

**ADMINISTRATION COMMISSION**  
**AMENDED AGENDA**

**November 17, 2009**

**Attachments to the items below can be viewed at the following link:**

<http://www.myflorida.com/myflorida/cabinet/adcom/index.html>

- 1. Approval of the minutes of the September 15, 2009, meeting.**
  
- 2. Florida Keys Area of Critical State Concern:**
  - A. Department of Community Affairs 2009 Removal of Designation Report**
  - B. Consensus Draft Legislative Language**
  - C. Monroe County's Petition for a Variance From or Waiver of 20 Percent Rate of Growth Ordinance (ROGO) Allocation Reduction in FAC 28-20.110**

In 2006, the Legislature revised a procedure to lead to the eventual removal of the designation of the Florida Keys as an area of critical state concern. Section 380.0552(4), FS, requires the Department of Community Affairs (DCA) to report to the Administration Commission, detailing the progress of the Florida Keys Area toward accomplishing the work program tasks set forth in Administration Commission Rule 28-20.110, FAC. In addition, the DCA must provide a recommendation as to whether substantial progress toward accomplishing the tasks of the work program has been achieved.

The DCA's 2009 Removal of Designation Report for Monroe County, the City of Marathon and the Village of Islamorada was submitted to the Commission on November 4, 2009, detailing the status of each task of the work program referenced in Rule 28-20.110, FAC. The Report consists of both a narrative summary and matrices for Monroe County, Marathon and Islamorada, addressing the major themes of Carrying Capacity and Habitat Protection, Hurricane Evacuation, and Water Quality and associated strategies to achieve the work program tasks. The DCA found that the Florida Keys communities have made some progress towards completion of some of the tasks, "but significant funding and additional time is needed to complete the remaining work program tasks." The Department recommends the Commission determine that substantial progress toward accomplishing the tasks of the work program has not been achieved.

Florida Administrative Code 28-20.110 requires a 20 percent reduction of Rate of Growth Ordinance (ROGO) allocations in the event Monroe County is deemed to not have made substantial progress toward its work program tasks. On November 2, 2009, Monroe County submitted a Petition for a Variance from or Waiver of 20 Percent ROGO Allocation Reduction in FAC 28-20.110, requesting the Commission grant a variance and/or waiver from this requirement. The County's petition will be noticed in the November 20, 2009, edition of the *Florida Administrative Weekly* pursuant to Chapter 120, FS. The comment period provided in the notice will conclude on December 4, 2009. A staff recommendation on Monroe County's petition will be brought to the Commission at the December 8, 2009, Cabinet meeting.

Section 380.0552(4), FS, requires that upon a finding that substantial progress has not been achieved, the Commission is required to provide a report within 30 days to the Monroe County Board of County Commissioners detailing the tasks remaining to be accomplished. If, upon consideration of DCA's 2009 Report, the Commission makes this determination, the "30 Day Report" will be prepared by staff and provided to the local governments.

In addition to the 2009 Removal of Designation Report, the DCA forwarded a draft legislative package for acceptance. The draft legislation amends sections 215.619, 380.0552, 381.0065(4), and 403.086, FS. It incorporates the requirements of Chapter 99-395, LOF, relevant to the Florida Keys Area of Critical State Concern; these requirements have been in effect since 1999. The draft legislation reflects the consensus of the Department of Environmental Protection (DEP), Department of Health (DOH), and the DCA. The suggested statutory revisions provide a coordinated strategy to assist the Florida Keys communities, DEP and DOH in implementing standards and completing projects to protect and improve water quality.

**Staff Recommendation:**

1. Accept the DCA 2009 Removal of Designation Report finding that substantial progress was not achieved in completing all work program tasks and continue the Area of Critical State Concern designation for the Florida Keys Area for an additional year.
2. Direct staff to prepare the "30 Day Report" detailing the tasks under the work program that must be accomplished in order for substantial progress to be achieved within the next 12 months and provide the report to the local governments.
3. Direct staff to process Monroe County's Petition for a Variance from or Waiver of 20 Percent ROGO Allocation Reduction in FAC 28-20.110 to be considered at the December 8, 2009, Cabinet meeting.
4. Accept the draft consensus legislative package and direct the DCA, DEP, and DOH to jointly submit a written report to the Secretary of the Commission, each month, on the progress of further language refinements prior to and during the 2010 Legislative Session.

**Back-Up:**

DCA's 2009 Removal of Designation Report for the Florida Keys Area of Critical State Concern dated November 4, 2009.

Draft legislative package.

Monroe County's Petition for a Variance from or Waiver of 20 Percent ROGO Allocation Reduction in FAC 28-20.110 received on November 2, 2009.