall be made in writing to the Executive Director stating the following:

1. The subject matter to be considered;
2. The purpose in making the request;
3. The action requested of the Council, if any;
4. The meeting date at which the item would be considered, indicating the reason, if any, for requesting the date.

(b) The item requested shall be placed on the Agenda of the next regularly scheduled meeting, provided that:

1. The request is received a minimum of fourteen (14) days prior to the meeting;

2. The Executive Director determines that:

- a. The subject matter of the request can reasonably be considered to be within the purpose of the Council as set forth in Rule 29F-1.102, F.A.C., of this chapter, and;
- b. Sufficient staff effort and resources are available to properly prepare a report and recommendation on the requested subject, when necessary.

In Making these determinations, the Executive Director may confer with the Chairperson. All requests that are not placed on the Agenda shall be brought to the Council's attention by the Executive Director at the next meeting.

(c) Should a Council Member wish to have an item, previously considered and acted upon by the Council, reconsidered, the Council Member may request, at any regular Council meeting, that the item be placed on the next meeting Agenda. The request must receive a majority vote of the Council Members present to agenda the item.

(3) Unless otherwise provided by Chapter 120, Florida Statutes, or provided herein, the most recently published edition of Robert's Rules of Order shall rule.

29F-1.107 Finances.

(1) The Council's work year and fiscal year shall be the twelve (12) months beginning the first day of October and ending the thirtieth day of September.

(2) The Council shall adopt a work program and budget for each fiscal year by the beginning of that fiscal year. The Council shall provide, by July 1 of each year, an estimate of the next fiscal year's membership fee to the governing body of each county local government member unit. Each county local government member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate share of the Council's adopted budget.

(3) The proportionate share of the Council's budget shall be an amount that bears the same ratio to the local share of the total annual Council budget as the population of each county local government member unit bears to the total population of all participatory counties. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.

(4) The Council, in adopting its annual budget, shall establish a reasonable minimum financial contribution from each county local government member unit.

(5) Assessments shall be due in full on October 1.

(6) Each county local member government that does not remit the assessed amount by November 1 shall lose all voting privileges, both for representatives from

the principal member and other appointees from the county, until payment is made.(7) The following persons are designated to sign all checks issued by the Council: 1) the Chairperson; 2) the Vice-Chairperson; 3) the Secretary-Treasurer; and 4) the Executive Director of the Council. Additional staff persons shall be designated as signators by the Council to avoid problems associated with time or distance. All checks over \$1,000 are to be signed by two (2) of the above-designated persons.

(8) The budget and such other changes, amendments or supplements as are necessary to conduct the fiscal affairs of the Council shall be amended by action of the Council provided, however, that the budget may not be amended to increase the annual per capita contribution by the county local government member units.

(9)The purchase of any single item of either equipment or goods that will require the expenditure of more than three thousand dollars (\$3,000), and that is not included in the current approved budget, must be approved by the Council.

29F-1.108 Officers, Term of Office and Duties.

(1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.

(2)The newly elected officers shall be declared installed following their election, and shall assume the duties of office.

(a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.

(b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.

(c) The Secretary-Treasurer shall be responsible for minutes for the meeting, keeping the roll of members, general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.

(3)There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/ Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

29F-1.109 Vacancies.

Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

29F-1.110 Removal from Office.

Should a Council Member have three (3) consecutive absences from regular meetings or miss more than one-half of the regularly scheduled meetings in a calendar year, the Secretary shall so advise the appropriate member government, or the Governor, and request

another appointment. Members shall be removed from the Council by the authority which made the appointment only after written notice of such action has been given to the Council.

29F-1.111 Committees.

(1) The Council shall establish and maintain such committees as it deems necessary to carry out the purposes and objectives of the Council. Committees shall be created or discontinued by the Chairperson as directed by the Council.

(2)All committees and chairmen thereof shall be appointed by the Council Chairperson with the approval of a majority of the Council, except that when the need arises between regular meetings of the Council, the Chairperson shall fill vacancies and appoint temporary committee members or a temporary committee Chairperson. Any person so appointed by the Chairperson between regular meetings of the Council shall have full and complete authority to vote and carry out the duties of regular committee members until the next regular Council meeting or such shorter period of time as the Chairperson shall determine. The authority of the person appointed by the Chairperson between regular meetings of the Council may not extend past the next regular meeting unless confirmed by a majority of the Council. If a majority of the Council does not confirm the person appointed for future service on the committee, this shall in no way affect the validity of the actions taken by such person during the period between regular meetings of the Council.

29F-1.112 Staff.

(1) The Council shall employ and set the compensation of an Executive Director, who shall serve at the pleasure of the Council.

(a) The Executive Director may be dismissed by the Council provided, however, that said dismissal shall have been initiated at a regular meeting of the Council in accordance with the following procedure:

1. The question of dismissing the Executive Director shall be raised by a representative of the Council at a regular meeting of the Council;
2. The question of dismissal of the Executive Director must be approved by the Council for inclusion on the agenda of the next regular meeting of the Council;
3. The agenda in which a motion for dismissal is included shall be published not less than 7 days in advance of the regular Council meeting at which the proposal for dismissal shall be considered by the Council;
4. The notice and agenda of said Council meeting shall be mailed to each Council representative at least 7 days in advance of the meeting;
5. Any motion for dismissal of the Executive Director must be approved by a majority of Council representatives present at the meeting.

(2) The Executive Director shall employ and discharge professional, technical, or clerical staff as may be necessary to carry out the purpose of the Council. The Executive Director may make agreements with other agencies, within or without the geographic boundaries of the region, for temporary transfer, loan or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants.

(3) The Executive Director shall be responsible to the Council for supervising and administering the work

annual budget, for administration and supervision of Council employees, and for acquiring employee benefit coverages.

(4) The Executive Director shall act as assistant to the Council officers in performing their duties and shall, at the direction of the Secretary-Treasurer, prepare minutes of each meeting and be responsible for distributing copies to members of the Council, and shall perform such other duties and responsibilities as directed by the Council.

(5) The Executive Director shall be an ex-officio member of all Council committees.

(6) The Executive Director shall act as agency clerk.

29F-1.113 Plans, Studies, Activities, and Reports.

(1) In the event one or more governmental units or public agencies within the Region should desire the Council staff to conduct special studies or activities pertaining to a portion of the entire Region, they may make application to the Council by ordinance, resolution, rule or order, wherein the applying entities bind themselves to pay all costs involved in the study or activity. If the Council deems the study or activity feasible, after considering the availability of staffing and other necessary resources and the application's consistency with the Council's mission, it shall enter into a separate contract with the particular entity to conduct same.

(2) The Council shall prepare an annual report on its activities. Copies of this report shall be provided to the appropriate State entities and all general-purpose local governments within the Region. Copies of the report will also be available to interested persons upon payment of the cost to produce the report.

(3) The Council shall make reports jointly with other regional planning councils to the appropriate legislative committees, as required or requested.

(4) The Council shall annually prepare an accounting of the receipts and disbursements of all funds received by the Council for its preceding fiscal year. This accounting shall be rendered in accordance with Section 186.505 (8), Florida Statutes.

29F-1.114 Dissolution.

In the event that the Council is dissolved, any funds remaining on hand belonging to the Council will be repaid to the various member local governments comprising the Council in proportion to their contribution during the year of such dissolution, exclusive of financial obligations incurred by the Council up until the time of dissolution.

29F-1.115 Information Request.

(1) The principal office of the East Central Florida Regional Planning Council is located at 631 N. Wymore Road, Suite 100, Maitland, Florida 32789. All official forms, publications, or documents are available for public inspection at the Council's principal office during regular business hours.

(2) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:

(a) Public agencies, defined as those organizations representing the public government agencies situated in the State of Florida, receive printed Council publications at no charge;

(b) Private organizations situated in Florida and all parties outside of Florida can receive printed Council

publications at cost;

(c) Both private organizations and public agencies can receive Council forms and documents at cost;

(d) Council publications out of print or forms and documents are available for public inspection at the Council's principal office. Any person wishing photocopies may receive them at cost.

(3) Photocopies of other items in the public record of the Council may be obtained at cost.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New 9-22-99.

CHAPTER 29F-2 — PRACTICE AND PROCEDURE

29F-2.101 General.

29F-2.102 Meetings, Hearings and Workshops.

29F-2.103 Scheduling Meetings.

29F-2.104 Conducting Meetings.

29F-2.105 Rule and Policy Making Proceedings.

29F-2.101 — General.

The rules of this chapter provide the practices and procedures to be followed by all persons when dealing with the East Central Florida Regional Planning Council. These rules are in addition to all practices, procedures and definitions imposed by applicable statutes, regulations, and rules.

Specific Authority 120.54(5), 186.505 FS.

Law Implemented 120.54(5), 186.505 FS.

History — New 11-24-99.

29F-2.102 — Meetings, Hearings and Workshops.

(1) Persons who wish to address the Council on a matter not specifically included on the agenda for the Council's upcoming public meeting, hearing or workshop shall so notify the Chairperson or the Executive Director not less than ten (10) days before the Council's upcoming public meeting, hearing or workshop. The Executive Director, in consultation with the Chairperson, shall include the party on the agenda or notify the party in writing of the reasons for not including the person on the agenda. An opportunity for general public comment will be included in each agenda.

(2) Persons participating in a public meeting, hearing or workshop of the Council shall be allocated a reasonable amount of time to present oral testimony and offer any appropriate written materials relevant to the person's position. The Chairperson shall instruct all persons as to the amount of time allocated for presentation and as to the appropriateness of written materials offered.

Specific Authority 120.54(5), 185.505 FS.

Law Implemented 120.54(5), 186.505 FS.

History — New 11-24-99.

29F-2.103 — Scheduling Meetings.

All committee and subcommittee meetings will be scheduled by the respective committee chairperson at a time and place of his or her choosing. Logistical support such as preparation and mailing of meeting notices, arranging for a meeting hall, preparation of meeting materials, and the taking and preparation of minutes will be provided by staff person or persons designated by the Executive Director. Upon selection of a meeting time and place by a committee chairperson, staff will comply with the following procedure:

(1) Reserve a meeting room by contacting the appropriate party.

(2) If the meeting will be held at other than the customary location, then upon confirmation of reservation, the Executive Director will advise the Mayor of the city in which the meeting is to be held, as well as the appropriate Chairperson of the Board of County Commissioners that a meeting has been scheduled. The notice will indicate the time, place, and subject of the meeting and will extend an invitation to the Mayor and Board Chairperson to attend or send a representative.

(3) Staff will prepare a meeting notice to be sent to all appropriate committee members. Said notices will include a meeting agenda and will be placed in the mail so that committee members will receive them at least ten days in advance of the meeting.

(4) Information copies of all meeting notices will be sent to the area media.

(5) A copy of all meeting notices will be posted on the bulletin board in the Council office.

Specific Authority 186.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

29F-2.104 — Conducting Meetings.

(1) All meetings will be conducted by the Chairperson or Vice-Chairperson. In the absence of the Chairperson and Vice-Chairperson, the membership shall select one of its members to conduct the meeting.

(2) Minutes will be kept of all meetings. Minutes will be taken by a staff member designated by the Executive Director.

(3) Minutes of the Council, Executive Committee, Finance Committee and other committees will be prepared and distributed by the staff at least 7 days in advance of the next meeting.

Specific Authority 186.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

29F-2.105 — Rule and Policy Making Proceedings.

Except as otherwise provided herein, administrative policies and policy amendments proposed for adoption by the Council shall be decided by vote of the Council as follows:

(1) Notice of the proposed policy or amendment shall contain a full statement of the policy or the proposed policy changes;

(2) The proposed policy or amendment shall be placed on the agenda of the next regularly scheduled meeting;

(3) The proposed policy or amendment shall be mailed to all Council members at least ten (10) days prior to the meeting at which a vote will be held;

(4) Council members may propose relevant changes from the floor to any proposed policy or amendment under consideration on the agenda; and

(5) The proposed policy or amendment shall be approved by a majority vote of the representatives present at the Council meeting.

Specific Authority 120.54(5), 185.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

CHAPTER 29F-3 — REGIONAL DISPUTE RESOLUTION PROCESS

29F-3.101 — Purpose.

(1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management and other issues among local governments, regional agencies and private interests. The process consists of two required components: (a) process initiation (initiation and response letters); and (b) settlement meetings; and four optional components: (a) pre-initiation meeting; (b) situation assessments; (c) mediation; or (d) advisory decision-making.

(2) The RDRP's intent is to provide a flexible process that will: clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.

(3) The RDRP may be used to resolve disputes involving extra-jurisdictional impacts arising from: the intergovernmental coordination elements of local comprehensive plans required by s. 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans; the siting of community residential homes required by s. 419.001(5), F.S.; and any other matters covered by statutes that reference the RDRP.

(4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.

(5) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.

(6) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

(7) The RDRP does not supplant local processes established for resolving intra-jurisdictional disputes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.102 — Definitions.

(1) "Situation Assessment" is a procedure of information collection or "fact finding" that may involve review of documents, interviews or an assessment meeting leading to a written or verbal report identifying: the issues in dispute; the stakeholders; information needed before a decision can be made; and a recommendation for appropriate dispute resolution procedures.

(2) "Pre-Initiation Meeting" is an informal conference with the RPC staff in order to ascertain whether the likely dispute is appropriate for the RDRP.

(3) "Facilitation" is a procedure in which the facilitator helps the parties design and follow a meeting agenda and assists parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.

(4) "Mediation" is a procedure in which a neutral person assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator may take more control of the process than a facilitator and usually works in more complex cases where a dispute is more clearly defined.

(5) "Advisory Decision-Making" is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration, or any combination of these in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.

(6) Jurisdiction is any local or regional public agency, including a special district, authority or school board.

(7) "Named Party" shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to 29F-3.103. Being a "named party" in the RDRP does not convey or limit standing in any judicial or administrative proceeding.

(8) "Representative" is an authorized agent who is given guidance by a named party to represent the named party in an RDRP case. Section 29F-3.103(5) sets forth the designation process.

(9) "Initiation Letter" is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute, and, at a minimum, attend the initial settlement meeting. Section 29F-3.110 specifies what must be included in an initiation letter.

(10) "Response Letter" formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting.

(11) "Settlement Agreements" are voluntarily approved by the individual or governing body authorized to bind the named party. Agreements shall take the form of memorandums of understanding, contracts, interlocal agreements or other forms mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.103 — Participation.

(1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals suggested by named parties in response letters or during RDRP meetings or submitting a petition to participate, may become named parties if agreed to by a two-thirds majority of the participating named parties, except as provided for in 29F-3.103(2). Fee allocation agreements will be amended as appropriate.

(2) All initiation and response letters made in accordance with intergovernmental coordination elements

(ICE) of local government comprehensive plans shall only list affected jurisdictions as named parties. The named parties may at the initial settlement meeting or at subsequent RDRP meetings add public or private named parties by mutual agreement of all the current named parties.

(3) Named parties who do not respond within 21 calendar days of receipt of the initiation letter may not participate in the RDRP unless they submit a petition for participation.

(4) Jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the East Central Florida Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request. Such jurisdictions, public or private organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named party, prior to or during RDRP meetings.

(5) Each of the jurisdictions, organizations, groups or individuals participating as named parties in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, subject to such qualifications imposed by the party as the representative may advise all other named parties in advance, and the responsibility for representing that party's interest in this process and for maintaining communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in the RDRP in advance of initiating or receiving a request.

(6) Any named party may invite individuals or organizations to attend meetings under this process who can provide information and technical assistance useful in the resolution of the dispute. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such invited parties may provide input.

(7) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.

(8) All named parties who agree to participate in this process commit to a good faith effort to resolve problems or disputes.

(9) Any named party may withdraw from participation in the RDRP at any time upon written notice to all other named parties and the RPC staff.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.104 — Costs.

(1) The RPC shall be compensated for situation assessments, facilitation of settlement meetings, mediation, technical assistance and other staff services based on reasonable actual costs. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.

(2) The costs of administration, settlement meetings, mediation or advisory arbitration shall be split equally between the parties unless the parties mutually agree to a different allocation. The agreed upon cost allocation shall be documented in a written fee agreement.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.105 — Timeframes.

(1) The initial meeting of the participating parties shall be scheduled and held within 30 days of the date of receipt of the last response letter or conclusion of the 21 calendar day response period referenced in 29F-3.103(3), whichever occurs first.

(2) Additional settlement meetings, mediation or advisory decision-making shall be completed within forty-five (45) days of the date of the conclusion of the initial settlement meeting.

(3) Excepting the 30-day period for the initial meeting, all time frames specified or agreed to in this process may be shortened or extended by mutual agreement of the named parties.

(4) Where necessary to allow this process to be effectively carried out, named parties should address deferring or seeking stays of judicial or administrative proceedings.

(5) The participating parties may, by agreement, utilize procedures in the RDRP in any order.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.106 — Public Notice, Records and Confidentiality.

(1) Named parties should consider appropriate opportunities for public input at each step in this process, such as allowing the submittal of written or verbal comments on issues, alternative solutions and impacts of proposed agreements.

(2) Applicable public notice, public records, and public meeting requirements shall be observed as required by Chapters 119 and 120 or other applicable Florida Statutes.

(3) Participants in these procedures agree by their participation that no comments, meeting records, or written or verbal offers of settlement shall be entered by them as evidence in a subsequent judicial or administrative action.

(4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of applicable laws, which may include Chapter 44, F.S.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.107 — Pre-Initiation Meeting.

A jurisdiction, organization, group or individual contemplating initiation of this process may request an informal

pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.108 — Situation Assessment.

(1) A jurisdiction, organization, group or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.

(2) The situation assessment may involve examination of documents, interviews assessment meetings or any combination of these and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures and a proposed schedule.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.109 — Initiation of the Process by Jurisdictions.

(1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than the regional planning council, to the named parties as provided for in 29F-3.103 and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization of a representative to initiate requests to use the RDRP.

(2) Such an initiation letter shall identify: the issues to be discussed; named parties to be involved in the RDRP; the initiating party's representative and others who will attend; and a brief history of the dispute, indicating why it is appropriate for this process.

(3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) calendar days of receiving the initiation letter. This response shall include any additional issues and potential named parties the respondent wishes considered, as well as a brief history of the dispute and description of the situation from the respondent's point of view.

(4) Upon receipt of a request, the RPC staff shall assess its interest in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilitator for the initial settlement meeting.

(5) In instances where the RPC is not a named or potential party, it may, upon its own initiative, recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties, who may, at their discretion, choose to initiate the RDRP.

(6) The RPC staff shall schedule a meeting at the most convenient time within the thirty (30) day period provided for in 29F-3.105(1).

(7) In the event that a dispute involves jurisdictions under two or more regional planning councils, the process adopted by the region of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.110 — Requests to Initiate Submitted by Others.

(1) Private interests may ask any jurisdiction to initiate the process.

(2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5). Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2).

(3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.

(4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may be presented, for conformity with the criteria and intent of this chapter. Specific Authority 186.505 FS. Law Implemented 186.509 FS. History — New 12-8-99.

29F-3.111 — Settlement Meetings.

(1) Settlement meetings shall, at a minimum, be attended by the named parties' representatives designated pursuant to Section 29F-3.103(3).

(2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties.

(3) At the settlement meeting, the parties shall: consider adding named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution and seek agreement.

(4) The parties shall submit a settlement meeting report in accordance with 29F-3.115(4) of this process.

(5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation or

advisory decision-making, any party who has agreed to participate in this procedure may withdraw and, if so inclined, proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, administrative hearing or arbitration as appropriate.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.112 — Mediation.

(1) If two or more named parties submit a request for mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a mediator.

(2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part 11, Section 020-150.

(3) The parties shall submit a mediation report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.113 — Advisory Decision-Making.

(1) If two or more of the named parties submit a request for advisory decision-making to the RPC, the RPC shall assist the parties to select and retain an appropriate neutral, or the parties may request that the RPC make the selection.

(2) All disputes shall be handled by a neutral who understands Florida growth management issues, has appropriate experience and is acceptable to the parties.

(3) The parties shall submit an advisory decision-making report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.114 — Settlement Agreements and Reports.

(1) The form of all settlements reached through this process shall be determined by the named parties. The following are examples of acceptable formats for presenting the settlement: interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions.

(2) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.

(3) After settlement meetings, mediation or advisory decision-making under this process, the named parties shall submit a joint report to the RPC staff which shall, at a minimum include:

(a) identification of the issues discussed and copies of any agreements reached;

(b) a list of potentially affected or involved jurisdictions, organizations, groups or individuals (including those which may not be named parties);

(c) a description of agreed upon next steps, if any, including measures for implementing agreements reached;

2007 Regular Session Updates **From The Wren Group**

AFFORDABLE HOUSING CS/HB 1375

The CS contains a number of provisions intended to provide additional incentives and encourage the provision of affordable housing. In particular, the CS:

(1) Adds affordable workforce housing to the list of required elements of local comprehensive plans.

(2) The term workforce housing, for purposes of this section of the bill, means housing affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for housing size. If the local governments required to adopt the plan fail to do so by January 1, 2008, the county will be ineligible to receive any state housing grants.

(3) Allows local governments and affordable workforce housing providers to identify employment centers (employing at least 25 full time employees) in close proximity (5 miles) to affordable workforce housing units, and states that if 50% of the units are occupied by employees of the employment center, then all of the affordable workforce housing units are exempt from transportation concurrency requirements and the local government shall not reduce any transportation trip generation entitlements in an approved DRI.

(3) Extends for an additional 3-years all phase, buildout, and expiration dates for DRIs under "active construction" as of July 1, 2007, regardless of any prior extension, and provides that the additional 3 years is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation.

(4) Establishes that any change to a DRI "to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income" under certain circumstances, is not a "substantial deviation."

"GREEN BUILDINGS" – ENERGY CONSERVATION AND SUSTAINABLE BUILDINGS ACT

The bill officially declares that the construction of energy efficient and sustainable buildings is an important government interest. Under the Energy Conservation and Sustainable Buildings Act, all county, municipal, and public community college buildings are required to be constructed in accordance with the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEEDs) program, the Green Building Initiative's Green Globes program, or any other nationally-recognized, green building system that is approved by the Department of Management Services DMS (DMS). This requirement only applies to buildings whose architectural plans are started after July 1, 2008.

(d) a time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings or litigation;

(e) any additional RPC assistance requested;

(f) a written fee allocation agreement to cover the costs of agreed upon RDRP procedures. The report shall include all material any named party wishes to include.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.115 — Other Existing Dispute Resolution Processes.

(1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with or after judicial or administrative proceedings.

(2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.

(3) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that person is entitled to such a determination under statutory or common law.

(4) Participation in the RDRP as a named party or in any other way does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

(5) In addition to the RDRP 186.509, F.S., parties may consider the applicability of other resolution processes which exist within Florida Statutes including: Intergovernmental Coordination Element, Section 163.3177(h)(1) & (2), F.S.; Port Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Termination of the Development of Regional Impact Program, Section 380.27, F.S.; Administration Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; Mediation Alternatives to Judicial Action, Chapter 44, F.S.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

CHAPTER 29F-21 — STRATEGIC REGIONAL POLICY PLAN

29F-21.001 — Strategic Regional Policy Plan.

There is hereby adopted, for the east Central Florida region, the Strategic Regional Policy Plan, dated January 1998, which is incorporated herein by reference. Copies are available at the offices of the East Central Florida Regional Planning Council at 100 N. Wymore Road, Suite 100, Maitland, Florida 32751, between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

Specific Authority 186.508(1) FS.

Law Implemented 120.535(1), 186.507, 186.508(1) FS.

History — New 8-3-98.

TRANSMISSION LINE SITING ACT

The Transmission Line Siting Act (TLSA) is a centralized, coordinated licensing process encompassing permitting, land use and zoning, and proprietary interests of all state, regional, and local agencies in the jurisdiction of which a transmission line is proposed for location. In SB 888, which passed during the 2006 Legislative Session, the Transmission Line Siting Act was significantly rewritten.

The statute provides a deadline for the parties to provide comments on the completeness of alternate corridors within 10 days of the filing by the applicant. The deadline will allow DEP enough time to gather information and comments from all parties into its alternate corridor completeness determination.

The bill stipulates that the local government or regional planning council that will be conducting an informational meeting notice the meeting within the county or counties the proposed transmission line will be located no later than 7 days prior to the meeting.

GROWTH MANAGEMENT HB 7203

A significant growth management bill passed during the 2005 Legislative Session (CS/CS/CS/SB 360, commonly referred to as Senate Bill 360, or SB 360) which made a number of changes to concurrency requirements of local comprehensive planning, particularly with regard to transportation capacity. A number of those changes now are perceived by many in the development community and the Department of Community Affairs (DCA) as having unintended consequences. This year's bill, HB 7203, eases a number of restrictions that SB 360 put in place two years ago and clarifies others to avoid unintended consequences of SB 360.

Concurrency

(1)Revises the definition of "financial feasibility" to provide that a local comprehensive plan is financially feasible for purposes of transportation and school concurrency "if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent." The bill also provides that funding of improvements that "significantly benefit" an impacted transportation facility will satisfy the concurrency requirement regardless of the failure of concurrency on other impacted facilities.

(2)Establishes that financial feasibility applies to the 5-year planning period, except for long-term transportation or school concurrency management systems, in which case a 10-year or 15-year period applies.

(3)Extends the deadline by one year, to December 1, 2008, for local governments to begin the annual process of updating their capital improvements schedule.

(4)Expands areas that are appropriate for a transportation concurrency exception area (TCEA), provided certain conditions are met, and revises some criteria for how such areas are to be reviewed.

(5)Allows a development to proceed, regardless of inadequate classroom capacity, if there are accelerated facilities in an approved capital improvements element scheduled for year four or later that will, when built, mitigate the proposed development, or if the developer enters into a binding financially guaranteed agreement with the school board to construct an accelerated facility within the first 3 years of an approved capital improvement plan and the cost of the school facility is equal to or greater than the development's proportionate share. The bill also provides that when the completed school is transferred to the school district, that the developer receives impact fee credits usable in the zone where the constructed or any attendance zone contiguous with or adjacent to it.

Developments of Regional Impact

(1)Extends for an additional 3-years all phase, buildout, and expiration dates for DRIs under "active construction" as of July 1, 2007, regardless of any prior extension, and provides that the additional 3 years is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation.

(2)Extends the maximum duration of a development agreement to 20 years, from the current 10.

(3)Current law provides that "[w]hen authorized by a local comprehensive plan," a multi-use DRI may satisfy transportation concurrency requirements by payment of a proportionate-share contribution for local and regionally significant traffic effects, as well as other criteria. The bill eliminates the discretion of the local governments, by deleting the language in quotation marks above.

Proportionate-share mitigation

(1)Limits proportionate-share mitigation to ensure that a development is required to mitigate the impacts of that development on the transportation system, but not any additional costs of reducing or eliminating backlogs.

(2)Allows proportionate fair-share mitigation to be used for "pipelining" or multiple transportation improvements reasonably related to the development and those improvements may address one or more modes of travel.

2008 Regular Session Updates **From The Wren Group**

Florida Forever Successor **SB 542**

The creation of a successor program to the Florida Forever Program was a major topic of discussion this year. Even though the current program doesn't expire for several years, virtually all of the funds available through the end of the program have been obligated. Two years ago, Senate President Ken Pruitt highlighted preservation and conservation of Florida's natural resources as a priority, and this year was seen as "the year" by many in the environmental and conservation world to seek renewal of the program. A coalition of conservation and environmental groups pushed for significantly increased funding for an extended or successor program, but given this year's budget climate and future projections, that was not to be. Nevertheless, most seem pleased with the bill, which establishes an extension of, and, given certain changes to the program, essentially creates a successor to, the Florida Forever Program. The bill makes changes in a number of areas of the conservation program. The legislative intent is revised, to re-focus the program and provide additional emphasis on protecting lands from alteration, not just development; recognizing that rural, as well as natural lands are subject to alteration, and providing increased emphasis on protecting working landscapes, coastal open space, and agriculture, and promoting development patterns consistent with natural resource protection, and the protection of springsheds and uplands critical to water quality and springs. The legislative direction is that the program should target essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data, and that significant priority should be given to providing meaningful incentives for acquiring, restoring, managing, and repopulating habitats for imperiled species.

Florida Department of Transportation **SB 682**

I-95 Corridor Study

The Federal Highway Administration (FHWA) estimates without any further improvements to the Interstate 95 (I-95) corridor, virtually 100 percent of the urban segments will be under heavy congestion by 2035. Congestion for non-urban corridors would increase from the current 26 percent impacted to over 55 percent impacted. Florida's 382 miles of I-95 comprise the highest number of miles for any state. According to FDOT calculations using 2006 data, 159 miles (42%) fail to meet the adopted minimum level of service standards and may be considered congested.

Section 1 of SB 682 directs the Florida Department of Transportation (FDOT) to conduct a study examining cost-effective measures for alleviating congestion on I-95 by making parallel roadways, including U.S. Route 301, more conducive to long-distance, interstate traffic.

DRI Exemption for "Port Related Facilities"

Section 5 of the bill amends Section 163.3178, F.S. to provide that "facilities determined by the Department of Community Affairs and applicable general purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the utilization of port and intermodal transportation facilities shall not be developments of regional impact where such expansions, projects, or facilities are consistent with comprehensive master plans."

Open Government Act **SB 704**

The bill also provides an award of attorney's fees to the petitioner in an unadopted rule challenge if, prior to the final hearing, the agency initiates rulemaking and the agency knew or should have known that the agency statement was an unadopted rule, but provides no attorney's fees if the agency initiates rulemaking in response to notice prior to the filing of an unadopted rule challenge; and provides for the granting of a stay in an unadopted rule challenge when certain conditions are met.

Developments of Regional Impact **SB 1706**

During the 2007 legislative session, certain DRIs "under active construction" were granted a 3-year extension for development order phase, build out, commencement, and expiration dates; this bill grants that same extension to certain other DRIs that were in progress but which had not yet broken ground, by granting it to Florida Quality Developments and developments for which a development order was adopted between January 1, 2006 and July 1, 2007, regardless of whether or not active construction has commenced. The bill also provides that the extension applies to all associated local government approvals, including, but not limited to, agreements, certificates, and permits related to the project.

The bill also grants a new exemption to the DRI process for a limited number of developments located in counties with a population greater than 1.25 million. The land must be proposed for at least two uses, one of which is for use as an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications, if the land also is located in a designated urban infill area or within 5 miles of a state supported biotechnical research facility or in a locally designated compact, high-intensity, and high-density multiuse area appropriate for intensive growth. The land also must also be located within three-fourths of one mile from one or more bus or light rail transit stops, and the development must be registered with the United States Green Building Council and there must be an intent to apply for certification of each building under the Leadership in Energy and Environmental Design (LEED) rating program, or an alternative green building rating system that a local government having jurisdiction finds appropriate, by resolution.

Effective date: July 1, 2008.

Energy **HB 7135**

This year was a “big year” on energy. Following the Governor’s veto of last year’s energy legislation, and the “Serve to Conserve” summit held over the summer, during which the Governor issued a number of executive orders regarding energy issues and state government, a great deal of time was spent considering, debating, and amending energy-related legislation. House Bill 7135 is the culmination of that process, and is a comprehensive bill dealing with a number of energy issues. Specifically, the bill:

- Creates the Florida Energy and Climate Commission (FECC); transfers the energy office from the Department of Environmental Protection (DEP) to the commission; assigns energy related duties of the energy office and DEP, other than power plant and transmission line siting and energy-related environmental permitting, to the commission and repeals the statute creating the Florida Energy Commission (FEC) while moving FEC staff and equipment to the DEP.
- Makes revisions to the telecommuting program for employees of public entities.
- Provides that deed restrictions, covenants, declarations, or other similar binding agreements may not prohibit solar collectors or other energy devices based on renewable resources from being installed on buildings covered by such agreements, including condominiums.
- Provides that the future land use element of local comprehensive plans must discourage urban sprawl and the transportation circulation element must address reductions in greenhouse gas emissions.
- Provides that any solar energy device added to a homestead shall not increase the taxable value of the property.
- Provides that the Board of Trustees of the Internal Improvement Trust Fund may delegate to the Secretary of the DEP authority to grant certain easements on state lands for electric transmission and distribution lines, natural gas pipelines, or other linear facilities for which the PSC has determined a need exists or the Federal Energy Regulatory Commission has issued a Certificate of Public Convenience and Necessity.
- Provides that new and renovated state buildings conform to certain green building standards.
- Clarifies the state’s energy performance contracting process.
- Requires DMS to develop a Florida Climate Friendly Preferred Products List.
- Allows DMS to conduct an analysis of ethanol and biodiesel use by DOT.
- Allows alternative and renewable energy projects to be eligible for innovation grants from the Office of Tourism, Trade, and Economic Development.
- Provides that DOT’s rules shall provide for the placement of and access to certain electric utility transmission lines within the right-of-way of any DOT controlled public

roads.

- Encourages each metropolitan planning organization to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions.
- Requires the PSC to begin rulemaking requiring electric utilities to offset 20 percent of their annual load-growth through energy efficiency and conservation measures thereby constituting an energy-efficiency portfolio standard.
Requires the PSC to adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers. The rule must be ratified by the Legislature. The rule may provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy.
- Creates the Florida Green Governments Grants Act to be administered by the FECC. The act is proposed to assist local governments, including municipalities, counties and school districts in the development and implementation of programs that achieve green standards.
Encourages counties to form regional solutions to the capture and reuse or sale of methane gas from landfills.
- Requires the Florida Building Commission to implement certain changes to the Florida Energy Efficiency Code for Building Construction.
- Requires the Florida Building Commission to implement a schedule of energy-efficiency goals and update the Florida Building Code.
- Requires the Florida Building Commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances.
Requires the Florida Building Commission to conduct a study to evaluate opportunities to restructure the Florida Energy Efficiency Code for Building Construction to achieve long-range improvements to building energy performance.
- Requires the DEP to conduct an economic impact analysis on the effects of granting financial incentives to energy producers who use woody biomass as fuel.



Regional Growth and Change

1. *The Evolving RPC Role.*
2. *The ECFRPC and Regionalism.*
3. *Coming Changes.*
4. *Regional Growth Trends.*
5. *Work Program.*
6. *Current Programs.*

1. The Evolving RPC Role

As a statutorily-created association of governments, the Regional Planning Council provides a solid basis for pursuing a regional approach to planning the area's future.

The RPC does not have regulatory authority or the power to tax. Its value lies in its role as an objective forum for examining growth issues comprehensively from a regional — rather than a local — perspective, and in its ability to bring together a variety of public agencies and interests to address shared concerns.

As a council of governments, the Regional Planning Council works to build consensus, makes strategic plans, and provides information on a broad range of topics pertinent to the region's quality of life.

Specifically designated Regional Planning Council roles include:

- Technical assistance to local governments,
- Review of plan amendments and large development projects for regional impacts,
- Information clearinghouse and regional Census data repository,
- Emergency management planning and coordination.

In addition, the Regional Planning Council is involved in a number of regional initiatives aimed at planning for the region's rapid growth at a more regional scale.

The agency's interdependent and interrelated responsibilities offer the potential for a more comprehensive and coordinated approach to planning for the region's future.

With three major metropolitan areas (and a fourth, the Lakeland metropolitan area, interacting increasingly with this region), East Central Florida typifies the rapid growth and change that is gripping virtually all of Florida.

Nearly 55,000 residential building permits were issued in the six-county region in 2005, a testament to the growth that shows no signs of slowing down.

East Central Florida is reaching the tipping point in several respects — urban and suburban areas of the region are rapidly expanding, housing is getting ever more expensive, commute times are getting longer, and the denser residential development and mix of housing types seen in major metropolitan areas of the Northeast and West are beginning to find acceptance here.

The other phenomenon becoming more apparent in east central Florida is the increasing awareness of the regional nature of growth and growth-related issues,

and of the need to coordinate activities. A number of regional initiatives have been undertaken in recent years, including:

- How Shall We Grow, which solicited citizen participation and involvement in making recommendations about the region's future in 2050.
- PennDesign Central Florida, an analysis of growth projections and creation of 2050 trend and alternative growth scenarios to compare how the region might grow;
- Establishment of the Central Florida Smart Growth Alliance, an outgrowth of myregion.org that examines how the region can grow without undermining its ability to support growth and quality of life;
- myregion.org, a public-private initiative designed to provide the region with a "sense of itself" so it could position itself to improve the quality of life and compete in the global economy;

The Regional Planning Council has been a central player in all of these efforts, providing information, technical expertise and coordination.



2. The ECFRPC and Regionalism

As the State of Florida continues to welcome over one thousand people who move in everyday, management of this tremendous growth has become a priority for all regional leaders. The *myregion.org* project started as a partnership between the East Central Florida Regional Planning Council and the Orlando Regional Chamber of Commerce. It was established in recognition of the economic and demographic changes occurring around the world and made the case that, while our lives are governed at the federal/state/local levels, we function at global/regional/neighborhood levels. The ECFRPC served as the technical advisors to the project and assisted the project's consultant in creating a series of maps portraying how our daily lives are shaped by regional systems and how these systems are connected to the outside world. *myregion.org* completed its first phase with publication of a sourcebook designed to help answer questions such as *why is regionalism important, what should it try to accomplish, and what should happen next?*

Involvement of the ECFRPC with *myregion.org* has continued through participation on its Board of Directors and as staff to the Central Florida Smart Growth Alliance, a partnership of the ECFRPC, the Central Florida RPC, the Central Florida MPO Alliance, and *myregion.org*. The Central Florida Smart Growth Alliance was established in response to one of the ten Resolves adopted in Phase I of the *myregion.org* project, which relates to identifying and promoting strategies for achieving Smart Quality Growth in Central Florida.

Central Florida, home to around 3.6 million people in 2006 is expected to grow to around 7.2 million people in 2050, and since quality of life is one of the most important characteristics of the region, Community Leaders, Elected Officials and Regional Agencies have come together to start one of the largest regional visioning projects in the United States and the first in Florida.

The main goal of the Central Florida Regional Growth Visioning Process is to develop four different growth patterns that the region may follow in the future based on critical goals and objectives and then study their impacts. Technologies from the various fields of planning were brought together to study the different land use, transportation, economic, and environmental impacts. Examples of these technologies are LUCIS model for land use analysis, the REMI Policy Insight model for economic analysis, the FSUTMS model for transportation analysis, the EPA Mobile 6 model for environmental analysis, and ArcGIS ESRI software for data integration and map drawing.

The project's success is made possible by the great support and participation of the citizens and leaders of the seven counties of Central Florida. In addition, the technical expertise provided by the East Central Florida Regional Planning Council (ECFRPC), University of Florida Geo Plan Center, Renaissance Planning Group (RPG),

Florida Department of Transportation (FDOT), and HNTB allowed the project to be analyzed using nationally recognized models and techniques for different impact analysis (such as transportation, air quality, economic, and environmental).

With this project on its way to completion, both the leaders and the citizens of the Central Florida Region recognize the importance of the step that these communities have taken in order to understand the effects of the decisions that are made today in shaping the future for the next generations of central Floridians. This process is only the beginning of the road that the region will take in which people are more proactive and aware of the regions' strengths and weaknesses. This will prepare us all, citizens and leaders, to better take advantage of the opportunities that the future growth will bring to the region and to better manage the threats to the region's best assets.

3. Coming Changes

In 2005, the Florida Legislature passed, and Governor Bush signed, legislation that made sweeping changes to the Growth Management Act.

Decades of rapid growth in Florida have strained local governments' ability to keep up financially, which has burdened the state's transportation system, its schools, and other public facilities.

The changes to the Growth Management Act, which are presented as *A Pay As You Go Plan for Florida's Future*, are intended to address these local and state concerns. Major provisions of the legislation include:

- Requiring school concurrency,
- Changing transportation concurrency requirements,
- Coordinating local government water supply plans with water management districts' regional water supply plans,
- Requiring that capital improvements elements be financially feasible,
- Streamlining the comprehensive plan amendment process in certain areas,
- Streamlining comprehensive plan amendments for certain affordable housing projects.

The legislation also established the *Century Commission for a Sustainable Florida*, a standing commission that will envision and plan Florida's future with an eye towards both

25-year and 50-year horizons. The Commission will prepare an annual report with findings and recommendations for the Governor and Legislature.

A Florida Impact Fee Review Task Force also was created and charged with making recommendations as to whether statutory direction is needed on methodology, payments, accounting, and other issues relating to impact fees. The Task Force completed its final report in February 2006.

Another study commissioned by the legislation is a Regional Boundary Study, completed in January 2006. That study offered options regarding possible adjustments to be made to boundaries of regional planning councils, water management districts, and Department of Transportation districts to be more coterminous.

4. Regional Growth Trends

Florida is a rapidly growing but highly diverse state. Although its population has grown by around three million residents in each of the last three decades, this growth has not been distributed evenly throughout the state. Some areas have grown very rapidly while others have grown very slowly or even declined.

Will these growth patterns continue? If not, how will they change? This is an important question because many decisions affecting schools, roads, hospitals, amusement parks, and countless other projects require some assessment of future population trends.

The Bureau of Economic and Business Research (BEBR) at the University of Florida projects population by county to the year 2030. Table 1 shows the historical and projected population by county for east central Florida counties between 1950 and 2030. Table 2 shows the percentage of changes by period.

FIGURE 2 HISTORICAL URBAN EDGES

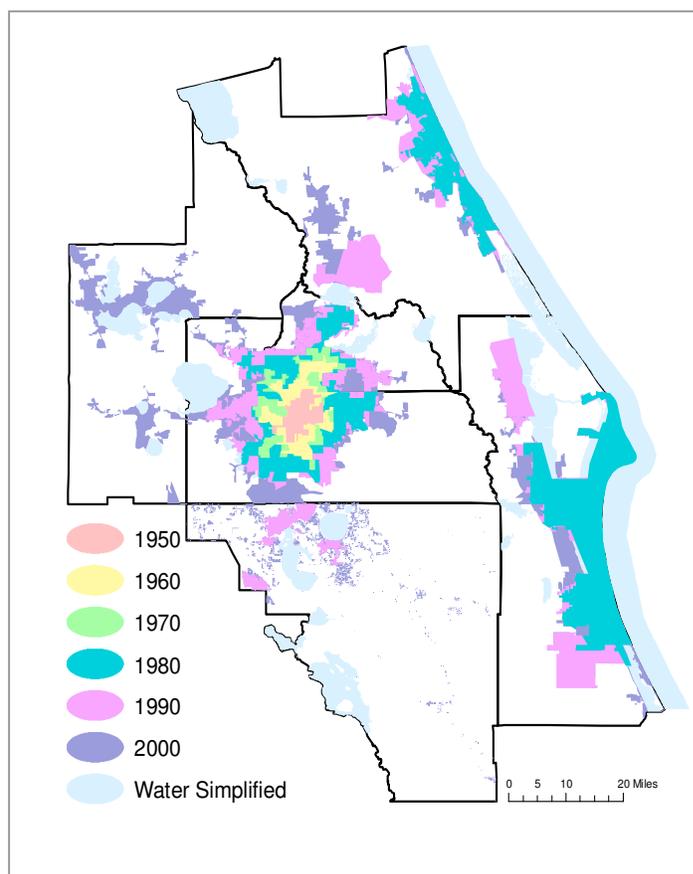


TABLE 1 POPULATION GROWTH

	1950	1975	2000	2005	2010	2020	2030
Brevard	23,653	246,700	476,230	531,970	583,800	677,200	754,600
Lake	36,340	89,500	210,528	260,400	303,600	383,300	458,400
Orange	114,950	421,800	896,344	1,042,000	1,183,400	1,441,800	1,682,900
Osceola	11,406	37,100	172,493	236,000	287,900	384,300	475,900
Seminole	26,883	135,600	365,196	412,200	456,300	536,200	610,500
Volusia	74,229	218,900	443,343	494,649	545,100	633,400	705,400
Region	287,461	1,149,600	2,564,134	2,977,219	3,360,100	4,056,200	4,687,700

Source: Bureau of Economic and Business Research - University of Florida

TABLE 2 POPULATION PERCENTAGE OF CHANGE

	1950-1975	1975-2000	2000-2005	2005-2010	2010-2020	2020-2030	2000-2030
Brevard	943%	93%	12%	10%	16%	11%	58%
Lake	146%	135%	24%	17%	26%	20%	118%
Orange	267%	113%	16%	14%	22%	17%	88%
Osceola	225%	365%	37%	22%	33%	24%	176%
Seminole	404%	169%	13%	11%	18%	14%	67%
Volusia	195%	103%	12%	10%	16%	11%	59%
Region	300%	123%	16%	13%	21%	16%	83%

Source: Bureau of Economic and Business Research - University of Florida

5. Work Program

Constant growth pressures and the increasingly regional nature of growth in east central Florida have elevated the importance of the Regional Planning Council's role. Both the state-mandated planning programs and the locally-driven projects being undertaken by the agency offer opportunities to fulfill this role. In these programs and projects, and in the regional initiatives mentioned above, there are several overarching themes that provide insight into the agency's role and the value it provides to the region. These are *coordination, education, information, technical expertise, and developing partnerships*.

The agency is a tremendous resource to the region, and by focusing existing programs and resources toward these themes, the Regional Planning Council can maximize that value.

6. Current Programs

In recent years, the Regional Planning Council has taken steps to promote coordination in the acquisition, standardization, and distribution of data, particularly spatial data. The Central Florida GIS (CFGIS) initiative, begun in 2001, promotes data access through a variety of means, including the online CFGIS Data Clearinghouse. Other components of the initiative address standardization and support the provision of information and training to users of geographic information systems. The Regional Planning Council initiated a related effort, the Regional Mapping Program, in FY 2005. This program meets a critical need for consistent information in the region and is the first step toward building the capacity for understanding, analyzing, and influencing the forces shaping Central Florida's future. Efforts are undergoing to merge the two programs in to one working program that addresses all GIS needs and assistance at the council and in the region.

Other agency programs, such as the DRI and comprehensive plan reviews, the emergency management programs and the economic development program will be primary users as well as sources of information. It is imperative that continued coordination and support in the council continue so that each program may be complements of the others.

The DRI review process will be enhanced to coordinate multiple reviews of co-located projects, with the goal of providing better input and ideas for the developers and local governments. Regional datasets created by the ECFRPC will be used to provide the regional context for these proposed developments, and in turn, DRI data will be fed into the Council's GIS programs.

The review process also will be enhanced by a greater degree of coordination with all of the parties needed to develop solutions to issues and to implement those solutions, rather than merely making recommendations to the local government on regional impacts. Using the agency's database, technical expertise, and coordination skills in the DRI process will greatly increase the value of the review effort.

The Regional Planning Council is involved in economic development issues in several ways: as the staff to the newly created Economic Development District, as a provider of economic analysis services using the REMI software, and as the designated agency to provide training and technical assistance for the use of the Fiscal Impact Analysis Model.

As economic development is a vital component of the region's continued success, the Regional Planning Council will work to establish relationships with economic development organizations throughout the region in order to better reflect regional economic goals and to help provide assessments of the region's economy.

The agency's increasing involvement in emergency management offers another opportunity to provide vital data to the region, and this year the ECFRPC will explore with local emergency management staff the need for such data.



Regional Visioning

This program will depict a way for the region to grow through the year 2050 based upon a series of visioning exercises across the seven-county Central Florida region. It will be used as a concept level illustration of growth principles based upon parcel level data and analysis that ensure growth concepts are applied in a realistic manner.

The ECFRPC provided technical support to the 15 month project, working in partnership with the Central Florida Smart Growth Alliance, which will serve as the Steering Committee. The Smart Growth Alliance currently consists of members of the Central Florida MPO Alliance and the East Central Florida and Central Florida Regional Planning Councils. The process engaged citizens, community leaders, and elected officials from the 7 county region (Brevard, Osceola, Orange, Volusia, Seminole, Lake and Polk).

Innovative planning tools provided the citizens at the workshops to create an alternative vision for the Central Florida region. Media was essential in the midterm of the project to provide citizens with a chance to vote for the scenarios created in part from citizen involvement. A community summit in June 2007 will conclude the process with recommendations serving as planning and transportation guides. The growth vision will be considered as an amendment to the ECFRPC's Strategic Regional Plan. If adopted, the vision will be used to guide land use and transportation choices as Central Florida's population doubles to include more than 7 million people over the next 50 years.

Economic Development District

To compete at its maximum potential in the global market, all components of the region must be part of a coordinated economic development effort.

Following the completion of the ECFRPC **Comprehensive Economic Development Strategy (CEDS)** for the region and an application to the Economic Development Administration (EDA), the region was designated an Economic Development District (EDD) in 2005.

This designation of east central Florida as an Economic Development District will serve to integrate and empower the economic development plans and implementation efforts of all six of the region's counties. The district designation provides financial bonuses to local governments receiving EDA grants and will enable counties to substitute the regional plan should they want to avoid the expense of preparing individual county plans

each year.

The ECFRPC is currently in the process of putting together a new CEDS that will be due in September of 2007. The council will work with its partners in the region to identify and prioritize the goals, objectives and projects that should be implemented to best serve our region. In addition, coordination with economic development organizations in the region (such as the Metro Orlando EDC) and regional agencies (such as myregion.org and the Chamber of Commerce) will continue in order to develop a more coordinated and comprehensive approach to economic development and to market the use of the ECFRPC's economic analysis tools will continue.

Some of the primary issues that will be studied in the CEDS are: regional water supply, regional transportation and development patterns, along with workforce development and identifying growing employment clusters, among other issues.

Wekiva River Basin Commission

The **Wekiva Parkway** and Protection Act charges the ECFRPC with the responsibility of providing staff support to the Wekiva River Basin Commission. The Commission's purpose is to monitor and ensure implementation



Wekiva River Basin Commission

of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The ECFRPC has developed a Wekiva Information Clearinghouse on its website, developed an interactive map tool for the Wekiva Study Area and provided staff and logistical support to the Wekiva Commission.

Regional Mapping Program

This program provides seamless data coverage for Central Florida, focusing on land use and other spatial data sets essential for sound growth and development decisions.

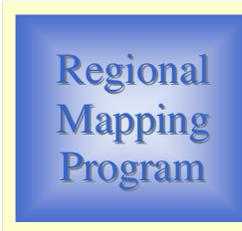
This program commenced in FY 2005 and expands upon the mapping work undertaken by many different federal, state, regional, and local agencies, and helps further efforts at defining and illustrating the region's economic, social, and ecological structure.

A broad range of data for the seven-county central Florida region (Polk County, while not in the region, has been included in the database) is being collected, assembled, processed, and made available for public use via the Internet.

The data will be accessible as a series of printable maps and as digital files allowing custom mapping applications to be performed either on-line or by downloading files. Assistance will be provided through local training on the data's content and applications, and Internet access to them.

To date numerous datasets have been developed, including future land use as well as population and housing datasets at the census tract level from the 2000 US Census. Three interactive maps were developed, and the process of creating a web page for these maps and the datasets has begun.

This program will be merged with the Central Florida Clearinghouse (CFGIS) creating a single point for accessing all regional Geographic Information System (GIS) data (mapping, attribute information, metadata).



Regional Greenways and Trails

The Council serves as a point of coordination among the counties and with the State of Florida Office of Greenways and Trails for promotion and development of a regional network of recreational trails and greenways. Staff also provides support for the St. Johns American Heritage River project, a multi-regional effort to develop the cultural and eco-tourism benefits of the St. Johns River. This is an ongoing program that has been in place for several years.

In past years the ECFRPC also developed the application for the East Central Rail Trail through Brevard and Volusia counties and worked with the Regional Workgroup, which continues to meet quarterly, to reach consensus on trail development priorities in the region resulting in a Regional Multi-Use Trail Network Opportunity Map provided to the state's Office of Greenways and Trails. Current work includes the development of a planned trail database and Best Practice Manual. The ECFRPC is also jointly working with Florida OGT in the coordination and development of the Greenway and Trail Developers Task Force emphasizing trail connection between public and private lands; and supports the Shingle Creek Working Group. The program will continue additional coordination function with the public and private sector, as well as incorporating greenway and trail data collection into the mapping and DRI programs to increase the opportunities for regional-level connectivity of greenways and trails.



Comprehensive Plan and Other Review

The Florida Statutes provide the opportunity for Regional Planning Councils to review local comprehensive plan amendments. Local plan amendments are reviewed to assess their consistency with the regional strategic policy plan and their impact on regional resources and facilities.

In addition, regional review of most applications for federal assistance, as well as gas and electric transmission line siting and electrical power plant siting, are conducted as part of the state-contracted regional clearing-house function. These funding proposals are reviewed for consistency with the regional strategic policy plan and local comprehensive plans, and for duplication of existing services directed toward the same need. This is accomplished through distribution of project information to applicable government and public service offices and compilation of collected comments.

Reviews are coordinated with the Florida Department of Community Affairs and with the appropriate local governments.



General Technical Assistance

The ECFRPC provides a wide range of technical assistance to agencies and organizations. This involves responding to information requests, producing workshops on topics of current interest, and participating in planning initiatives that address regional issues. The ECFRPC also works with the Florida Department of Community Affairs (FDCA) to assist local governments understand changes to the state's growth management program and incorporate those changes into local programs and plans. In the past year the ECFRPC has provided ongoing assistance to the City of Eustis concerning comprehensive plan amendments and the City of Tavares on their visioning. The ECFRPC also has assisted Orange County in hosting the Affordable Housing Workshop.



Economic Impact Analysis

Through its economic analysis program, the East Central Florida Regional Planning Council helps communities and organizations predict how policy decisions or economic events affect the economy. Economic impact analysis traces spending through the local economy and measures the cumulative effects of that spending. The most common measure of economic impact is number of jobs created or lost, but other measures include personal income and business production.

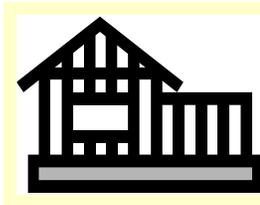
The economic analysis program can provide critical information for governments, economic development agencies, chambers of commerce, service organizations, policy makers, public interest groups and businesses. The Regional Planning Council has a license to use the [Regional Economic Models, Inc.](#) (REMI) economic model, which is used extensively around the country for regional economic modeling. REMI is a dynamic model that forecasts how changes in the economy and adjustments to those changes will occur. The model is sensitive to a wide range of policy and project alternatives and to interactions between regional and national economies. The model makes it possible to answer the toughest "What if...?" questions about local or regional economies. Any type of policy influencing economic activity can be evaluated, including economic development, transportation, energy, environmental, and taxation.



Housing

The ECFRPC's Affordable Housing Program provides information, technical assistance, and a forum for communication and coordination to the region's housing planners, program administrators, and builders. RPC staff also assists FDCA and the other RPCs with use of the ECFRPC DRI Housing Impact methodology. Since 1996 the ECFRPC has provided DRI housing impact spreadsheets customized (updated annually) for each county in the state and assisted the region's housing planners and program administrators in implementing local housing programs.

The ECFRPC staff is currently in the process of restructuring the housing methodology. The focus is on establishing guidelines for supply solutions in order to completely satisfy housing demand generated through development. Outcomes are substantially dependent on decisions made by the Florida Legislature regarding the FDCA Adequate Housing Rule and the Housing Impact Methodology. Once the Legislative staff's work is complete, the ECFRPC will coordinate with public agencies, other RPC DRI housing impact analysis for the private sector. Once the Legislative staff's work is complete, the ECFRPC will coordinate with public agencies, other RPCs, and the private sector to evaluate and update the ECFRPC DRI Housing Impact Methodology.



Florida Scenic Highway Study

The Florida Department of Transportation

and the East Central Florida Regional Planning Council work together to complete various aspects of the Florida Scenic Highway Program. Two Scenic Byway Projects the ECFRPC has contracted with FDOT to complete in the past year are the Management Plan for SR 40 The Black Bear Scenic Byway and a Master Plan for the Green Mountain Scenic Byway.



The Black Bear Scenic Byway Management Plan for the Florida Scenic Highway Program (FSH) took place through a Joint Participation Agreement. SR 40 runs through the Ocala National Forest and traverses some of Florida's most pristine ecosystems. The corridor, approximately 60 miles long, begins at Silver Springs in Marion County and ends at Interstate I-95 in Volusia County.

On July 20, 2006 the Scenic Highways Advisory Committee met and voted to recommend that FDOT Secretary Denver Stutler, Jr. consider State Road 40 eligible for designation as a Florida Scenic Highway. As a result, the Corridor Advocacy Group entered the Designation Phase of the project and worked with the ECFRPC staff and our consultant to develop a Corridor Management Plan and Designation Application.

Green Mountain Scenic Highway Master Plan,

CR 455 and a section of CR Old 50, was granted scenic highway status on July 19 2004 by Secretary Jose Abreu. Through a contract with the Department for Transportation, the ECFRPC managed the Master Plan Phase of the project in 2007. The Corridor Management Entity, working closely with a consultant, created the Master Plan which may assist the Byway in achieving National Scenic Highway Status. The master plan provides design standards and transportation solutions as well as integrates the plan with the programs in the Byway Corridor. The Master Plan identifies opportunities to enhance and connect the resources in the Green Mountain Scenic Byway Corridor.

Emergency Management Planning



The Hazardous Materials Planning initiative supports the work of the region's Local Emergency Planning Committee (LEPC), comprising representatives of the counties' emergency management agencies, private manufacturers and

transporters, regional hospitals, and others. This committee's activities focus on hazardous materials management, including training of city and county emergency services personnel, public awareness promotions, and response coordination among the various public and private emergency management services.

The ECFRPC also acts as a repository for Tier II reporting information on the location and type of hazardous materials in the region.

The LEPC has conducted continuing education programs for emergency management professionals, including local police, doctors, nurses, hospital emergency room staff, EMS staff, state DOT employees, firefighters, and others who have the potential to be involved in situations involving hazardous materials. This program will continue in the coming year.

In FY 2008, the LEPC will hold 'How to Comply' Workshops for the facilities in East Central Florida that house and use hazardous chemicals. The LEPC will also be holding public outreach seminars to inform the public about the LEPC and its role in the community.

Homeland Security planning continues to be a major component of the ECFRPC. In 2008, the ECFRPC will coordinate with the Treasure Coast Regional Planning Council to provide support to the District V Regional Domestic Security Task Force (RDSTF). This includes working to provide local planning support to the Region 5 RDSTF and its Planning Committee as they develop and implement their annual exercises.



The ECFRPC has also contracted with the Orange County Sheriff's Department to provide support for the Orlando Metro Urban Area Security Initiative (UASI). This includes working with consultants to develop an Evacuation Plan, a Post-Disaster Economic Recovery Plan, and a Training and Exercise Plan.



With eight hurricanes making landfall over Florida in 2004 and 2005, the Governor and the Legislature identified the need for statewide regional hurricane

evacuation planning. House Bill 7121, which focused on the need to improve the state's infrastructure in terms of hurricane planning, appropriated \$29 million for the purpose of effective and efficient hurricane evacuation planning.

As a result, the Florida Department of Emergency Management developed the Statewide Regional Evacuation Study Program in which they contracted with the eleven regional planning councils to update their Regional Evacuation Studies with the best available data and technology. The studies will include updated SLOSH model runs, updated county and regional clearance times, an end-user transportation model for County and DEM use, updated Storm Surge Atlas, and a technical report. The project commenced in December 2006 and is anticipated to be completed in 2009.

Fiscal Impact Analysis Model (FIAM)

What is FIAM? The Fiscal Impact Analysis Model (FIAM) is a socio-economic tool used to measure the financial implications of a development or of alternative land use scenarios. The model can be used to help validate the financial feasibility of a comprehensive



plan by projecting net cash flow to the public sector resulting from the development outlined in the plan.

FIAM Rollout Plan: Stage I, which started in October 2005 and was completed in January 2006, focused on training staff from DCA and the Regional Planning Council (RPC). The training established a technical support base to assist local governments.

Training sessions for local government representatives were held at the ECFRPC offices in Maitland on June 6th and 30th. An additional get acquainted meeting, introducing the FIAM model, was held in Deland, Volusia County. These in-depth training sessions involved use of the FIAM model with a focus on model function and calibration. Currently a regional user group is being established for collaboration among the local governments on issues related to the use of the model.

A new version of the model is expected to be released by the State's Department of Community Affairs sometime in the near future. After the release of the model, the ECFRPC will offer training sessions for all the local governments and other prospective FIAM users. In addition, the ECFRPC will provide technical assistance regarding the calibration, use and maintenance of the model.

Data Development FDOT District 5

The ECFRPC provides data development and project management assistance to FDOT District 5 through a Joint Participation Agreement and LAPs.

Regional updates on the Generalized Future Land Use shapefiles for the FDOT District 5 boundary area, 10 counties, considering future land use amendments from comprehensive plans are continuously made. Updated files are published at the CFGIS Clearinghouse.



Socioeconomic data development for the base year of 2005, as well as long range transportation planning are on going projects. The LRTP project will include the How Shall We Grow output as one of its deliverables.

Central Florida GIS Clearinghouse (CFGIS)

Because the geographic information systems (GIS) of local, state, and regional agencies have been developed for specific purposes unique to each organization, the formats for data developed by each have not been standardized, which makes sharing data difficult.

The ECFRPC has established a GIS Users Group and Data Clearinghouse for a 10-county area in Central Florida, to include Brevard, Flagler, Lake, Marion, Orange, Osceola, Polk, Seminole, Sumter, and Volusia counties. The data clearinghouse is an ongoing program that facilitates data exchange for local governments and other agencies. A GIS Users Group consisting of representatives from various organizations in the region as well as other agencies directs the data clearinghouse. This group provides the added benefit of increased coordination on all issues of common importance, not just data acquisition and standardization.

The CFGIS website has been maintained and enhanced with the addition of datasets, an interactive DRI map tool and extensive DRI documents, and a set of links to interactive mapping sites of interest to the region.

The CFGIS initiative has served and has proven to bring GIS and other industry professionals together to build networks, collaborate, as well as to facilitate and encourage learning how GIS is being applied within both the public and private sector organizations.

The ECFRPC created its regional mapping program to respond to a need for specialized mapping for both GIS professionals and non-GIS users, which raised a question of how these programs relate to

each other. CFGIS and the RMP will be merged into a single program creating a single point for accessing all regional GIS data.



DRI Reviews

380.06, Florida Statutes

requires Regional Planning Councils to review Developments of Regional Impact.

These development projects are reviewed to assess regional impacts and to make recommendations the local government of jurisdiction regarding how to address regional impacts.

This is accomplished through a coordinated review of the development proposal involving affected local governments, state agencies and federal agencies.

The result is a regional report discussing regional issues and a recommendations for the local government of jurisdiction for how to deal with project impacts. The reviews provide information for local governments and other organizations to use in decision-making. **380.06, Florida Statutes** was adopted by the state legislature in 1973. The ECFRPC's role involves conducting a review of the proposed development and coordinating the reviews of other agencies. The ECFRPC also reviews Notices of Proposed Change (NOPCs) which are submitted when the development plan for an approved project is amended. DRI activity has increased significantly, and this increase is expected to extend into this fiscal year. A regional planning initiative for the six DRIs on the east side of Lake Toho area in Osceola County is currently underway. An area-wide planning initiative similar to the Lake Toho initiative is planned for the area southwest of Leesburg where several projects are anticipated in the coming year.

Additionally, the ECFRPC will work with DRI applicants to obtain digital data for the projects in order to maintain and enhance the DRI data layer.

The focus and extent of DRI reviews will be expanded to coordinate planning assistance for the applicants. This will involve arranging sessions on specific topics that will bring in all relevant parties and will work toward solutions for issues identified during the review (ex: affordable housing).





Agency Staff Overview

1. Staff Biographies

- Phil Laurien, AICP—Executive Director
- George Kinney, AICP-
- Claudia Paskauskas—GIS Manager
- Fred Milch, AICP—DRI Coordinator
- April Raulerson—Emergency Management Planner
- Whitney Laurien— GIS Specialist
- Keith Smith -GIS Specialist, IT Specialist

- Lelia Hars—Director of Finance / OMB
- Ruth Little—Council Relations Coordinator and Assistant to the Executive Director
- Samer Bitar—Economic Analyst
- Tara McCue—Regional Planner
- Tuesdai Brunsonbyrd-Bowden—DRI Administrative Coordinator
- Jeremey Mikrut—Regional Planner
- Andrew Landis—Regional Planner



PHIL LAURIEN

Mr. Laurien earned a Bachelor of Arts from Miami University (Ohio) and a Masters in Community Planning from the University of Cincinnati (1974). His thirty two years of experience includes public and private sector planning, town management, and real estate development. He has authored numerous white papers, comprehensive plans and zoning codes in four states, and been a guest lecturer at four universities. As Executive Director of the East Central Florida Regional Planning Council the challenge is to plan for regional issues such as water, environment, transportation, school concurrency and affordable housing while acknowledging each community's autonomy in land use decisions. His approach is to build relationships with elected and appointed officials, the development industry and citizens, help them develop a common vision for the region, then help them implement that vision in their local community.

George Kinney



AICP, earned an undergraduate Bachelors Degree in Environmental Planning from Bloomsburg University of Pennsylvania and a Masters Degree in City and Regional Planning from The Ohio State University. Mr. Kinney moved quickly through the ranks from student intern (1992) to assistant director to being named Director of the Franklin County Development Department (Columbus OH) in 1996. He also helped create a Critical Resource Protection District that would complement the national scenic river status of the Big Darby Creek and Franklin County's Greenways effort.

As senior planner of the city of Upper Arlington OH, working with national recognized consultants, Mr. Kinney helped craft a mixed use Unified Development Ordinance, which won awards from both the Ohio Planning Association and National League of Cities.

As Director of the Talbot County, Maryland Planning and Zoning Department, Mr Kinney worked with state Smart Growth legislation and Transfer of Development Rights programs. He led the effort to update its comprehensive plan and zoning ordinance with an emphasis on farmland preservation, smart growth and natural resource protection. His efforts were rewarded with a 2006 award from the National Association of Counties.

Mr. Kinney has also served as Planning Director of Palmer Township, Pennsylvania. He is a graduate of the Leadership Columbus program and past member of the Jefferson Township Planning Commission (OH).



CLAUDIA PASKAUSKAS is the Geographic Information Systems Manager for the East Central Florida Regional Planning Council. She

brings over 15 years experience in software and database analysis, design and development. She received her Bachelors in Systems Engineering from UNA-FCG Minas Gerais in Brazil in 1992 and a Masters in Human Resource Training with Emphasis in Total Quality Control also from Minas Gerais in 1997. Claudia also is a certified Microsoft Solution Developer. She has served the transportation and planning sectors through GIS development and integration for six years. At the Regional Planning Council, Claudia manages GIS integration, data development, application requirements, definition and design as well as project development, production, and coordination. Claudia is fluent in Spanish and Portuguese, married, and mom to furbaby Jack.

FRED MILCH



AICP, is the Development of Regional Impact (DRI) Coordinator for the East Central Florida Regional Planning Council. He graduated from the University of Wisconsin with a Bachelors in sociology in 1978 and Texas A&M University with a Masters in Urban and Regional Planning in 1983. Fred served in the Peace Corps from 1978 to 1980 in Liberia, West Africa as a rural water technician, constructing wells in rural villages. As the DRI coordinator, his responsibilities include review and management of the DRI program within the east central Florida region. He has been with the Regional Planning Council for 22 years. Fred is married and has three children, ages 16, 13 and 11.

April Raulerson



joined the ECFRPC in May of 2007 and serves as the staff coordinator for the District VI Local Emergency Planning Committee (LEPC) for Hazardous Materials and is the Emergency Management Planner for the ECFRPC. April received a Bachelors of Science in Geography from Florida State University in 2005 and a Master of Arts in Geography from the University of South Florida in 2007. Currently her projects at the RPC include the Orlando Metro Urban Area Security Initiative (UASI), the Region V Regional Domestic Security Taskforce (RDSTF) and various other emergency management project duties. April is a Florida native and in her spare time enjoys being outside with her 2-year old Sheltie, Royce.



Whitney Laurien

Began her career with the ECFRPC as an intern in 2008 and has recently been hired as a GIS Specialist. Having graduated from The Ohio State University with a Bachelor's in Geography - Urban Planning, she hopes to use and improve her GIS skills at the ECFRPC and really find her niche in the career world. Currently she is part of the GIS team where she updates FLU, assists in the designing of the new website and helps produce maps and graphics for reports. Whitney has been instrumental in GIS projects such as the 17-92 Fern Park Corridor Study. Whitney loves being part of the great outdoors whether it be kayaking, cycling, playing tennis, volleyball or just taking a walk around the lake. Ideally she'd like to do as many heart pounding adventures as possible before the age of twenty-six such as: skydiving, bungee jumping, rock climbing, dune buggy racing and so many more!



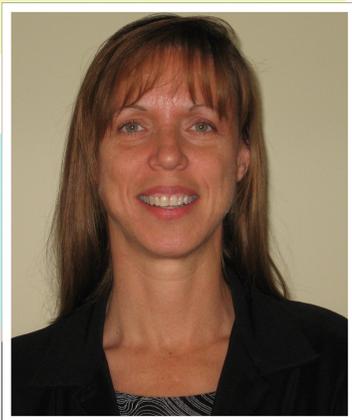
Keith Smith

Joined the Regional Planning Council Staff as a GIS specialist in 2007. Keith uses GIS to develop and analyze data, create thematic maps and assists other members of RPC staff with their GIS needs. Keith graduated from Florida State University in 2006 with a bachelors degree in Geography. During which time he completed an internship with the U.S.G.S. studying the effects of hydrologic fluctuations in the Apalachicola River Basin. He has a broad science background including meteorology, geology, and environmental science. Keith grew up in Central Florida, greatly enjoys the outdoors, and will be married to Jill in May.



**LELIA
HARS**

serves as the Director of Finance and OMB at the Regional Planning Council. She has seen many changes over her 20 years at the ECFRPC. In her position, Lelia oversees all aspects of the fiscal operations of the agency including accounts payable, accounts receivable, monthly financial statements, payroll, personnel files, and employee benefits as well as the annual audit process. When not at work, Lelia enjoys spending time with her grandson, Austin.



**RUTH
LITTLE**

serves as the assistant to the Executive Director, as well as to staff and Council Members as needed. Ruth is responsible for preparing press releases and notices for meetings, writing minutes for the monthly council meetings and various committee meetings, which includes the Wekiva River Basin Commission meetings. Ruth also prepares various agenda materials , manages the Council website, and responds to facility needs. Along with her husband , Kelvin and their 3 children, the Little family moved to Orlando from Cincinnati in 2000. The entire family loves the outdoors year-round and Ruth especially enjoys cycling and in-line skating on Central Florida's Trails.



SAM BITAR

is an economic analyst with a Masters degree in Finance from the University of Florida and a Bachelors degree in Business Administration from the American University of Beirut. Sam moved to the U.S. in 2001 from Lebanon and has been with the Regional Planning Council for more than four years. He provides consulting to various government agencies and the private sector on the economic and financial impacts of projects in their communities and the region. Sam has extensive experience in using macroeconomic models such as the REMI Policy Insight for consulting services in economic development, impact analysis, business development, and market analysis. Sam is fluent in 3 languages, enjoys the outdoors and currently lives in downtown Orlando by Lake Eola.



TARA MCCUE

Serves as a Regional Planner for the Regional Planning Council. In 1997 she graduated the University of North Carolina at Wilmington with a B.S. in Marine Biology. In May 2003, Tara joined the staff of the ECFRPC as an intern while earning her M.S. in Environmental Resource Management from Florida Institute of Technology in Melbourne. Since joining the Regional Planning Council staff full time, Tara has managed the EPA Sea Level Rise Study, provided support to the GIS and planning projects, and also is the project manager of the Greenways and Trails Program, Regional Evacuation Study and Scenic Highways Program. Tara and husband Regis are proud parents to Regis Wyatt, Emily and Marnee.

**TUESDAI
BRUNSONBYRD-
BOWDEN**



As the DRI Administrative Coordinator, is responsible for coordinating the DRI process, and preparing DRI correspondences as well as assisting the Executive Assistant; mailing out Council materials; managing the Council off site storage; assisting the public with DRI related issues; preparing DRI Annual Reports; and maintaining the DRI portion of the Council website. Prior to coming to the Council, Tuesdai supported engineers and planners while working in a private engineering firm and has spent several years working in fashion, tradeshow, and conventions. Tuesdai likes every aspect of her job and looks forward to coming to work. She enjoys exercising, meditating, reading and she is a Florida native.

**Jeremy
Mikrut**



is a Regional Planner at ECFRPC. His primary responsibilities include Developments of Regional Impact, comprehensive plan reviews, intergovernmental coordination, public assistance, and updating the Strategic Regional Policy Plan. Jeremy holds a B.A. in Growth Management Studies from Rollins College and a Graduate Certificate from the Crummer Graduate School of Business at Rollins College. Before joining the RPC staff Jeremy worked for MSCW, Inc., a local multi-disciplined consulting firm. Jeremy also served in the United States Marine Corps from 1997-2001. Jeremy has a strong interest in green/sustainable development and is a contributing author for the U.S Green Building Council's, LEED-NC Application Guide for Florida.



**Gina
Marchica**

joined the Regional Planning Council in 2008 as a GIS specialist. She earned her B.S. in Sociology and Geography in 2001 from Kennesaw State University in Kennesaw, Georgia. While at KSU, she interned with the Lake Allatoona Preservation Authority doing community outreach and GIS data compilation. Prior to coming to the RPC, Gina worked for Glattig Jackson, a Community Planning and Landscape Architecture firm as a planner and GIS specialist. She currently works part-time assisting the Planning Council staff with creating maps and analyzing data. Gina enjoys photography and spending time with her family. She lives in Downtown Orlando with her husband Joe, their son Nicholas and their two overindulged dogs.



**ANDREW
LANDIS**

joined the Council staff as a Regional Planner in October 2006. His primary responsibilities include comprehensive plan reviews, public assistance, and coordination of special projects. Andrew holds a B.A. in Growth Management Studies from Rollins College and a M.S. in Urban and Regional Planning from the University of Wisconsin-Madison. Before joining the RPC staff Andrew performed consulting work for Michael Design Associates, a local Community Planning and Landscape Architecture firm. Andrew is an active member of Congress for the New Urbanism at both the state and regional levels and also holds memberships with the American Planning Association, the Society for City and Regional Planning History, and the Next Generation of New Urbanists. Andrew has a strong interest in urban agriculture and is a supporter of local arts.



FY 2009 Budget

1. Revenue. 2. Local Assessments. 3. Expenditures.

REVENUE	FY 2008 ADOPTED REVENUE BUDGET COMPARED TO FY 2007				
	Adopted FY09		Adopted FY08		Changes from
	FY 09	Totals	FY 08	Totals	Fy 08 To FY 09
Federal Revenues					
DCA /DEM(HMEP)	\$ 34,884		\$ 34,884		\$ -
Green Mountain Scenic Byway	\$ -		\$ 75,000		\$ (75,000)
Evacuation Study Program	\$ 136,500		\$ 98,000		\$ 38,500
EDA/CEDS 4/07 - 12/07	\$ -		\$ 13,250		\$ (13,250)
EDA/CEDS 01/07 - 01/10	\$ 50,000		\$ 39,750		\$ 10,250
Total Federal Revenues		\$ 221,384		\$ 260,884	\$ (39,500)
State Revenues					
DCA (General Revenue)	\$ 276,191		\$ 421,760		\$ (145,569)
DCA/ DEM (LEPC Staff Support)	\$ 40,909		\$ 40,909		\$ -
FDOT (S. R. 40 Scenic Highway)	\$ -		\$ 20,000		\$ (20,000)
FDOT (LRTP 2035)	\$ 120,000		\$ -		\$ 120,000
DCA (Wekiva Commission)	\$ 5,000		\$ 15,000		\$ (10,000)
FDOT (GIS Coordination)	\$ 50,000		\$ 60,000		\$ (10,000)
UASI	\$ 450,000		\$ -		\$ 450,000
Total State Revenues		\$ 942,100		\$ 557,669	\$ 384,431
Local Revenues					
Member Assessments @ .2047	\$ 643,586		\$ 648,415		\$ (4,829)
DRI Fees - (estimated)	\$ 320,000		\$ 320,000		\$ -
Seminole County 17/92 Fern Pk GIS maps	\$ 18,000		\$ -		\$ 18,000
Interest	\$ 70,000		\$ 72,000		\$ (2,000)
Sales (Publications/GIS Maps)	\$ 1,000		\$ 1,000		\$ -
Pension Fund Forfeitures	\$ -		\$ -		\$ -
Total Local Revenues		\$ 1,052,586		\$ 1,041,415	\$ 11,171
Total Revenues		\$ 2,216,070		\$ 1,859,968	\$ 356,102
Reserves (Needed to balance Budget)		220,336			
Total Revenues and Reserves Used		\$ 2,436,406		\$ 1,859,968	\$ 576,438
Consultants (included above)					
DRIs	\$ 72,000	(line 21)	\$ 72,000	(line 21)	\$ -
UF (LRTP 2035)	\$ 60,000	(line 14)	\$ -		\$ 60,000
UASI	\$ 410,000	(line 17)	\$ -		\$ 410,000
FDOT (GIS Coordination action plan)	\$ -		\$ 55,000	(line 16)	\$ (55,000)
FDOT (Green Mountain)	\$ -		\$ 60,000	(line 5)	\$ (60,000)
FDOT (S.R. 40 Scenic Highway)	\$ -		\$ 18,000	(line 13)	\$ (18,000)
Total Consultants		\$ 542,000		\$ 205,000	\$ 337,000

2. LOCAL ASSESSMENTS

FY 2009 ADOPTED LOCAL ASSESSMENTS BUDGET COMPARED TO FY 2008

Member	<u>FY 2009</u>		<u>FY 2008</u>		<u>Change FY 09 - FY 08</u>		<u>FY 2007</u>	
	2007 Population	Assessment @ 0.2047/Capita	2006 Population	Assessment @ 0.21054/Capita	Dollar Change	Percent Change	2005 Population	Assessment @ 0.23/Capita
Brevard County	552,109	\$ 113,017	543,050	\$ 114,334	\$ (1,317)	-1.2	531,970	\$ 122,353
Lake County	286,499	\$ 58,646	276,783	\$ 58,274	\$ 372	0.6	263,017	\$ 60,494
Orange County	1,105,603	\$ 226,317	1,079,524	\$ 227,283	\$ (966)	-0.4	1,043,437	\$ 239,991
Osceola County	266,123	\$ 54,475	255,903	\$ 53,878	\$ 597	1.1	235,156	\$ 54,086
Seminole County	425,698	\$ 87,140	420,667	\$ 88,567	\$ (1,427)	-1.6	411,744	\$ 94,701
Volusia County	508,014	\$ 103,990	503,844	\$ 106,079	\$ (2,089)	-2.0	494,649	\$ 113,769
Total Assessments	3,144,046	\$ 643,586	3,079,771	\$ 648,415	\$ (4,829)	-0.7	2,979,973	\$ 685,394

3. EXPENDITURES FY 2009 ADOPTED EXPENDITURES BUDGET COMPARED TO FY 2008

A	B		C		D		E		F		G	
	Proposed FY09				Adopted Budget FY 08				Changes To FY09 from FY08			
	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals
<u>Personnel</u>												
Salaries & Wages	\$ 891,760		\$ 804,000		\$ 87,760							
Fringe Benefits	\$ 307,031		\$ 276,853		\$ 30,178							
Total Staffing		\$ 1,198,791			\$ 1,080,853						\$ 117,938	
Casual Labor (secretarial temps)	\$ 5,000		\$ -		\$ 5,000							
Contract labor- SRPP and contracts	\$ 85,000											
Outside Services - Computers	\$ 24,000		\$ 18,000		\$ 6,000							
Interns	\$ 30,000		\$ 15,000		\$ 15,000							
Unemployment	\$ -		\$ -		\$ -							
Total Contract and Unemployment		\$ 144,000			\$ 33,000						\$ 26,000	
Total Personnel		\$ 1,342,791			\$ 1,113,853						\$ 143,938	

A	B		C		D		E		F		G	
	Proposed FY09		Approved Budget FY 08		Changes To FY09 from FY08							
	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals
<u>Operating Expenses</u>												
<i>Office Administration</i>												
Insurance	\$	14,000	\$	14,000	\$	-	\$	-	\$	-	\$	-
Pension Fund Management Fee	\$	900	\$	900	\$	-	\$	-	\$	-	\$	-
Total Office Administration		\$	14,900		\$	14,900		\$	-		\$	-
<i>Office Operations</i>												
Advertising/Regional Promotion	\$	4,000	\$	4,000	\$	-	\$	-	\$	-	\$	-
Cleaning/Pest Control Services	\$	6,000	\$	6,000	\$	-	\$	-	\$	-	\$	-
Computer Operations (General)	\$	29,664	\$	29,664	\$	-	\$	-	\$	-	\$	-
Electric Utility	\$	10,000	\$	8,500	\$	1,500	\$	1,500	\$	-	\$	-
Graphics/Outside Printing	\$	30,000	\$	30,000	\$	-	\$	-	\$	-	\$	-
Library/Subscriptions/Legal Ads	\$	3,000	\$	3,000	\$	-	\$	-	\$	-	\$	-
Meeting Expenses	\$	16,551	\$	16,551	\$	-	\$	-	\$	-	\$	-
Office Supplies	\$	12,000	\$	8,000	\$	4,000	\$	4,000	\$	-	\$	-
Postage	\$	12,000	\$	9,000	\$	3,000	\$	3,000	\$	-	\$	-
Professional & Agency Dues	\$	25,000	\$	25,000	\$	-	\$	-	\$	-	\$	-
Rent	\$	125,000	\$	125,000	\$	-	\$	-	\$	-	\$	-
Office Maintenance	\$	4,000	\$	4,000	\$	-	\$	-	\$	-	\$	-
Sales and Lease Taxes	\$	400	\$	400	\$	-	\$	-	\$	-	\$	-
Storage - Off Site Records	\$	1,600	\$	1,400	\$	200	\$	200	\$	-	\$	-
Telephone Communications	\$	8,000	\$	8,000	\$	-	\$	-	\$	-	\$	-
Total Office Operations		\$	287,215		\$	278,515		\$	8,700		\$	8,700
<i>Equipment</i>												
Equipment (General)	\$	22,000	\$	22,000	\$	-	\$	-	\$	-	\$	-
Equipment Maintenance/Rental	\$	1,500	\$	1,500	\$	-	\$	-	\$	-	\$	-
Equipment Use Charge	\$	12,000	\$	12,000	\$	-	\$	-	\$	-	\$	-
Total Equipment		\$	35,500		\$	35,500		\$	-		\$	-
<i>Staff Support</i>												
Staff Training	\$	14,000	\$	14,000	\$	-	\$	-	\$	-	\$	-
Staff Travel/Sustenance	\$	30,000	\$	30,000	\$	-	\$	-	\$	-	\$	-
Recruiting	\$	4,000	\$	4,000	\$	-	\$	-	\$	-	\$	-
Total Staff Support		\$	48,000		\$	48,000		\$	-		\$	-
<i>Board Support</i>												
Inter-Regional Board Relations	\$	7,500	\$	7,500	\$	-	\$	-	\$	-	\$	-
Total Board Support		\$	7,500		\$	7,500		\$	-		\$	-
<i>Contingencies</i>												
Contingencies	\$	-	\$	10,000	\$	(10,000)	\$	(10,000)	\$	-	\$	-
Total Contingencies		\$	-		\$	10,000		\$	(10,000)		\$	(10,000)
Total Operating Expenses		\$	1,735,906		\$	1,508,268		\$	142,638		\$	142,638

A	B		C		D		E		F		G	
	Proposed FY09		Approved Budget FY 08		Changes To FY09 from FY08							
<u>External Expenses</u>	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals	Items	Totals
<i>Professional Services</i>												
Annual Audit/Audit Preparation	\$	17,000	\$	15,000	\$	2,000			\$	2,000		
Legal Counsel	\$	44,000	\$	44,000	\$	-			\$	-		
Web Site Upgrade	\$	-	\$	30,000	\$	(30,000)			\$	(30,000)		
S. Bitar VISA Sponsorship	\$	4,000	\$	7,000	\$	(3,000)			\$	(3,000)		
Consultants (FDOT/GIS - Action Plan)	\$	-	\$	55,000	\$	(55,000)			\$	(55,000)		
Consultants (DRI)	\$	72,000	\$	72,000	\$	-			\$	-		
Consultants(Green Mountain)	\$	-	\$	60,000	\$	(60,000)			\$	(60,000)		
Consultants (UF/LRTP 2035)	\$	60,000	\$	-	\$	60,000			\$	60,000		
Consultants (SRPP)	\$	15,000	\$	-	\$	15,000			\$	15,000		
Consultants(S.R. 40 Scenic Hyway)	\$	-	\$	18,000	\$	(18,000)			\$	(18,000)		
Consultants (Office Architect)	\$	30,000	\$	-	\$	30,000			\$	30,000		
Consultants (UASI)	\$	410,000	\$	-	\$	410,000			\$	410,000		
Total Professional Services		\$ 652,000		\$ 301,000		\$ 351,000				\$ 351,000		
<i>Project Expenses</i>												
GIS Coordination	\$	3,000	\$	3,000	\$	-			\$	-		
GIS Data Collection	\$	1,500	\$	1,500	\$	-			\$	-		
HMEP Training	\$	24,000	\$	26,200	\$	(2,200)			\$	(2,200)		
REMI Maintenance	\$	20,000	\$	20,000	\$	-			\$	-		
Total Project Expenses		\$ 48,500		\$ 50,700		\$ (2,200)				\$ (2,200)		
Total External Expenses		\$ 700,500		\$ 351,700		\$ 348,800				\$ 348,800		
Total Expenditures		\$ 2,436,406		\$ 1,859,968		\$ 491,438				\$ 491,438		

Glossary



A

ADA

An Application for Development Approval, prepared by a DRI applicant, provides detailed information on topics such as transportation, housing, the environment, and public facilities as they relate to the specific project that is proposed. ADAs and sufficiency responses are used by the ECFRPC to prepare the staff recommendations for each DRI.

AFFORDABLE HOUSING

Affordable housing is housing that costs less than 30 percent of the household's income. Generally affordable housing is defined based upon the area's median income. Households earning less than 50 percent of the area median income are very low-income households, and households earning 50 to 80 percent of the median are low-income households. Federal housing programs restrict the use of funds to these income groups. There is another income category, moderate income, which includes households earnings 80 to 120 percent of median income. State housing programs allow some assistance to be given to these households.

APA

The American Planning Association is a non profit research and public interest organization committed to urban, suburban, regional, and rural planning and bringing together planners, citizens, and elected officials.

B

BZPP

The Buffer Zone Protection Plan is an initiative designed to complement and supplement protective measures otherwise being undertaken by State and local jurisdictions. The plan defines a buffer zone outside the security perimeter of Critical Infrastructure/Key Asset (CI/KA) targets, identifies specific threats and vulnerabilities associated with the buffer zone, analyzes and categorizing the level of risk associated with each vulnerability as well as recommends corrective measures within a buffer zone that will reduce the risk of a successful terrorist attack.

C

CEDS

A Comprehensive Economic Development Strategy is a plan that emerges from a continuous planning process addressing the economic opportunities and constraints of a region. The guidelines for developing a CEDS include effective general planning practices that can be used by any community to design and implement a plan to guide its economic growth and should promote economic development and opportunity, foster effective transportation access, enhance and protect the

environment, and balance resources through sound management of development. A CEDS is normally a prerequisite to be eligible to receive funds under most EDA programs.

CFGIS

The Central Florida Geographic Information System initiative is staffed by the ECFRPC and seeks to increase coordination among users of geographic information systems in Central Florida. Its two primary components are a regional users group and a data clearinghouse. CFGIS efforts also include work on developing data guidelines that, if widely adopted, will make it easier to share data created by different organizations.

CI/KA

Critical Infrastructure / Key Asset are the systems, assets, and industries upon which our national security, economy, and public welfare depend.

D

DO

The Development Order is the binding order that authorizes and formally approves DRI. It is executed between the applicant and the local government. The DO spells out most, if not all, of the binding conditions to be imposed upon the DRI and usually includes any separate agreements made to resolve specific regional issues. Conditions of approval should include mitigation requirements, monitoring procedures, DO compliance, commencement and termination dates, requirements for the annual report, and a legal description of the property

DRI

Developments of Regional Impact are large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located.

E

ECFRPC

The East Central Florida Regional Planning Council works with local communities to aid them in resolving regional issues and in expanding and enhancing the abilities to work across administrative and political boundaries. The ECFRPC works with local communities through a variety of programs and projects that encompass Planning Tools, Planning Techniques, Information Development, Regional Leadership Training and Education, Organizational Partnerships, and Regional Coalitions and Compacts.

EDA

The Economic Development Administration was established under the Public Works and Economic Development Act of 1965 (42 U.S.C. § 3121), as amended, to

E - cont.

generate jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas of the United States. EDA assistance is available to rural and urban areas of the Nation experiencing high unemployment, low income, or other severe economic distress.

EDD

The Economic Development District designation under the Economic Development Administration allows local governments in the district to receive an additional 10 percent bonus under EDA funded programs and eliminates the need for counties to update their Comprehensive Economic Development Strategy annually to qualify for EDA funding. EDDs are required to prepare and update CEDS, assist in implementing strategies identified in the CEDS, and provide technical assistance to economic development organizations in the region.

ETDM

Efficient Transportation Decision Making is a cooperative process aimed at streamlining the transportation improvement process. It will bring agency interaction forward into the early stages of transportation, identify critical issues early, and facilitate early issuance of permits.

F

FDCA

The Florida Department of Community Affairs is a state department dedicated to assisting local communities meet the challenges of growth, reduce the effects of disasters, and invest in community revitalization. There are a number of programs at the FDCA from affordable housing to springs protection and growth management.

FDEP

The Florida Department of Environmental Protection is the lead agency in state government for environmental management and stewardship and works toward protecting Florida's air, water, and land. The Department is divided into three primary areas: Regulatory Programs, Land and Recreation, and Planning and Management.

FDOT

The Florida Department of Transportation is the state department responsible for state funded roads, improvements, and issues. FDOT is decentralized in accordance

with legislative mandates and consists of seven (7) districts plus Florida's Turnpike Enterprise, each of the districts is managed by a District Secretary. Although each district varies in organizational structure, in general, each has major divisions for Administration, Planning, Production, and Operations as well as a Public Information Office and General Counsel Office that report to the District Secretary.

FIAM

The Fiscal Impact Analysis Model is a tool local governments can use to assess the fiscal impacts of development projects. It also can be used to assess the financial feasibility of their capital improvements elements.

FY

The ECFRPC fiscal year runs from October 1st thru September 30 for accounting purposes.

FSH

Florida Scenic Highway is a voluntary program to heighten awareness of the State's historical, cultural, archeological, recreational, natural, and scenic resources. Program participation provides not only benefits to the community such as quality of life and economic development but resource preservation, enhancement, and protection as well. The three phases of the FSH program are eligibility, designation, and implementation.

G

GIS

A geographic information system is a computer system used for creating and managing spatial data and attributes by allowing users to integrate, store, edit, analyze, and display geographically referenced information. This technology can be used for a variety of programs from scientific investigations and resource management to development and route planning.

H

HSEEP

Homeland Security Exercise and Evaluation Program is a threat and performance based exercise program that functions as both doctrine and policy for designing, developing, conducting, and evaluating homeland security exercises. It includes a cycle, mix, and range of exercise activities of varying degrees of complexity and interaction. HSEEP includes a series of four reference manuals to help states and local jurisdictions establish exercise programs and design, develop, conduct, and evaluate exercises.

L

LEPC

The Local Emergency Planning Committee is comprised of representatives of county emergency management agencies, private manufacturers and transporters, regional

hospitals, and others. The committee focuses on hazardous materials management, including training of city and county emergency services personnel, public awareness promotions and response coordination among the various public and private emergency management services.

LGCP

Local Government Comprehensive Plans were developed following the 1985 Legislature's adoption of Florida's Growth Management Act (Chapter 163, Part II, Florida Statutes. The Local Government Comprehensive Planning and Land Development Regulation Act) require all of Florida's 67 counties and 410 municipalities to adopt Local Government Comprehensive Plans that guide future growth and development. Comprehensive plans contain chapters or "elements" that address future land use, housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. A key component of the Act is its "concurrency" provision that requires facilities and services to be available concurrent with the impacts of development.

M

MPO

Metropolitan Planning Organizations were given by Congress the role of managing the transportation process and providing an unbiased forum for effective transportation decisions in urban areas. MPOs generally produce long range transportation products and transportation improvement programs which focus on multi modal projects.

MSA

A Metropolitan Statistical Area is a large population nucleus together with adjacent communities having a high degree of social and economic integration with that core (comprised of one or more entire counties). The Office of Management and Budget (OMB) defines metropolitan areas for purposes of collecting, tabulating, and publishing federal data.

N

NARC

The National Association of Regional Councils is a non profit organization which represents multi functional organizations serving local governments. NARC is governed by a 28 member board. Membership includes regional councils, metropolitan planning organizations, councils of governments, and regional planning and development agencies.

NIMBY

Not In My Back Yard. Term given to a person or group complaining about a nuclear waste recycling plant, high security prison, or other facility being built close to their homes. Gave rise to the term 'nimbyism' which is maybe used by people to criticize others who are behaving in exactly the same way as would those making nimbyism accusations, were they to find themselves in similar circumstances (this type of person can be known as a PIGINIMBY - Phew I'm Glad It's Not In My Back Yard).

NOPC

A Notice of Proposed Change is required to be submitted by the applicant of a DRI to the local government, the RPC, and FDCA when a change is proposed to a previously approved . DRI. Section 380.06(19), FS provides guidance for determining the significance of the change. If it is determined to be a non-substantial change, the amendment can be considered by the local government, with consideration given to comments from DCA, the RPC, and their review agencies.

NAAAA

National Association Against Acronym Abuse.

O

ODP

Office of Domestic Preparedness coordinates all federal efforts, including those of the Department of Defense, Federal Emergency Management Agency, Department of Health and Human Services, Department of Energy, and the Environmental Protection Agency, to assist state and local first responders with planning, training, equipment, and exercise necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) incident.

R

RDSTF

Each Regional Domestic Security Task Force develops and implements full scale regional homeland security exercises. There are 7 RDSTFs in the state of Florida.

REMI

Regional Economics Model. Inc. is a leading economic forecasting and policy analysis model. The ECFRPC version is specially built for the a region to reflect our local economies. It is used as major source for demographic, economic, fiscal, and financial data and to model impact analysis assessing the effects of major changes and shifts in local and national economies of our communities.

S

SB 360

Senate Bill 360- Infrastructure Planning and Funding - appropriates \$1.5 billion in new money for various transportation, water, and school infrastructure programs and makes numerous changes to the laws governing growth management in Florida. Specifically, the bill requires a local government's comprehensive plan to be financially feasible and the capital improvements element in a local comprehensive plan to include a schedule of improvements that ensure the adopted level-of-service standards are achieved and maintained.

SIS

Strategic Intermodal System established in 2003 to enhance Florida's economic competitiveness, is a transportation system that is made up of statewide and regionally significant facilities and services, contains all forms of transportation for moving both people and goods, including linkages that provide for smooth and efficient transfers between modes and major facilities, and integrates individual facilities, services, forms of transportation (modes) and linkages into a single, integrated transportation network.

SMART GROWTH

Recognizes connections between development and quality of life. It leverages new growth to improve the community. The features that distinguish smart growth in a community vary from place to place. In general, smart growth invests time, attention, and resources in restoring community and vitality to center cities and older suburbs. New smart growth is more town-centered, is transit and pedestrian oriented, and has a greater mix of housing, commercial and retail uses. It also preserves open space and many other environmental amenities. But there is no "one-size-fits-all" solution. Successful communities do tend to have one thing in common—a vision of where they want to go and of what things they value in their community—and their plans for development reflect these values.

SUBSTANTIAL DEVIATION

A Substantial Deviation is defined as a proposed change to an approved DRI that creates a reasonable likelihood of additional regional impact or any regional impact not previously reviewed by the RPC. It also is a change that - standing alone or cumulatively - can exceed criteria set forth in Section 380.06(19), FS. The DRI review for a substantial deviation is limited to those areas affected by the proposed change. The review process for a substantial deviation is the same as for a new ADA,

S - cont.

although the length of time and extent of the review is often much reduced due to the limited number of issues associated with changes.

SWOT

Strength, Weakness, Opportunity and Threats Analysis is a powerful technique for understanding your Strengths and Weaknesses, and for looking at the Opportunities and Threats you face. Used in a business context, it helps you carve a sustainable niche in your market. Used in a personal context, it helps you develop your career in a way that takes best advantage of your talents, abilities and opportunities.

T

TMDL

Total Maximum Daily Load is a calculation of the maximum amount of a pollutant that a water-body can receive and

still meet water quality standards, and an allocation of that amount to the pollutant's sources, both point and non point. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

TND

Traditional Neighborhood Development is a comprehensive planning system that includes a variety of housing types and land uses in a defined area. The variety of uses permits educational facilities, civic buildings, and commercial establishments to be located within walking distance of private homes. A TND is served by a network of paths, streets, and lanes suitable for pedestrians as well as vehicles which provides residents the option of walking, biking, or driving to places within their neighborhood.

TOD

Transit-Oriented Development is the exciting, new, fast growing trend in creating vibrant, livable communities. Also known as Transit Oriented Design, it is the creation of compact, walkable communities centered around high quality train systems. This makes a higher quality life possible without complete dependence on a car for mobility and survival.

TAZ

A Traffic Analysis Zone is a special area delineated by state and/or local transportation officials for tabulating traffic-related data especially journey-to-work and place-of-work statistics. A TAZ usually consists of one or more census blocks, block groups, or census tracts. Each TAZ is identified by code that is unique within a county or statistically equivalent entity.

W

WMD

Water Management Districts are responsible for managing the quality and quantity of water resources, both surface and ground, by balancing and improving water quality, flood control, natural systems, and water supply. There are five districts in the state of Florida, three of which are located in the ECFRPC area. Those are St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District

(SWFWMD), and the South Florida Water Management District (SFWMD).

WYSIWYG

What you see is what you get.



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