

**ADMINISTRATION COMMISSION
AGENDA**

August 23, 2005

1. **Request approval of the minutes of the meeting held August 9, 2005.**
2. **Consideration of Proposed Rule 28-20.110, Comprehensive Plan, and Proposed Rule 28-20.120, Land Development Regulations – Monroe County (AC Case No. RUL-04-006) Deferred from August 9, 2005, Commission Meeting.**

On March 9, 2004, the Administration Commission authorized staff to initiate rulemaking to amend the Work Program set forth at Policy 101.2.13 of the Monroe County Comprehensive Plan and adopt the necessary land development regulations. Pursuant to the concepts approved by the Commission, proposed rule 28-20.110 addresses building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restores certain allocations previously reduced to be targeted for affordable housing; authorizes certain unused rate of growth ordinance allocations to roll forward; and deletes the requirement for nutrient credits upon certain criteria being met. Additionally, the rule amends the Work Program set forth in Policy 101.2.13 of the Monroe County Comprehensive Plan to establish Work Program provisions for Year 8, Year 9, and Year 10 to address tasks not yet completed in the original Work Program. Proposed rule

28-20-120 addresses adoption of necessary land development regulations.

Pursuant to Chapter 120, F.S., a notice of rule development and a notice of proposed rule were published in the *Florida Administrative Weekly*. Both notices provided for public hearing opportunities, if requested. No public hearings were requested and no public hearings were conducted. In response to the notice of proposed rule, petitions challenging the validity of the rules were filed with the Division of Administrative Hearings (DOAH) by the Florida Keys Citizens Coalition, Inc., and Last Stand, Inc. Petitioners assert that portions of the rules were invalid exercises of delegated legislative authority. An administrative hearing was conducted on October 11 through 15 and November 15 through 18, 2004. The DOAH Administrative Law Judge issued a Final Order dismissing the challenges on June 30, 2005.

Recommendation:

To be distributed separately.

Back-Up: (Previously distributed with August 9, 2005, agenda package.)

DOAH's Final Order issued June 30, 2005.

Final Rulemaking Package.