

ADMINISTRATION COMMISSION AGENDA

January 18, 2012

Attachments to the items below can be viewed at the following link:
http://www.myflorida.com/myflorida/cabinet/adcom/20120118_index.html

1. **Minutes of the October 4, 2011, meeting.**
2. **Consideration of a Draft Final Order of Dismissal in the proceeding of Department of Community Affairs vs. Taylor County and Kenneth B. Hutchins, Catherine Redding, and Clinton Wood, AC Case No. ACC-10-007.**

Pursuant to Section 163.3184(3)(c)(4), FS, the above referenced matter is brought before the Commission for final action through a Notice of Voluntary Dismissal and Request for Final Order filed by the Department of Community Affairs (now the Department of Economic Opportunity). The Department represents that all parties have entered into a settlement agreement resolving all issues in the comprehensive plan amendment matter. Further, the Department requests the Commission accept the Notice of Voluntary Dismissal and enter a final order finding Taylor County comprehensive plan amendments adopted via Ordinance Numbers 2009-16 and 2009-17 (“Amendments”), as modified by the Remedial Amendment, Ordinance No. 2011-08, are “in compliance.” As a result of procedural changes passed by the Legislature last session, the Taylor County Amendments cannot become effective until the Commission takes the final action of determining that the Amendments, as amended by the Remedial Amendment, are found to be “in compliance.” (See Back-Up materials for a detailed background of the proceeding.)

Due to the fact that all parties have entered into a settlement agreement resolving all issues in this matter, the item before the Commission is comparable to a consent item.

Staff Recommendation

Authorize the Secretary to enter the Draft Final Order of Dismissal.

Back-Up

Background of Proceeding.

Division of Administrative Hearings’ Recommended Order issued on December 13, 2010.

Taylor County’s Exceptions to Recommended Order received on December 28, 2010.

Department’s Response to Respondent Taylor County’s Exceptions received on January 11, 2011.

Department’s Notice of Filing Stipulated Settlement Agreement and Request for Stay of Proceedings received on April 20, 2011.

Department's Notice of Voluntary Dismissal and Request for Final Order received on August 9, 2011.

Draft Final Order of Dismissal.

3. **Consideration of the Department of Economic Opportunity's 2011 Florida Keys Area of Critical State Concern Annual Report.**

The Department of Economic Opportunity's 2011 Florida Keys Area of Critical State Concern Annual Report is before the Commission pursuant to section 380.0552, FS, which requires the Administration Commission to annually review the progress of Monroe County, the City of Marathon and the Village of Islamorada in completing certain Work Program tasks set forth in Commission rules. The completion of the Work Program tasks by the referenced local governments will lead to the eventual removal of the area of critical state concern designation and will ensure protection of the natural resources of the Florida Keys. A detailed background/history of the Florida Keys Area of Critical State Concern designation is provided in the Department's 2011 Annual Report under Tab 2, Executive Summary.

The Department submitted the 2011 Annual Report to the Commission on November 7, 2011, as required by section 380.0552(4), FS. The report includes:

- An executive summary setting forth the area of critical state concern designation background and Department review findings and recommendations;
- Matrices for Monroe County, the City of Marathon and the Village of Islamorada, detailing required Work Program tasks and strategies and relevant completion target dates, as well as, state agency and local government input submitted to the Department in the form of comments and conclusions;
- A letter from the City of Marathon requesting transient residential units outside the framework of the Rate of Growth Ordinance (ROGO) and outside the current operational approach to implementing the hurricane evacuation model in the Florida Keys; and
- Supporting technical documents.

The Department completed a comprehensive review of all related statutory and rule requirements; evaluated information submitted by local governments and state agencies; considered the request of the City of Marathon; and made findings and recommendations on the progress of accomplishing required Work Program tasks. In accordance with its statutory charge provided in section 380.0552(4)(c), FS, the Department recommends the following actions:

- 1) Accept the Department's 2011 Annual Report for Monroe County, the City of Marathon and the Village of Islamorada;
- 2) Continue the Florida Keys Area of Critical State Concern designation in order to complete the Work Program requirements set forth in Rules 28-18.400, 28-19.310, and 28-20.140;

- 3) Accept the Department's recommendation that substantial progress toward accomplishing the strategies of the Work Program have been achieved for Monroe County, the City of Marathon and the Village of Islamorada;
- 4) Recognize the City of Marathon's progress in constructing centralized sewer and the City of Marathon's debt to the state revolving loan fund. Direct the Areas of Critical State Concern staff to coordinate with the City of Marathon's planning staff to amend the City of Marathon's Comprehensive Plan. The amendment would authorize a "one-time" award of 100 transient units. The plan amendment may also include an additional 100 units composed of units from the City's Administrative Relief pool and borrowing forward from the City's future allocations; and
- 5) Direct the Areas of Critical State Concern staff to add the request from Marathon for any future transient allocations to the Hurricane Evacuation Clearance Modeling Workshops' agenda as a discussion item between all local governments and appropriate federal, state, and local entities.

The 2011 Annual Report was reviewed and Commission staff makes the following recommendation.

Staff Recommendation:

- 1) Accept the Department's 2011 Florida Keys Area of Critical State Concern Annual Report and transmittal letter received on November 7, 2011, and approve all recommended actions contained in the Department's 2011 Annual Report.
- 2) Direct Commission staff, with assistance of Department staff, to prepare and issue the "30 Day Report" detailing the Work Program tasks that must be completed by Monroe County, the City of Marathon and the Village of Islamorada within the next 12 months, to include technical adjustments.

Back-Up

Department of Economic Opportunity's 2011 Florida Keys Area of Critical State Concern 2011 Annual Report.