

ADMINISTRATION COMMISSION AGENDA

March 9, 2004

1. **Approval of the minutes for the meeting held January 27, 2004.**
2. **Consideration of the Department of Community Affairs' Florida Keys Annual Assessment Report. (Deferred from December 16, 2003. Withdrawn from the January 27, 2004, Administration Commission Meeting)**

On November 17, 2003, the Department of Community Affairs (DCA) submitted an Assessment Report for the Florida Keys Area of Critical State Concern (ACSC). The report includes the DCA's Annual ACSC Designation Report as well as reports prepared by the DCA, Monroe County, and the City of Marathon detailing the progress made toward achieving objectives set forth by Administration Commission Rules

28-20.100 and 28-19.100, Florida Administrative Code (F.A.C.), relating to the work program. Additionally, the DCA report includes local government, state, and federal agency comments, and the Florida Keys Carrying Capacity Study Implementation – Rule 28-20 Work Group final report.

Pursuant to section 380.0552(4), Florida Statutes (F.S.), the DCA must make a recommendation annually to the Administration Commission regarding the removal of the ACSC designation from the Florida Keys area. In order to remove the designation, the DCA must determine that all local land development regulations and local comprehensive plans and the administration of such plans are: (1) adequate to protect the Florida Keys area and continue to carry out the legislative intent incorporated in section 380.0552(2), F.S., and (2) in compliance with the Principles for Guiding Development incorporated in section 380.0552(7), F.S.

Administration Commission Rules 28-20.100 and 28-19.100, F.A.C., direct Monroe County, the DCA and the City of Marathon to report to the Commission annually on the degree to which work program objectives are being achieved. In addition, interested persons may report and make recommendations to the Commission for consideration. The Commission must consider the findings and recommendations provided in the reports, as well as comments from interested parties, and determine whether substantial progress has been achieved toward accomplishing the overall objectives of the work program.

On December 16, 2003, the Administration Commission took the following action:

Area of Critical State Concern Designation

- Continued the designation for the Florida Keys, including the municipalities of Marathon, Islamorada, Key Colony Beach, Layton, and the City of Key West for an additional year

City of Marathon

- Determined that substantial progress in implementing the work program had been made
- Determined that some permits should be restored for affordable housing programs. Action on the specifics were deferred until the January 27, 2004, Administration Commission meeting

Village of Islamorada

- Deferred all action on the Village of Islamorada's progress toward implementing its Comprehensive Plan until the January 27, 2004, Administration Commission meeting

Monroe County

- Determined that substantial progress toward implementing the Work Program had not been made
- Directed the Department of Community Affairs to determine comprehensive plan changes necessary to fully implement the requirements of the work program by January 10, 2004
- Recognized that rule amendments will be necessary; however, deferred any specific action until the January 27, 2004, Administration Commission meeting

On February 26, 2004, the DCA submitted a letter to the Commission requesting rulemaking authorization for Commission staff to address comprehensive plan amendments.

Recommendation:

The staff recommendation will be distributed separately.

Back-Up:

DCA's Year Six Florida Keys Annual Assessment Report received November 17, 2003. (Distributed to Cabinet Offices on November 17, 2003.)

DCA's letter with attachments received on February 26, 2004.

3. **Consideration of the Department of Community Affairs' Report to the Administration Commission on the University of South Florida, Manatee/Sarasota Campus, Campus Master Plan (AC Case No. CMP-03-007).**

On May 15, 2003, the University of South Florida (USF) Board of Trustees amended its Campus Master Plan (Plan) for the Sarasota/Manatee Campus. Seven petitions were received between June 11 and 18, 2003, challenging the Plan as not being in compliance with section 1030.30, F.S., or with Rule 6C-21, F.A.C. Petitions were filed by Renee Sansoucy, Dr. David Mullins and Andrea Ginsky, Claudia and Glenn Cuomo, the Sierra Club Manatee-Sarasota Group, Julie Morris and Heidi Harley, Sean Connelly, and Terry Dean. Pursuant to section 1013.30(80(a), F.S., USF conducted mediation of the issues in dispute. The mediation was not successful in resolving the issues. Section 1013.30(8)(b), F.S., provides that if issues in dispute regarding the Plan are not resolved by the parties, the matter shall be forwarded to the Department of Community Affairs (DCA). USF forwarded the matter to the DCA on October 1, 2003. The DCA conducted an informal hearing on November 18-21 and 25-26, 2003, pursuant to section 1013.30(8)(b), F.S..

On December 19, 2003, the DCA forwarded a report to the Administration Commission identifying issues in dispute with the Plan, the nature and basis for each dispute, alternatives available to resolve the dispute, and recommendations for resolution of the dispute. Issues of dispute include:

- Whether USF complied with procedural requirements for adoption of the Plan
- Whether the City of Sarasota should be considered a host local government
- Whether the Plan is supported by adequate data and analysis
- Whether the plan properly addresses the "context area"
- Whether the Plan complies with the Conversation Element requirements of Chapter 1013, F.S., and Chapter 6C-21, F.A.C.
- Whether the Plan complies with the Transportation Element requirements of Chapter 1013, F.S., and Chapter 6C-21, F.A.C.
- Whether the Plan complies with the Future Land Use Element requirements of Chapter 1013, F.S., and Chapter 6C-21, F.A.C.
- Whether the Plan preserves and protects a nationally registered historical landmark
- Whether the Plan is consistent with the Manatee County Comprehensive Plan
- Whether the Plan is consistent with the State Comprehensive Plan
- Whether the Plan is compatible with the surrounding land uses
- Whether USF should seek a different location for the proposed development

Proposed final orders were submitted by the USF Board of Trustees, the Sierra Club Manatee-Sarasota Group, and Claudia and Glenn Cuomo on February 16, 2004, February 23, 2004, and February 26, 2004, respectively. In addition, New College of Florida provided comments in response to the USF proposed final order on February 25, 2004.

RECOMMENDATION:

The staff recommendation will be distributed separately.

BACK-UP:

Letter from Dan Stengle, representing USF, transmitting petitions to Secretary Castille, DCA, dated October 1, 2003.

DCA's report to the Administration Commission received on December 19, 2003.

Proposed final order submitted by the USF Board of Trustees on February 16, 2004.

Proposed final order submitted by the Sierra Club Manatee-Sarasota Group on February 23, 2004.

Proposed final order submitted by Claudia and Glenn Cuomo on February 26, 2004.

Comment letter from New College of Florida received on February 25, 2004.

Draft Final Order. (To be distributed separately.)