



DRAFT AGENDA

MONDAY, FEBRUARY 28, 2022

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Council Meeting will begin at 10:30 a.m.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/474232381>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 474-232-381

- I. Pledge of Allegiance and Roll Call**
- II. Approval Council Agenda**
- III. Council Planning Conversation (Time Certain: 11:15)**
- IV. Action Items**
 - A. Minutes of Previous Meeting
 - B. Financial Report
 - C. Consent: Comprehensive Plan Amendment Reviews

Proposed

- Broward County 22-01ESR
- City of Coral Gables 22-01ESR
- Town of Cutler Bay 22-01ESR
- City of Dania Beach 22-02ESR
- City of Key West 22-01ACSC
- City of Oakland Park 22-01ESR

Public Hearing



Adopted

- Broward County 21-05ESR
- Broward County 21-06ESR
- Town of Davie 21-01ESR
- City of Doral 21-03ESR
- City of Florida City 21-01ESR
- City of Key West 21-03ACSC
- City of Marathon 21-07ACSC
- Village of Miami Shores 21-01ESR

Public Hearing

- D. Regional Issues: Comprehensive Plan Amendment Review – None
- E. Request for Authorization to enter into South Florida MIRR Consultant Contracts

Public Comments

V. Discussion Items

- A. Executive Director’s Report
- B. Legal Counsel Report
- C. Council Members Report
- D. Ex-Officio Report

VI. Program Reports and Activities

- A. SFRPC Revolving Loan Funds Status Report
- B. SFRPC CARES Act RLF Status Report
- C. Development of Regional Impact Status Report
- D. Council Highlights
- E. Council Member Inquiries

VII. Announcements and Attachments

- A. Attendance Form
- B. Correspondence and Articles
- C. Upcoming Meetings
 - 1) Friday, March 18, 2022, (TCRPC/SFRPC Joint Meeting, location TBD, In Person)
 - 2) Monday, March 21, 2022, 10:30 a.m. (SFRPC, Hollywood)
 - 3) Monday, April 18, 2022, 10:30 a.m. (SFRPC, Hollywood)
 - 4) Monday May 16, 2022, 10:30 a.m. (SFRPC, Hollywood)

VIII. Adjournment

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Agency at least 5 days before the hearing by contacting the South Florida Regional Planning Council at one of the following: (1) One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (2) Phone 954-924-3653; (3) Fax 954-924-3654; or (4) sfadmin@sfrpc.com. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1 (800) 955-8771 (TTY/VCO), 1 (800) 955-8770 (Voice), 1 (800) 955-8773 (Spanish).

Agenda packets for upcoming Council meetings will be available at the Council's website, <https://sfrpc.org/meeting-materials/> ten days prior to the meeting.

If you would like to be added to the e-mail list to receive the link to the agenda, please e-mail the Council at sfadmin@sfrpc.com.



MEMORANDUM

AGENDA ITEM # III

DATE: FEBRUARY 28, 2022

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: COUNCIL PLANNING CONVERSATION

The purpose of this conversation is to identify regional topics and trends of interest to Council Members that they would like to see expanded into a broader regional planning conversation where the Council would serve as the convening authority.

Potential issues and emerging trends include, but are not limited to:

- Condominium Legislation / Structural Issues / Impact of potential redevelopment regionwide / Additional coastal considerations
- Affordable Housing - Transit-Oriented Development
- Insurance Crisis

Background

The Interlocal Agreement of July 1, 1974 establishing the South Florida Regional Planning Council as the “regional planning and coordinating agency” enumerates the Council’s purpose:

- a. To provide local governments with a means of exercising the rights, duties, and powers of a Regional Planning Agency as defined in Chapters 23, 163, and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal, and Local law.
- b. To provide a means for conducting the comprehensive regional planning process.
- c. To provide regional coordination for the members of the Council.
- d. To exchange, interchange, and review the various programs of the individual members which are of regional concern.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

e. To promote communication among members and the identification and resolution of common regional-scale problems.

f. To cooperate with Federal, State, Local and non-governmental agencies and citizens to insure the orderly and harmonious coordination of State, Federal, and Local planning and development programs to assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of the natural resources and environment of the Region, consistent with the protection of natural resources and environment of the Region and to protect the health, safety, welfare, and quality of life of the residents of the Region.

Recommendation

Information Only.



The Honorable Kristin Dozier, Leon County Commissioner
The Honorable, Gene Wright, Mayor - Town of Malone
Ms. Lisa Miller, Gubernatorial Appointee

Revolving Loan Fund Program: Legacy, CARES Act & REVIVE!



- The ARPC currently manages 3 Revolving Loan Funds (RLFs):

1) Legacy RLF (est. 1984)

- \$1.3M: EDA award
- Award is fully disbursed
- 13 current borrowers representing 6 ARPC counties

2) CARES Act RLF (est. 2020)

- \$580K: EDA award
- 2022 funding available: \$62K
- 11 current borrowers representing 4 ARPC counties

3) REVIVE! RLF (est. 2020)

- \$1M: \$800K EDA award & \$200K OEV match
- 2022 funding available: \$695K
- 6 current borrowers, all minority and/or women-owned enterprises in Leon County



Central Florida Regional Planning Council

Honorable Nathaniel
Birdsong
Winter Haven

Honorable Kelly
Owens
Okeechobee County

Ms. Jacqueline
Tucker
Gubernatorial
Appointee



Migrant and Farmworker Housing Study and Model Ordinance

- Examined housing demand and widely varying local regulations
- Engaged stakeholders and provided an educational platform for farmworkers, for agri-business, for landowners, for agricultural communities, and for local governments
- Addressed mutual concerns and misconceptions related to farmworker housing
- Developed Model Ordinance



EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL



Policy Board Members

Brevard County Commissioner Emily Bonilla

Lake County Commissioner Sean Parks

John Lesman, Seminole County Gubernatorial Appointee

Commissioner Julian Green, Municipal Representative

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL



EPA Brownfields Grant

- Three-year \$600K from EPA. Grant began Oct 1.
- Grant Goal: Revitalize the OBT/SR 441 corridor by assessing properties for contamination and developing a Regional Brownfields Program within the ECFRPC
- Project Partners: Cities of Apopka, Eustis, Kissimmee, and Longwood
- Recent Activities:
 - Selected a consultant to oversee field work
 - Cities approved updated inter-local agreement in Nov/Dec '21
 - Brownfield Advisory Committee (BAC) approved





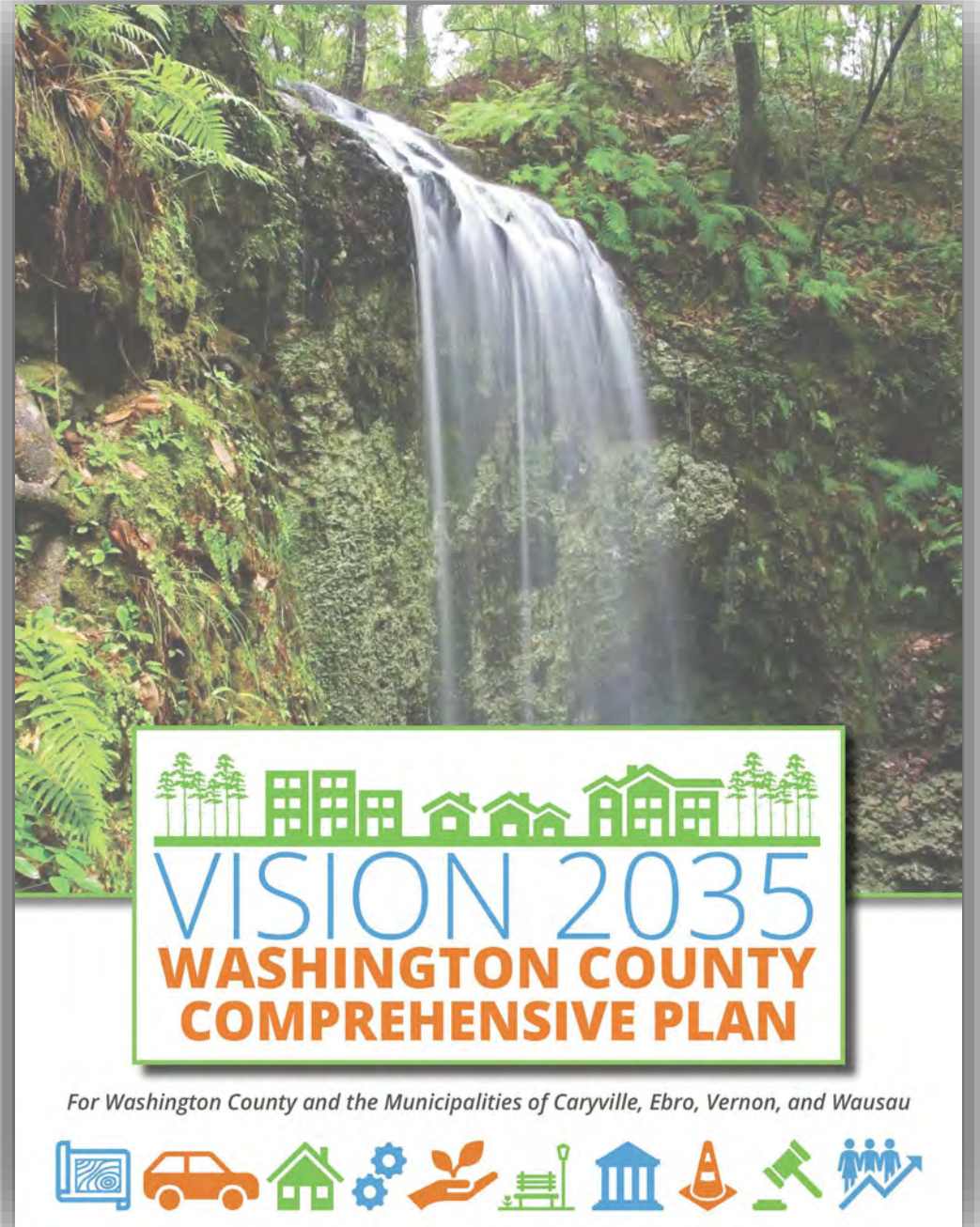
Washington County Comp Plan

Austin Mount – Chief Executive Officer

Kasey Cuchens – Governor Appointee

Tray Hawkins – Washington County Commissioner

Dr J. D. Smith – Governor Appointee





Data & Analysis **Element GOPs** **Tracking Table**

VISION 2035 WASHINGTON COUNTY

EMERALD COAST REGIONAL COUNCIL

Project Advisory Team (PAT) Meeting
June 24, 2021

VISION 2035 WASHINGTON COUNTY

VISION 2035 WASHINGTON COUNTY

EMERALD COAST REGIONAL COUNCIL





Regional Tourism Promotion Website

The Honorable Charles Chestnut IV, Alachua County Commissioner

Ms. Lorene Thomas, Gubernatorial Appointee

The Honorable Robert Wilford, City of Alachua Commissioner

Regional Tourism Promotion Website

- ❑ Council formed The Original Florida Tourism Task Force
- ❑ Council provides staff services to Task Force
- ❑ Task Force promotes north central Florida for nature-based, heritage-based and cultural-based tourism
- ❑ Task Force uses website to market the 170 miles of coastline, 19 first magnitude springs and 25 state parks in region
- ❑ Website, naturalnorthflorida.com, provides information concerning Places to Go, Things to Do, Places to Eat, Places to Stay, Travel Writer Blogs and Festivals





**NORTHEAST FLORIDA
REGIONAL COUNCIL**

Policy Board Members:

Hon. Larry Harvey, Hon. Randy DeFoor, Mr. Darryl Register, Hon. Christian Whitehurst (alternate)

North Florida Resiliency Plan for the Health & Medical Lifeline

North Florida Resiliency Plan for the Health & Medical Lifeline

* A Community Development Block Grant Mitigation (CDBG- MIT) project*

Purpose

- The Plan will analyze various risks – storm surge, sea level rise, flooding.
- Develop recommendations & implementation projects related to infrastructure and clinical care service delivery.
- Three years, \$700,000 funded through DEO.

Study Area

18 Counties in North Florida



Objectives

- Primary focus is hospitals and inpatient facilities
- Plan will provide supporting data, analysis, and mitigation strategies
- Aims to assist organizations in reducing future vulnerabilities and losses
- Healthcare Coalition membership will be used as stakeholder group

South Florida Regional Planning Council

Policy Board Members

Mario Bailey

Chair, SFRPC

Governor's Appointee

The Honorable Jordan W. Leonard

Council Member, North Bay Harbor Islands

The Honorable Michael Udine

Mayor, Broward County

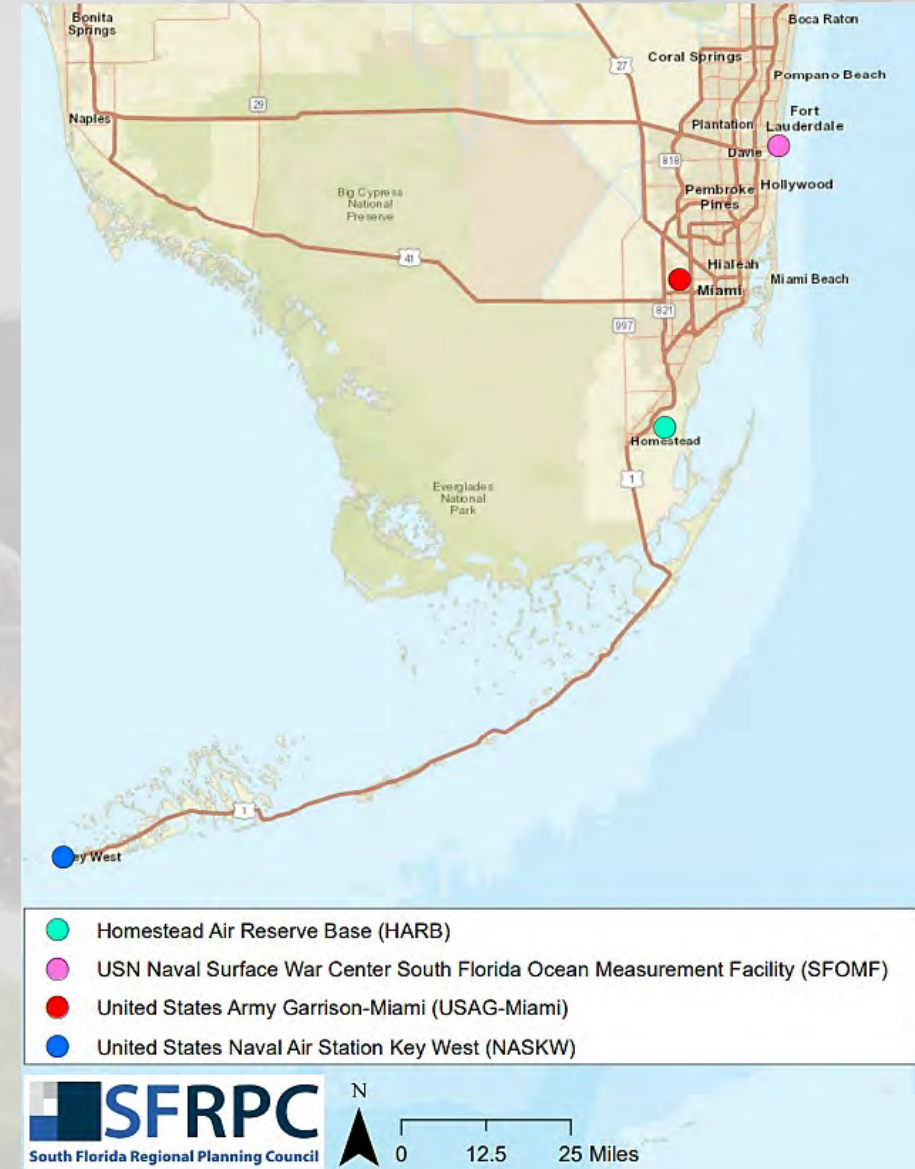


*1 Oakwood Boulevard, Suite 250
Hollywood, Florida 33020*

*Tel: 954.924.3653
sadmin@sfrpc.com
www.sfrpc.org*

South Florida Military Installation Resilience Review

- The U.S. Department of Defense Office of Local Defense Community Cooperation has awarded the SFRPC \$1.1 million to conduct a regional **Military Installation Resilience Review** (MIRR) of four key military installations during the next 18 months.
- The SFRPC, with its consultant team consisting of the South Florida Defense Alliance and Jacobs, and with the assistance of the counties, adjacent municipalities, and military installations will study “outside the gate” resilience issues facing:
 1. *Homestead Air Reserve Base (HARB)*, Miami-Dade County
 2. *United States Army Garrison-Miami (USAG-Miami)*, Miami-Dade County
 3. *USN Naval Surface War Center South Florida Ocean Measurement Facility (SFOMF)*, Broward County
 4. *United States Naval Air Station Key West (NASKW)*, Monroe County
- In part, this study will:
 - identify the risks, hazards, and vulnerabilities of concern as it relates to the ability of the military to carry out its missions on the base that could be mitigated through investments and solutions outside of the fence line in the surrounding communities;
 - identify and recommend actions or investments to mitigate risks of highest concerns and enhance military resiliency through increased communication and collaboration between South Florida’s installations; and
 - include coordination with TBRPC and Emerald Coast, and their MIRR.



Southwest Florida Regional Planning Council

Sarasota-Charlotte-Lee- Collier-
Hendry-Glades



Clewiston Lake Front Master Plan



- **\$175,000** Through the Florida Fish and Wildlife Commission-Florida Boating Improvement Program. The SWFRPC will use the grant funds to design and engineer a new Master Plan for a currently undeveloped parcel of lakefront property on Lake Okeechobee in Hendry County, Florida.



TAMPA BAY REGIONAL PLANNING COUNCIL

1962-2022

CONVENING THE
REGION FOR 60
YEARS

The Resilient Ready Technical Assistance Program will enhance the Tampa Bay Regional Resiliency Coalition members' capacity to assess, plan for, and adapt to flood impacts using multi-functional nature-based infrastructure, resilient site design and construction practices.

The Safe Shelter Tampa Bay will provide a regionwide vulnerability assessment of hurricane shelters and critical emergency facilities. TBRPC staff will compile data, map assets, convene stakeholders to discuss risks and define resilience priorities to support FDEM and coordinate resilience planning throughout the Tampa Bay region.

**TAMPA BAY
REGIONAL
PLANNING
COUNCIL:
RESILIENT READY
TAMPA BAY**





FRCA POLICY BOARD

Members

Commissioner Peter O'Bryan (Indian River County)
Commissioner Reece Parrish (St. Lucie County)
Councilmember Doug Smith (Martin County)

Alternates

Councilmember Michael Davis (Palm Beach County)
Councilman Jeff Hmara (Palm Beach County)

QUIET ZONE ESTABLISHMENT WORKSHOP



Objectives:

- Understand what a Quiet Zone is and is not
- Learn about the process to establish a Quiet Zone
- Familiarization with grade crossing infrastructure
- Field review of existing grade crossings
- Leverage presence of FRA inspectors to also benefit rest of the Region



Partners:

- Treasure Coast Regional Planning Council
- Palm Beach Transportation Planning Agency
- Federal Railroad Administration
- Brightline
- West Palm Beach



SOUTH FLORIDA REGIONAL PLANNING COUNCIL

JANUARY 24, 2022

The South Florida Regional Planning Council met virtually and in-person on this date at the Miami-Dade County Commission Chamber, 111 NW 1st Street, 2nd Floor, Miami, Florida 33128. Chair Bailey called the meeting to order at 10:53 a.m. after the Southeast Florida Regional Prosperity Institute adjourned and reminded everyone of the meeting's procedures. Councilmember Cates led the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Chair Mario J. Bailey (present)
Councilmember Craig Cates (present)
Councilmember Michelle Coldiron (present)
Councilmember Joseph Corradino **
Councilmember Beam Furr *
Councilmember René García *
Councilmember Steve Geller (present)
Councilmember Oliver Gilbert, III **
Councilmember Cary Goldberg **
Councilmember Samuel Kaufman *
Councilmember Jordan Leonard **
Councilmember Kionne McGhee (present)
Councilmember Greg Ross *
Councilmember Michael Udine *
Councilmember Ana M. Ziade *

* Virtually Present
** Absent

Isabel Cosio Carballo, SFRPC Executive Director, and Jacob Horowitz, Legal Counsel, were present.

The following Ex-Officio Members were virtually present:

Dat Huynh, from the Florida Department of Transportation, District VI
Lorraine Mayers, representing the South Florida Water Management District
Jon Moore, representing Jason Andreotta, from the Florida Department of Environmental Protection

II. Approval Council Agenda

Councilmember Coldiron moved to approve the Council Agenda. Councilmember Cates seconded the motion, which carried by a unanimous vote.

Welcome

- The Honorable Daniella Levine Cava, Mayor

Mayor Levine Cava welcomed the Councilmembers at the Southeast Florida Regional Prosperity Institute Meeting, which was held prior to the SFRPC Council meeting.

III. Guest Presentations (Time Certain) 11:45

- Kevin Guthrie, Director of the Florida Division of Emergency Management
- James F. Murley, Chief Resilience Officer, Miami-Dade County
- Pamela Sweeney, Chief Water Scientist, Miami-Dade County DERM
Biscayne Bay Update

IV. Action Items

A. Minutes of Previous Meeting (October 25, 2021, and November 8, 2021)

Councilmember Geller moved to approve the Minutes of the Previous Meetings. Councilmember Ross seconded the motion, roll was called in which the item was carried by a unanimous vote.

B. Financial Report

Finance Manager, Leo Braslavsky Soldi explained the Financial Report in detail.

Councilmember Geller moved to approve Agenda Item IV.B Financial Report. Councilmember Coldiron seconded the motion, roll was called in which the item was carried by a unanimous vote.

Mr. Goren read the Comprehensive Plan Amendment Reviews, Proposed and Adopted.

C. Consent: Comprehensive Plan Amendment Reviews

Proposed

- Broward County 21-07ESR *
- Miami-Dade County 21-05ESR
- Miami-Dade County 21-06ESR
- City of Aventura 21-02ESR *
- City of Coconut Creek 21-01ESR *
- City of Dania Beach 22-01ESR
- Town of Davie 21-01ESR *
- City of Doral 21-03ESR *
- City of Fort Lauderdale 21-01ESR *
- City of Hialeah 21-04ESR
- City of Hollywood 21-02ESR
- City of Homestead 21-03ESR
- City of Key Colony Beach 21-01ACSC *
- City of Lauderhill 21-02ESR *
- City of Miami 21-01ESR *
- City of Pembroke Pines 21-01ESR *
- Village of Pincrest 21-01ESR *
- City of Tamarac 21-02ESR

Public Comment

There were no comments or questions from the public via email or virtually.

Councilmember Geller moved to approve Agenda Item IV.C Consent: Comprehensive Plan Amendment Review, Proposed. Councilmember Cates seconded the motion, roll was called in which the item was carried by a unanimous vote.

Adopted

- Broward County 21-07ESR *
- City of Hialeah 21-01ESR
- City of Hialeah 21-03 *ESR
- City of Lauderdale Lakes 20-01ESR
- City of Miramar 21-02ESR *
- North Bay Village 21-01ESR *
- City of North Miami 21-02ESR
- City of Parkland 21-01ESR *
- City of Pompano Beach 21-01ESR *
- City of South Miami 21-01ESR *
- Town of Southwest Ranches 21-03ESR *
- City of Tamarac 21-01ESR *

Public Comment

There were no comments or questions from the public via email or virtually.

Councilmember Geller moved to approve Agenda Item IV.C Consent: Comprehensive Plan Amendment Review, Adopted. Councilmember McGhee seconded the motion, roll was called in which the item was carried by a unanimous vote.

D. Regional Issues: Comprehensive Plan Amendment Review – None

E. Nominating Committee Report / Election of Officers

Chair Bailey explained the process and purpose for the Nominating Committee Meeting which was held earlier. The new Executive Committee is:

Chair - Steve Geller (Broward County)
First Vice Chair - Sam Kaufman (Monroe County - Municipal)
Second Vice Chair - Beam Furr (Broward County)
Treasurer - René García (Miami-Dade County)
Secretary – Michelle Coldiron (Monroe County)
Immediate Past Chair – Mario J. Bailey (Miami-Dade County, Governor’s Appointee)

Public Comment

There were no comments or questions from the public via email or virtually.

Councilmember Udine moved to approve Agenda Item IV.E Nominating Committee Report / Election of Officers. Councilmember McGhee seconded the motion, in which the item was carried by a unanimous vote.

Immediate Past Chair Bailey congratulated the new Executive Committee and handed the gavel to the newly appointed Chair Geller. Immediate Past Chair Bailey stated that it was an honor to serve on the Board and his most important goal was to move the Council Meetings to each County, in which he achieved. He looks forward to serving as Immediate Past Chair under Chair Geller's leadership.

Chair Geller thanked Councilmember Bailey for his able service as Chair of the SFRPC. Chair Geller explained the history of his chairmanship when Mayor Levine Cava was Chair, and she became Miami-Dade County's Mayor. Then Chair Geller became Mayor of Broward County and could not be both Mayor and Chair, so Councilmember Bailey became Chair. Chair Geller has been on the Board for about 5/6 years and has been an advocate for changing the role of the SFRPC. He explained the changes made to the SFRPC's responsibilities due to the historical legislative updates. Chair Geller advocates that the SFRPC augment its role to as the regional convening authority in regional planning issues such as water, transit, affordable housing, economic development, etc. He mentioned the Joint Meetings with the Treasure Coast Regional Planning Council (TCRPC) and continuing to have regional planning conferences more frequently. He looks forward to working a full year as Chair and working with the Councilmembers. He again thanked Councilmember Bailey for his work as Chair.

V. Discussion Items

A. Executive Director's Report

Mrs. Cosio Carballo gave an update on the SFRPC regional activities including the ongoing update of the Comprehensive Economic Development Strategy for South Florida (CEDS). This effort is chaired by Chair Geller. It involves discussion with regional business, educational, transportation, and non-profit leaders in work force and strategy meetings to develop a new CEDS by September 2022. Additionally, the SFRPC continues staffing the Local Emergency Planning Committee as part of its work with the Florida Department of Emergency Management. The Council continues to provide technical assistance in the development of EDA Funding Proposals including a proposal to support coral farming and the development of a supportive coral reef industry ecosystem of technology, work force training, infrastructure, and capital. Staff has been working with counties and the business industries on this proposal. She stated that the SFRPC is moving forward with the Military Installation Resilience Review (MIRR) and an update will be presented at the next meeting. The Selection Committee chose Jacobs and the South Florida Defense Alliance as the consultant teams. She mentioned that the SFRPC is looking for transportation and resilience planners and referred interested parties to the website for more information.

B. Legal Counsel Report

Mr. Horowitz referenced the MIRR Selection Meeting, and the firm is waiting on a draft contract with Jacobs. He informed the Council that Mr. Goren is home and doing well.

C. Councilmembers Reports

Councilmember Coldiron thanked Immediate Past Chair Bailey for the remarkable job as Chair in conducting virtual/physical meetings throughout the year and having meetings in Monroe County. Monroe County is working with the Florida Cabinet to get additional workforce housing building allocations with public/private partnerships. This will take place with a private developer who has land in Key West and is partnering with Monroe County Sherriff's Department and the County to build workforce housing specifically for the first responders and officers. This is one way to overcome some of our obstacles.

Immediate Past Chair Bailey was excited to welcome new members to the Council. He thanked Miami-Dade County for hosting today's meeting. He is excited to see Chair Geller focus on regional planning.

Councilmember McGhee is excited to be present. He thanked and congratulated Chair Geller. He is looking forward to working with the Council. He thanked Immediate Past Chair Bailey for his leadership. He would like to see a true rail tri-county connectivity agenda. This will create a second to none transportation system in the tri county area and help economic development and environmental issues. "Put me in the game coach" is quote from a student wrestler and Councilmember McGhee would like to be put in the game, he would love to make sure the agenda is pushed forward with vigor and intent.

Mayor Ross thanked Immediate Past Chair Bailey and Chair Geller and is looking forward to the year ahead. He also thanked Councilmember Coldiron accepting her position as the SFRPC Secretary. He said he is looking forward to working with the new Councilmembers.

Councilmember Furr thanked Immediate Past Chair Bailey for a very good year especially in having hybrid in-person/virtual meetings in the counties. He thanked and appreciated Councilmember Coldiron in accepting the position of Secretary. It is wonderful to see Councilmember McGhee present and learn of his enthusiasm for transportation.

Councilmember Udine stated that as the newly appointed Broward County Mayor he understood why Chair Geller did not simultaneously take on the roles of SFRPC Chair and Broward County Mayor. He thanked Immediate Past Chair Bailey for all he did and felt it was an impressive year despite some trying circumstances. He looks forward to the mission of the SFRPC to be more of a regional planning council. We need to be working together as more of a region and make it a better user experience for one of the largest metropolitan regions in the country. We are the destination of choice and with those opportunities there will be a lot of challenges to face. He looks forward to serving with this Board and working to meet those challenges.

Councilmember Ziade welcomed the new members of the Council. She said a fresh set of eyes and energy will be amazing. She thanked Immediate Past Chair Bailey and who has always been the go getter and did a great job. Councilmember Ziade appreciates everything Chair Geller does and looks forward to this year. She thanked everyone for participating and stated that the SFRPC staff is amazing.

Councilmember Kaufman echoed that the leadership of this organization has been outstanding. He thanked Immediate Past Chair Bailey for everything he did. He thanked Chair Geller for all he has done and the wonderful things we expect this coming year. He agrees in convening regional planning meetings,

especially on affordable housing. He also thanked Councilmember Coldiron for joining the Executive Committee and Councilmember Cates for joining the SFRPC. It is great to have Monroe County represented on the Board. He stated what a great job Council staff has been doing and that Isabel and your team are fantastic regarding MIRR, RLF, and other programs. He thanked her for all she does.

D. Ex-Officio Reports

Dat Huynh announced that Governor DeSantis appointed Torey Alston as the new Broward County Commissioner. Kenyatta Lee is the new Interim Chief of Modal Development. State Secretary of Transportation Kevin Thibault has been chosen to run the Orlando International Airport at the end of session. He thanked the SFRPC for their participation in the development of the Draft 2022 Strategic Intermodal (SIS) Policy Plan in which the comment period concluded January 7, 2022. The comments have been forwarded to the State. The SIS Policy Plan will be available to the public in early 2022 once approved by the Secretary. The next steps will be the revisiting the SIS designation criteria and their thresholds.

Lorraine Mayers welcomed the new Councilmembers and wished everyone a Happy New Year.

Chair Geller stated that his trip to Miami-Dade County on Brightline was a wonderful experience. He wants everyone to understand that he does not know if there will be a unified transit connecting Miami-Dade, Broward, and Palm Beach counties during his tenure in office. The impasse is at the New River, tunnel or bridge, timing and the funding. Councilmember Bailey hopes that transit will be one of the discussion items with the TCRPC at the next Joint Meeting. Mrs. Cosio Carballo announced that the Joint Meeting will be held on March 18, 2022, hosted by the TCRPC, and there is hope that the meeting will be in person.

III. Guest Presentations (Time Certain) 11:45

- Kevin Guthrie, Director of the Florida Division of Emergency Management
- James F. Murley, Chief Resilience Officer, Miami-Dade County
- Pamela Sweeney, Chief Water Scientist, Miami-Dade County DERM
Biscayne Bay Update

Chair Geller introduced Mr. Guthrie and announced his professional experience and achievements.

Mr. Guthrie updated the Councilmembers on the Florida Division of Emergency Management (FDEM) updated Mission “Coordinate, Collaborate, and Communicate with stakeholders for a resilient Florida”, and new Vision “Leading the Profession in building Safer Communities”. He stated that what is not in the Mission statement is all that is core to all FDEM’s responsibilities: Prepare, Respond, Mitigate, and Recover. This includes homeowners as well. He explained the coordination, collaboration, and communication following a disaster declaration from the President, progressing to the state, counties, departments, etc. Core values relate to the vision and mission statements: integrity, teamwork, service excellence, adaptability, and collaboration. The Division’s goals for 2022-23 are to engage in technology, comprehensive process management, and professional development. New to FDEM is the Florida Recovery Obligation Calculation Rating (F-ROC) which will help applicants build a solid foundation which

includes historical and risk abatement information. Mr. Guthrie gave historical examples, explained how the future applications will be processed and the timeframes. He explained the reason for standardizing forms for Cat A and B storms and working towards an F-ROC Rating and Methodology for Cat A and B in order to obligate funding faster within the first twelve months. Chair Geller stated that he thought the issues were with FEMA not FDEM in waiting for reimbursements. He questioned if the standardization of forms will reduce the timing for the FEMA reimbursements? Mr. Guthrie stated that FEMA does change the rules often, however when it comes to documentation and collection of documents, this has been a staple with FEMA for decades. The number one reason money is deobligated and called back is because the State of Florida does not document well. Florida will be the lead in standardizing documentation for FDEM and be able to get the people a greater percentage of their money back in less than twelve months. Councilmember Bailey thanked Mr. Guthrie for his open-door policy, and leadership. Mr. Guthrie's presentation can be located at the SFRPC website: <https://sfregionalcouncil.org/wp-content/uploads/2022/01/FDEM-agn-direction-Final.pdf>

Chair Geller recognized James F. Murley, Chief Resilience Officer, Miami-Dade County and his professional history and achievements, including being a former SFRPC Executive Director. Mr. Murley thanked him and expressed that he felt privileged to be here today. He is pleased to see the active work being done under Mrs. Cosio Carballo. He has three quick points. 1) Miami-Dade County is pleased to see the initiative around the MIRR. Seeing this involvement, the Mayor's administration wants to actively participate in and help to make sure the regional study is a success. The study and its regional components demonstrate the need for continued regional planning, which Mayor Levine Cava mentioned earlier. 2) Mr. Murley introduced Ms. Kim Brown, Director of Resilience Planning and Implementation for Miami-Dade County. She will be the contact person for all regional activities. Ms. Brown thanked Mayor Levine Cava for the trust she has placed in her on advanced resilience initiatives on behalf of the County. Ms. Brown noted her professional background and experience. She is excited to be part of the regional planning with the Council. 3) Mr. Murley stated that Miami-Dade County and Florida International University's Maurice A. Ferré Institute of Leadership are very close to setting up a Jack Osterholt Memorial Internship. A stipend and high-level position in Miami-Dade County's Administration would be available to a student in the public administration program chosen through a competitive process. This approach could possibly include Broward County. Updated information will be shared with Mrs. Cosio Carballo. He thanked Chair Geller and offered any help from the County. Mrs. Cosio Carballo stated that she is looking forward to working with her long-time friends Mr. Murley, Ms. Brown, and Ms. Sweeney.

Chair Geller introduced Pamela Sweeney, Miami-Dade County Chief Water Scientist. She stated her professional history and interests. Ms. Sweeney stated it was an honor and privilege to be presenting today. Her presentation included a timeline of the Julia Tuttle Basin – Seagrass die off from 2011 -2017, the 2020-2021 fish kill, various algae blooms and other seagrass die offs. She described in detail the negative issues impacting Biscayne Bay including stormwater runoff, wastewater, canal runoff, fertilizer and other chemicals, water quality impacts, etc. In order to address these challenges, all levels of government, stakeholders, and the public need to engage in regional collaboration and coordination. She explained the Biscayne Bay 2020 Report Card and suggested everyone go to www.miamidade.gov/BiscayneBay which has various points of information on Biscayne Bay. She acknowledged the Biscayne Bay Task Force, Task Force members, Biscayne Bay Task Force Report (accomplishments through partner collaborations, and highlights), funding partnership with Florida

Department of Environmental Protection, and explained the recommendations. She explained the relationship between the Biscayne Bay Watershed Management Advisory Board, Biscayne Bay Commission (FDEP), and local / state partnership which all work together. Areas of needed collaboration include septic to sewer conversion, marine law enforcement, water quality, land management, environmentally endangered lands, and stormwater. She stated that Miami-Dade County stands committed to help the SFRPC in any way they can and thanked the Council for their time. Chair Geller (Chair of the Broward County Water Advisory Board) had two quick questions. Regarding the fertilizer ordinance, he requested Ms. Sweeney contact Dr. Jurado in a year or so on how this worked in Miami-Dade County before Broward County moves forward on a fertilizer ordinance. With respect to septic to sewer, he inquired how much is the cost on average. Broward County is averaging \$10,000 - 15,000. Ms. Sweeney suggested the Water and Sewer Department as a resource. Chair Geller noted that Miami-Dade, Broward, and Palm Beach counties were excluded from legislative funding of septic to sewer. Councilmember Cates hopes the government will invest in these water concerns in South Florida. Councilmember Furr thanked Ms. Sweeney for the presentation and all the County is doing to improve water issues. He also hopes that the counties will invest in advanced water treatment like Monroe County did. He inquired if she was familiar with a recent “Right to Clean Water” Charter Amendment adopted by Orange County. Ms. Sweeney stated that she has not. Chair Geller thanked Ms. Sweeney and appreciated her involvement.

Ms. Sweeney’ presentation can be located at the SFRPC website: <https://sfregionalcouncil.org/wp-content/uploads/2022/01/Biscayne-Bay-Presentation.pdf>

VI. Program Reports and Activities

- A. SFRPC CARES Act RLF Status Report
- B. SFRPC Revolving Loan Funds Status Report

Mr. Tart gave an update on the status of both loan programs, and the history of the funding sources. He provided details on the deployment of funding in the respective counties. Additional comments were provided regarding an existing borrower in litigation and that pertinent information will be found in the Agenda Item Status Report. He thanked the Councilmembers for their support and outreach for both the traditional RLF and the CARES Act RLF. The SFRPC RLF Program was congratulated and selected by the EDA as a leading program in the country demonstrating our commitment to achieving equitable outcomes and supporting minority diversification. The RLF Cares Act has successfully deployed the full grant allotment of \$5.38 million. He thanked the Councilmembers for their time. Councilmember Bailey requested more information on the litigation. Legal Counsel Mr. Horowitz stated it is currently in litigation and gave an update accordingly. Chair Geller thanked Councilmembers Kaufman and Goldberg for their service on the RLF Board and for all the good work they have done.

- C. South Florida Military Installation Resilience Review

Mrs. Cosio Carballo referred to the Agenda Item and stated that the Councilmembers will be updated moving forward. Chair Geller stated that the Selection Committee meeting was challenging with so many qualified applicants. We are now waiting for the contract.

D. FRCA Winter Policy Board Forum

Mrs. Cosio Carballo stated the Florida Regional Council Association’s Annual Report is attached. Mr. Guthrie was a guest at the meeting and the Directors of the Regional Councils discussed how to assist FDEM and the local governments with an education process on how to increase their score and receive funding quicker. Chair Geller asked how other RPCs manage regional planning now that their major legislative responsibilities have been taken away. Mrs. Cosio Carballo responded that the RPCs would say that they are undertaking regional planning. Planning activities vary across the state. The Tampa Bay RPC is undertaking an MIRR, and they staff their Climate Compact based on the Southeast Florida Regional Climate Change Compact. There is a report by FRCA that highlights all the different projects within their region. She stated that she and Mr. Lanahan, with the support of this Board, consistently work to convene regional planning conversations. Mrs. Cosio Carballo stated she has the presentation from FRCA that depicts what the other RPCs are doing in their area, and would be happy to share it with the Board. As your staff, our main objective is to help you and our region be successful.

Public Comments – None

VII. Announcements and Attachments

- A. Attendance Form
- B. Correspondence and Articles
- C. Upcoming Meetings
 - 1) Friday, March 18, 2022, TBD (TCRPC/SFRPC Joint Meeting)
 - 2) Monday, March 21, 2022, 10:30 a.m. (SFRPC, Hollywood)
 - 3) Monday, April 18, 2022, 10:30 a.m. (SFRPC, Hollywood)

VIII. Adjournment

The meeting was adjourned at 12:56 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the January 24, 2022, Meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 28th day of February 2022.

Michelle Coldiron, Secretary
Monroe County Commissioner, District 2

Date



MEMORANDUM

AGENDA ITEM #IV.B

DATE: FEBRUARY 28, 2022
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: FINANCIAL REPORT

Attached is a Financial Report comparing the months of November 2021 through January 2022 for your review and approval.

Recommendation

Approve the Financial Report.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924-3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

**SOUTH FLORIDA REGIONAL PLANNING COUNCIL
COMPARATIVE BALANCE SHEET**

January 31, 2022

(unaudited)

**Last month's
Increase
(Decrease)**

Aug-21 Nov-21 Dec-21 Jan-22
Jan-00 November December January

<u>General Fund</u>					
Assets:					
Cash	6,022	1,526,073	1,390,807	1,672,623	281,815
SBA- Investment Account	11,188	11,191	11,193	11,194	1
Accounts Receivable	3,967	1,069	1,069	12,074	11,005
Due from Fed, State & Local Projects	(16,320)	240,493	254,644	39,067	(215,577)
Prepaid Expenses/Deposits	15,477	15,477	15,477	15,477	-
Total Assets	1,200,871	1,794,303	1,673,190	1,750,434	77,245
Liabilities and Fund Balance:					
Liabilities	62,958	(136,071)	(201,292)	13,397	214,689
Fund Balance	1,137,914	1,930,374	1,874,481	1,737,038	(137,444)
Total Liabilities and Fund Balance	1,200,871	1,794,303	1,673,190	1,750,434	77,245
Federal, State & Local					
Assets:					
Accounts Receivable	-	70,552	29,527	39,150	9,623
Total Assets	-	70,552	29,527	39,150	9,623
Liabilities and Fund Balance:					
Liabilities	5,378	1,380	1,887	1,413	(473)
Due to General Fund	11,826	205,074	205,074	-	(205,074)
Fund Balance	10,942	(135,902)	(177,434)	37,737	215,170
Total Liabilities and Fund Balance	(0)	70,552	29,527	39,150	9,623
Revolving Loan Funds					
Assets:					
Cash and Money Market	6,287,425	2,765,345	3,529,917	3,243,451	(286,466)
Receivables	5,631,021	9,634,052	9,368,413	9,625,629	257,215
Allowance for Loan Losses	(895,747)	(895,747)	(895,747)	(895,747)	-
Total Assets	11,022,699	11,503,650	12,002,583	11,973,332	(29,251)
Liabilities and Fund Balance:					
Liabilities	55,946	35,537	51,994	39,110	(12,884)
Fund Balance	10,966,753	11,468,113	11,950,589	11,934,223	(16,366)
Total Liabilities and Fund Balance	11,022,699	11,503,650	12,002,583	#DIV/0!	#DIV/0!
SEFRP Southeast Florida Regional Prosperity Institute					
Assets:					
Cash and Money Market	41,251	41,251	41,251	41,251	-
Receivables	-	-	-	-	-
Total Assets	41,251	41,251	41,251	41,251	0
Liabilities and Fund Balance:					
Liabilities	37,079	37,079	37,079	37,079	-
Fund Balance	4,172	4,172	4,172	4,172	-
Total Liabilities and Fund Balance	41,251	41,251	41,251	41,251	0

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

January 31, 2022

(unaudited)

<u>Description</u>	Nov-21	Dec-21	Jan-22	Fiscal Year to Date	% Realized	Annual Budget	% of Budget	Remaining Budget
<u>REVENUE REPORT</u>								
Membership Dues	\$ -	\$ -	\$ -	\$ 876,644	100%	\$ 876,644	22%	\$ -
Interest & Other Income	1	1	136	4,100	273%	1,500	0%	(2,600)
Federal Funded Projects	29,351	43,979	97,536	287,660	14%	2,004,185	51%	1,716,525
State Funded Projects	-	-	-	44	0%	71,120	2%	71,076
Local Funded Projects	26,177	6,022	2,689	45,560	20%	226,700	6%	181,140
Trust Funds	59,595	55,940	77,149	224,079	31%	722,895	19%	498,816
TOTAL Revenues	115,125	105,942	177,511	1,438,088	37%	3,903,044	100%	2,464,956
<u>EXPENSE REPORT</u>								
<u>Operating Expenses</u>								
Staff Compensation	\$ 106,026	\$ 160,259	\$ 103,511	\$ 472,996	31%	\$ 1,526,208	39%	\$ 1,053,212
Occupancy	16,257	1,878	8,128	26,264	28%	95,000	2%	68,736
Utilities Electric/Sanitation	372	315	401	1,089	22%	5,000	0%	3,911
Janitorial Services	685	685	-	1,370	16%	8,500	0%	7,130
Repairs & Maintenance	285	-	-	285	6%	5,000	0%	4,715
Storage	486	-	1,022	1,508	25%	6,000	0%	4,492
Office Automation	7,411	14,839	1,191	23,441	28%	82,500	2%	59,059
Advertising, Notices, Supplies, Postage	187	-	249	436	1%	30,000	1%	29,564
Travel	1,525	459	-	2,033	20%	10,000	0%	7,967
Professional Development	5,282	-	8,333	13,615	45%	30,000	1%	16,385
Insurance	-	7,670	3,292	10,962	38%	29,000	1%	18,039
Miscellaneous Expenses	-	55	-	55	1%	5,000	0%	4,945
Legal Services (1)	3,642	4,797	541	8,980	20%	45,000	1%	36,020
Financial Services	296	11,826	11,866	24,284	49%	50,000	1%	25,716
Professional Consultants	4,333	-	11,125	15,458	2%	792,500	20%	777,043
Capital Expenditures	-	-	-	-	0%	35,000	1%	35,000
Subtotal Operating Expenses	146,787	202,784	149,659	602,775	22%	2,754,708	71%	2,151,933
Pass Through Expenses:	74,308	112,059	73,303	341,076	55%	616,300	15%	275,224
TOTAL Expenses	221,096	314,843	222,962	943,851	28%	3,371,008	86%	2,427,157
<u>OTHER REVENUES</u>								
Recovery of Bad Debt- Brownfields	\$ -	\$ -	\$ -	\$ -	-	\$ -		
Excess (deficit) Revenues over Expenditures	\$ (105,971)	\$ (208,901)	\$ (45,451)	\$ 494,237		\$ 532,036	14%	
RLF CARES Act Funding Disbursed	\$ -	\$ 500,000	\$ 128,000	\$ 5,380,000	100%	\$ 5,380,000	Total RLF CARES Grant	
(1) Additional legal YTD expenses included in "pass-through Expenses"				\$ 4,790				
<i>Note: Percentage of Fiscal Year lapsed</i>	33%							



MEMORANDUM

AGENDA ITEM #IV.C

DATE: FEBRUARY 28, 2022

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to the 1974 Interlocal Agreement creating the South Florida Regional Planning Council (Council), the Council is directed by its member counties to “assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of natural resources and environment of the Region and to protect the health, safety, welfare, and quality of life of the residents of the Region.”

In fulfillment of the Interlocal Agreement directive and its duties under State law, the Council reviews local government Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Pursuant to Section 163.3184, Florida Statutes as presently in effect, Council review of comprehensive plan amendments is limited to 1) adverse effects on regional resources and facilities identified in the SRPP and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region. The Council’s review of amendments is conducted in two stages: (1) proposed or transmittal, and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Economic Opportunity certifies its completeness.

A written report of Council’s evaluation pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the tables below generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.



PROPOSED AMENDMENTS

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
Broward County 22-01ESR (Received 01-26-22)	✓	N/A	02-28-22	01-27-22
<p>1. The proposed amendments to Broward County’s Comprehensive Plan updates the Broward County Land Use Plan (BCLUP) with three amendments, with the intent of developing properties with mixed-uses and a variety of housing options. The net effect of the amendments is an addition of 500 dwelling units (2,220 dwelling units currently permitted by the BCLUP), an addition of 162,000 square feet of commercial uses, and an addition of 190,000 square feet of industrial uses. Additional open space would also be added. The amendments are as follows:</p> <p>I. (A) AMENDMENT PC 21-7 (Map) Amendment to the Broward County Land Use Plan within the City of Oakland Park from 148.2 acres of Activity Center, 60.4 acres of Commerce, 10.3 acres of Low (5) Residential, 1.7 acres of Medium (16) Residential, and 13.7 acres of Medium-High (25) Residential to Activity Center, totaling approximately 234.3 acres; generally located south of Northeast 43 Street, north of the North Fork of Middle River, west of Northeast 12 Terrace and Northeast 13 Avenue and east of Northeast 6 Avenue.</p> <p>II. (B) AMENDMENT PCT 21-4 (Text) Amendment to the Broward County Land Use Plan text corresponding to the proposed map amendment PC 21-7, in the City of Oakland Park.</p> <p>III. AMENDMENT PCT 21-3 (Text) Text amendment to update the Definitions section of the Broward County Land Use Plan.</p> <p>2. This amendment affects Broward County.</p> <p>3. This amendment does not create any adverse impact to state or regional resources/facilities.</p>				
City of Coral Gables 22-01ESR * (Received 01-24-22)	✓	N/A	02-28-22	01-11-22
Town of Cutler Bay 22-01ESR * (Received 02-01-22)	✓	N/A	02-28-22	01-19-22
City of Dania Beach 22-02ESR * (Received 01-11-22)	✓	N/A	02-28-22	12-14-21
<p>1. The proposed amendments to the above-mentioned Comprehensive Plans reflect the creation of a Property Rights Element, to comply with House Bill 59 Section 163.3177(6)(i), Florida Statutes, effective July 1, 2021. The proposed amendment intends to meet the requirements of the Bill, including language regarding the</p>				

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
<p>right of a property owner to: physically possess and control his or her interests in the property, including easements, leases, or mineral rights; use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances; privacy and to exclude others from the property to protect the owner's possessions and property; and dispose of his or her property through sale or gift.</p> <p>2. These amendments affect the local governments named above.</p> <p>3. These amendments do not create any adverse impact to state or regional resources/facilities. If any agency provides comments on these proposed amendments, the local governments should consult with the pertinent agency to address the comments prior to adoption.</p>				
City of Key West 22-01ACSC (Received 02-08-22)	✓	N/A	02-28-22	10-19-21
<p>1. The proposed amendment to the City of Key West's Comprehensive Plan updates the Plan with amendments related the Post Disaster Recovery and Reconstruction Plan "PDRRP". The intent of the amendment is to create a framework for resiliency, address the risks of climate change, and develop critical steps for City-wide post disaster recovery and reconstruction.</p> <p>2. This amendment affects the City of Key West.</p> <p>3. This amendment does not create any adverse impact to state or regional resources/facilities and the amendment seeks to protect Natural Resources of Regional Significance as identified in the Strategic Regional Policy Plan. If any agency provides comments on this amendment, the City should consult with the pertinent agency to address them prior to adoption.</p>				
City of Oakland Park 22-01ESR (Received 01-31-21)	✓	N/A	02-28-22	03-17-21
<p>1. The proposed amendment to the City of Oakland Park's Comprehensive Plan text and Future Land Use Map for the Oakland Park Local Activity Center, proposes to change the land use designation from "Local Activity Center," "Low Density Residential," "Medium Density Residential," "Medium High Density Residential," "Commercial," and "Industrial" to "Local Activity Center". The intent of the amendment is to increase the number of dwelling units permitted in the expanded Local Activity Center and an additional allocation of commercial uses.</p> <p>2. This amendment affects a parcel within the City of Oakland Park comprised of approximately 234.5+/- gross acres in size, generally located south of Northeast 43 Street, north of the North Fork of Middle River, west of Northeast 12 Terrace and Northeast 13 Avenue, and east of Northeast 6 Avenue.</p> <p>3. This amendment does not create any adverse impact to state or regional resources/facilities. The City should actively engage the Florida Department of Transportation to ensure no future adverse impacts to the regional transportation network.</p>				

ADOPTED AMENDMENTS

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
Broward County 21-05ESR (Received 02-07-22)	N/A	✓	02-28-22	01-25-22
<ol style="list-style-type: none"> 1. The adopted amendment to Broward County’s Comprehensive Plan updates the Plan with the intent to comply with the Peril of Flood requirements. 2. This amendment affects Broward County. 3. This amendment does not create any adverse impact to state or regional resources/facilities. The amendment seeks to protect Natural Resources of Regional Significance as identified in the Strategic Regional Policy Plan. Council concurs with the Department of Economic Opportunity’s comment that the County should consider revising the amendment to add or modify policies to specifically reference language in Statute that coastal area development or redevelopment shall “be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60,” and that redevelopment shall “require that any construction activities seaward of the coastal construction control lines established pursuant to s.161.053 be consistent with Chapter 161.” 4. Council reviewed the amendment when proposed. 				
Broward County 21-06ESR (Received 02-10-22)	N/A	✓	02-28-22	02-08-22
<ol style="list-style-type: none"> 1. The adopted amendment revises the Broward County Land Use Plan within the City of Hollywood to revise the land use designation of property with the intent of redeveloping the commercial areas known as Oakwood Plaza and surrounding development. The amendment would revise the Land Use designation of 110.9 acres of Commerce and 1.6 acres of Recreation and Open Space to Activity Center which is planned to include: <ol style="list-style-type: none"> a. 3,800 multi-family dwelling units b. 625 hotel rooms c. 1,890,000 square feet of office uses d. 1,200,000 square feet of commercial uses e. 2.5 acres of recreation and open space 2. This amendment affects approximately 112.5 acres of land within the City of Hollywood generally located on the east side of Interstate 95 between Stirling Road and Sheridan Street in Broward County. 3. This amendment does not create any adverse impact to state or regional resources/facilities. 4. The Council reviewed these amendments when proposed. 				

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
Town of Davie 21-01ESR * (Received 02-08-22)	N/A	✓	02-28-22	01-19-22
City of Doral 21-03ESR * (Received 02-01-22)	N/A	✓	02-28-22	01-26-22
City of Key West 21-03ACSC * (Received 02-02-22)	N/A	✓	02-28-22	01-04-22
City of Marathon 21-07ACSC * (Received 02-03-22)	N/A	✓	02-28-22	01-11-22
<ol style="list-style-type: none"> 1. The adopted amendments to the above-mentioned Comprehensive Plans reflect the creation of a Property Rights Element, to comply with House Bill 59 Section 163.3177(6)(i), Florida Statutes, effective July 1, 2021. The proposed amendment intends to meet the requirements of the Bill, including language regarding the right of a property owner to: physically possess and control his or her interests in the property, including easements, leases, or mineral rights; use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances; privacy and to exclude others from the property to protect the owner's possessions and property; and dispose of his or her property through sale or gift. If any agency provides comments on these adopted amendments, the local governments should consult with the pertinent agency to address the comments. 2. These amendments affect the local governments named above. 3. These amendments do not create any adverse impact to state or regional resources/facilities. 4. Council reviewed these amendments when proposed. 				
City of Florida City 21-01ESR (Received 01-25-22)	N/A	✓	02-28-22	09-28-21
<ol style="list-style-type: none"> 1. The adopted amendment amends the City of Florida City's Comprehensive Plan to add a new policy to the Future Land Use Element (FLUE) to create Transit Oriented Development (TOD) districts around the South Miami-Dade Busway (Busway) stations within the City by providing density and intensity incentives. The new FLUE policy provides for a 1000-foot radius around the three existing and planned stations within which residential developments may have a density of up to 36 units per net acre and business, office, and civic development may have a maximum Floor Area Ratio (FAR) of up to 1.0. 				

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting
<ol style="list-style-type: none"> 2. This amendment affects the immediate area around the three existing and planned Busway stations at Palm Drive, Lucy Street, and Davis Parkway, all within the City of Florida City. 3. This amendment does not create any adverse impact to state or regional resources/facilities. 4. Council reviewed this amendment when proposed. 				
Village of Miami Shores 21-01ESR (Received 01-21-22)	N/A	✓	02-28-22	10-07-21
<ol style="list-style-type: none"> 1. The adopted amendment to the Village of Miami Shore’s Comprehensive Plan incorporates the Village’s 10-Year Water Supply Facilities Work Plan to be consistent with the South Florida Water Management District Lower East Coast Water Supply Plan and the Florida Keys Aqueduct Authority 20-Year Water System Capital Improvement Master Plan. 2. This amendment affects the Village of Miami Shores. 3. This amendment does not create any adverse impact to state or regional resources/facilities. Council staff recommends addressing any and all technical assistance comments provided by the South Florida Water Management District (SFWMD) to ensure full consistency with all elements of the most recent Lower East Coast Water Supply Plan Update approved by the SFWMD District Board. 4. The Council reviewed this amendment when proposed. 				



MEMORANDUM

AGENDA ITEM #IV.E

DATE: FEBRUARY 28, 2022

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: REQUEST FOR AUTHORIZATION TO ENTER INTO SOUTH FLORIDA MIRR CONSULTANT CONTRACTS

Following the ranking of consultant teams for the South Florida Military Installation Resilience Review on January 6, 2022 by the SFRPC MIRR Selection Committee, Council staff commenced contract negotiations with top-ranked Jacobs (MIRR1) and South Florida Defense Alliance (MIRR2). While notable progress has been made, Council staff has requested additional clarity and needed technical detail to the Jacobs scope of work. Additionally, Jacobs requested changes to the Council's indemnification language which were not accepted by legal counsel. Jacobs has not yet confirmed that they accept the language as presented in the contract and stated below.

3.8 Indemnification. To the extent provided by law, the CONSULTANT shall indemnify and hold harmless the COUNCIL against any and all claims of whatever nature by the CONSULTANT arising out of the performance of work under this Agreement.

Due to the importance of commencing work as quickly as possible, authorization is requested from the Council for the Executive Director, in consultation with the General Counsel, to execute a legally acceptable contract in advance of the March 21st Council Meeting.

Recommendation

Authorize the Executive Director, in consultation with the General Counsel, to secure professional services to conduct the South Florida Military Installation Resilience Review.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org



MEMORANDUM

AGENDA ITEM #VI.A

DATE: FEBRUARY 28, 2022

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: SFRPC REVOLVING LOAN FUNDS STATUS REPORT

The South Florida Regional Planning Council Revolving Loan Program has historically served the needs of businesses that are not entirely served by conventional lenders, with an emphasis on applicants who have been denied credit by a conventional lender. As such, the Council's RLF loans are considered riskier than conventional loans. The Loan Administration Board may charge a higher interest rate to a particular borrower depending on the risk factors of that loan. In addition, most loan payments are due on the first day of each month until maturity.

Attached for your review is the Revolving Loan Fund Status Report. In reviewing the attached status report, please note that the borrowers' loan agreements provide a fifteen (15) day grace period in which they can make their payments without a five percent late charge penalty. This status report is generated fifteen (15) days prior to the end of the month. Council staff routinely makes phone calls and sends past due notices to past due accounts after ten (10) and fifteen (15) days.

The Council policy on loan amounts and the structure of the loans for each loan program is:

"Loan amounts may range from \$25,000 to \$500,000. Borrowers seeking more than one loan may not exceed \$500,000 in aggregate. Loans may be used for funding up to 100 percent of a project, provided that bank or conventional financing is unavailable, and that equity is nonexistent or is otherwise needed for cash flow. In cases where limited financing from a private/traditional source is available, loans can be used as supplemental or "second mortgage" funds. Second positions on collateral may be acceptable so long as the prior lien holder is a lending institution."

Please find attached Legal Counsel's South Florida Regional Planning Council ("SFRPC") / Revolving Loan Fund report on legal action that has been taken to collect on delinquent accounts.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

Payment Status Report

Traditional RLF Payment Status Report

Loan	Company /Borrower	Amount	Disbursed	Pmts	Rate	Last Activity	Last Balance	Paid Thru	Days Late	Last Activity	Next Pay Due	Loan Date	Maturity Date	Board Action
1008		110,000.00	110,000.00	120	6.0	1,823.36	34,412.09	02/01/22	0	02/01/22	03/01/22	03/22/02	11/09/25	performing
1022		300,000.00	300,000.00	240	7.0	2,709.36	308,454.62	01/01/22	0	01/19/22	02/01/22	01/08/04	09/01/39	performing
1023		301,586.50	301,586.50	120	5.0	350.00	161,715.88	02/01/22	0	02/01/22	03/01/22	07/19/06	03/01/29	performing
1034		300,000.00	300,000.00	120	5.0	1,500.00	260,365.24	01/01/22	0	01/14/22	02/01/22	12/21/06	11/15/28	performing
1039		125,000.00	125,000.00	84	5.0	500.00	120,082.53	01/01/22	0	01/12/22	02/01/22	11/24/08	12/31/15	performing
1040		200,000.00	200,000.00	84	5.0	1,472.32	87,782.92	02/01/22	0	02/01/22	03/01/22	02/02/09	08/01/28	performing
3024		189,043.88	189,043.88	144	0.0	500.00	107,945.87	02/01/22	0	02/01/22	03/01/22	07/26/99	12/01/16	Default Final Judgment
4008		300,000.00	300,000.00	84	5.0	750.00	176,228.45	01/01/22	4	01/12/22	02/01/22	07/31/09	03/31/39	performing
4018		150,000.00	150,000.00	84	6.0	(465.00)	144,598.41	12/01/15	2223	10/22/20	01/01/16	07/12/13	08/01/20	In Litigation - Mediation
4024		235,000.00	235,000.00	240	5.0	1,600.00	175,337.62	01/01/22	0	01/03/22	02/01/22	04/16/14	05/01/26	performing
4027		149,500.00	149,500.00	120	5.0	1,590.98	78,840.54	01/01/22	0	01/04/22	02/01/22	12/15/15	12/15//25	performing
4028		75,000.00	75,000.00	1	0.0	765.03	74,994.72	04/01/19	1007	04/12/19	05/01/19	11/17/16	09/30/19	Default - collateral workout
4029		75,000.00	75,000.00	1	0.0	803.02	75,000.00	04/01/19	1007	04/12/19	05/01/19	12/14/16	09/30/19	Default - collateral workout
4031		332,972.82	332,972.82	111	6.5	2,000.00	321,849.33	02/01/22	0	02/01/22	03/01/22	09/28/17	08/01/28	performing
4032		300,000.55	300,000.55	120	7.0	3,577.27	239,739.60	02/01/22	0	02/01/22	03/01/22	10/24/18	11/01/28	performing
4033		254,999.57	254,999.57	84	7.0	1,548.47	194,278.32	02/01/22	0	02/01/22	03/01/22	10/25/18	10/25/25	performing

Loan	Company /Borrower	Amount	Disbursed	Pmts	Rate	Last Activity	Last Balance	Paid Thru	Days Late	Last Activity	Next Pay Due	Loan Date	Maturity Date	Board Action
4034		84,506.66	84,506.66	84	7.0	150.00	71,412.80	02/01/22	0	02/01/22	03/01/22	01/03/19	01/03/26	Payment Modification
4035		248,684.03	248,684.03	84	7.0	3,773.17	178,877.61	02/01/22	0	02/01/22	03/01/22	03/05/19	04/01/26	performing
4036		149,223.30	149,223.30	84	7.0	2,399.01	112,198.27	02/01/22	0	02/01/22	03/01/22	03/05/19	04/01/26	performing
4037		173,904.64	173,904.64	84	5.0	1,750.00	151,146.74	02/01/22	0	02/01/22	03/01/22	03/28/19	03/28/26	performing
4038		99,885.78	99,885.78	60	7.0	1,500.00	75,538.32	02/01/22	0	02/01/22	03/01/22	03/28/19	04/01/24	performing
4039		200,000.00	200,000.00	84	7.0	150.00	196,815.27	02/01/22	0	02/01/22	03/01/22	03/12/20	04/01/27	Payment Modification
4040		400,000.00	400,000.00	84	7.0	3,167.33	397,342.76	02/01/22	0	02/01/22	03/01/22	09/23/19	09/23/26	performing
4043		200,000.00	200,000.00	120	4.5	2,322.17	186,042.20	02/01/22	0	02/01/22	03/01/22	04/22/21	04/01/31	performing
4044		130,000.00	130,000.00	120	4.5	1,347.30	120,188.47	02/01/22	0	02/01/22	03/01/22	03/22/21	03/01/31	performing
Totals		5,084,307.73	5,084,307.73			37,583.79	4,051,188.58							

LIST OF COMMITTED EDA FUNDS
January 31, 2022

Loan #	Company Name	Committed	Commitment Date	Disbursed	Remaining Commitment
	Minority Builders Coalition Phase I	500,000	11/15/2021		\$ 500,000.00
	Minority Builders Coalition Phase II	500,000	11/15/2021		\$ 500,000.00
	TOTAL	\$1,000,000		\$ -	\$ 1,000,000.00

Cash Available to Lend				
Bank Balance as of	1/31/2022			\$ 1,361,224.78
Committed Funds				
Unfunded Loan Commitments	\$ 1,000,000			
Administrative Fees	19,378.29			
Total Committed Funds				\$ 1,019,378.29
Total Uncommitted Funds				\$ 341,846.49

Kerry L. Ezrol
KEzrol@GorenCherof.com



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

February 3, 2022

VIA E-MAIL (isabelc@sfrpc.com)

Isabel Cosio Carballo, MPA, Executive Director
South Florida Regional Planning Council
Oakwood business Center
One Oakwood Boulevard, Suite 250
Hollywood, FL 33320

Re: South Florida Regional Planning Council ("SFRPC") / Revolving Loan Fund Status Report

Dear Ms. Carballo:

Below please find the status of the Revolving Loan Fund cases which have been brought on behalf of the SFRPC. This shall confirm that once a judgment is obtained and recorded, our office has been instructed to take no further action, other than to re-record specified judgments, as requested, in a timely fashion. We have therefore removed all of the "Closed Cases" from this list. In the future, once a judgment is obtained and recorded relative to cases appearing on this list, they will be removed from this list.

1. SFRPC (SFRPC Account #4018) v. Angela Dawson, P.A. (Our File No. 9940547)

Complaint filed with the Court on May 7, 2018. Dawson filed a motion to recuse (remove) the judge, so litigation was delayed. Dawson filed an Answer and Counterclaim, which SFRPC moved to strike. Order entered approving our Motion to Strike Dawson's Affirmative Defenses and our Motion to Dismiss Dawson's Counterclaim. Dawson's Amended Counterclaim and Amended Answers and Affirmative Defenses were due on April 26, 2019. Dawson failed to file the pleadings by the deadline, and SFRPC filed a Motion for Summary Judgment. The hearing on the Motion for Summary Judgment was scheduled, and then reset at Dawson's request for October 23, 2019. A Motion for Judicial Default against Dawson was filed on October 25, 2019.

SFRPC requested an Amended Complaint to add a foreclosure count. A Motion to Amend Complaint was filed and there were two (2) initial hearings on the motion. Both times, the Court delayed a ruling on the motions, pending mediation. Ultimately, SFRPC set the hearing on the Motion to Amend Complaint six separate times, and each time the hearing was continued either due to the Judge ordering mediation or due to Dawson's requests for a continuance. The seventh

{00492994.3 2383-8200982}

3099 E. Commercial Blvd, Suite 200, Fort Lauderdale, FL 33308
T 954-771-4500 : F 954-771-4923
www.GorenCherof.com

time the Motion to Amend was set for a hearing, the Court granted SFRPC's motion and allowed SFRPC to Amend the Complaint to add the foreclosure count.

A Motion to Strike Defendants First Amended Affirmative Defenses was filed on November 13, 2019. A Motion to Dismiss Dawson's Counterclaim was filed on December 19, 2019. On June 15, 2020 a hearing was set for the court to hear SFRPC's Motion for Judicial Default, Motion for Leave to File Amended Complaint, Motion to Strike Defendants' First Amended Affirmative Defenses and Motion to Dismiss Counterclaim. Dawson filed a new Counterclaim and new Answer and Affirmative Defenses just prior to the hearing, which the court accepted in place of the defective pleadings. SFRPC's motions were denied due to the court accepting the replacement pleadings. Dawson filed various additional pleadings, including an Affidavit of Excusable Neglect and an Affidavit from Ed McGann. Dawson filed a Request for Production on June 8, 2020, requesting a significant volume of documents which are unrelated to the pending litigation. SFRPC's objection to the discovery request was filed on July 8, 2020.

Litigation of this matter has been extended and complicated by the volume of pleadings filed by Ms. Dawson; each pleading requires a response from SFRPC. Mediation occurred on October 29, 2020 before Judge Lynch. The parties were not able to reach a settlement at mediation.

Since the Court was encouraging the parties to mediate, SFRPC staff focused on attempting to settle with Dawson and to manage the costs of litigation by bringing this matter to a conclusion through settlement. With that intent, SFRPC made multiple offers and counter-offers to Ms. Dawson. As a follow-up to mediation, on November 3, 2020 and January 27, 2021, SFRPC sent a written settlement offer to Dawson and her attorney. SFRPC followed up again with written settlement offer to Dawson and her attorney on March 8, 2021. SFRPC made significant concessions and reductions of the late fees in a good faith attempt to settle the matter without further litigation. Despite SFRPC's multiple concessions, Ms. Dawson would not agree to any of the SFRPC's settlement proposals. Dawson submitted a Counteroffer which was transmitted to SFRPC on March 12, 2021. Per RLF Committee, the decision was made to proceed with the litigation.

The hearing on SFRPC's Motion to Amend the Complaint was set for June 24, 2021. At that hearing, the Court continued the hearing to September 2, 2021. SFRPC's Motion to Amend Complaint was granted and the Defendants had 20 days to file a response to the Amended Complaint. On September 3, 2021, the Court also entered an Order granting Dawson's request to file an Amended Counterclaim in response to SFRPC's Amended Complaint. On September 22, 2021, Defendants, Angela L. Dawson, P.A. and Angela Dawson filed their Answer to Plaintiff's Amended Complaint dated June 23, 2021. On October 1, 2021, SFRPC filed a Motion to Strike Dawson's Second Amended Affirmative Defenses. On October 15, 2021, a hearing on the Motion to Strike was scheduled for January 26, 2022. On January 26, 2022, the court ordered a Mandatory Case Management Conference to be held on March 28, 2022.

Isabel Cosio Carballo, Executive Director

Page 3 of 3

February 3, 2022

On February 2, 2022, the Court entered an order on the Motion to Strike as follows: Defendants' first affirmative defense of in pari delicto is stricken without prejudice; Defendants' second affirmative defense of bad faith is stricken with leave to amend within twenty (20) days of the date of this Order; Defendants' fourth affirmative defense of fraudulent inducement is stricken with prejudice; Defendants' fifth affirmative defense of fraudulent misrepresentation is stricken with prejudice; Defendants' seventh affirmative defense of unjust enrichment is stricken with prejudice; Defendants' eleventh affirmative defense of ratification is stricken with leave to amend within twenty (20) days of the date of the Order. Plaintiff's Motion to Strike Defendants' Amended Affirmative Defenses was hereby denied as to the following affirmative defenses: Defendants' third affirmative defense of unclean hands; Defendants' sixth affirmative defense of promissory estoppel; Defendants' eighth affirmative defense of modification; Defendants' ninth affirmative defense of equitable estoppel; and Defendants' tenth affirmative defense of waiver.

Our Motion to dismiss the Defendants' amended counterclaim is set for hearing on May 4, 2022 at 9:30 am. The judge's hearing calendar has limited availability several months out. We will be checking the judge's calendar multiple times per week to see if there is a cancellation so that we can schedule an earlier hearing date. If no dates become available, we will request an earlier hearing date at the March 28, 2022 Case Management Conference.

Should you have any questions, please feel free to contact me.

Sincerely yours,

/s/ Kerry L. Ezrol

Kerry L. Ezrol

KLE:jc

cc: Samuel S. Goren, General Counsel (via e-mail & hard copy)
Alisha Lopez (via e-mail)
Steve Foreman (via e-mail)
Manny Cela (via e-mail)
Jeffrey Tart (via e-mail)
Kathe Lerch (via e-mail)



MEMORANDUM

AGENDA ITEM # VI.B

DATE: FEBRUARY 28, 2022
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: SFRPC CARES ACT RLF STATUS REPORT

The U.S. Department of Commerce's Economic Development Administration is partnering with the South Florida Regional Planning Council (SFRPC) to oversee and administer a new \$5.90 million CARES ACT Business Revolving Loan Fund program that will alleviate sudden and severe economic dislocation caused by the coronavirus in Monroe, Miami-Dade, Broward and Palm Beach counties. Designated a U.S. Department of Commerce Economic Development District in 1994, the SFRPC welcomes this new program into its lending portfolio as it continues to expand its economic development activities.

The initiative/focus is to initially conduct financial assessments of vital and essential South Florida small businesses to evaluate financial and resiliency capacity with the focus on maintaining ongoing operations. Once assessed, the SFRPC along with its coalition partners will determine an applicable loan program to meet the financial needs of the small business in order to maintain its vital operations. This supplemental financial assistance award will help support critical small business operations for the long-term within industries that are essential in South Florida.

Since the program was launched on August 5, 2020, the SFRPC has received approximately 300 prospects inquiring into the loan program from Palm Beach, Broward, Miami-Dade and Monroe counties. Initial loan program funding is available for up to 2 years or until all loan funds are disbursed. As the program is revolving in nature, after all initial funds are deployed, new businesses will have an opportunity to seek financial support as loan proceeds are repaid from former borrowers.

At the January 18th meeting of the RLF Board, the program reached the milestone of completely lending the EDA appropriated funds to Covid-impacted businesses in South Florida six months ahead of schedule.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

**CARES ACT REVOLVING LOAN FUND
PAYMENT STATUS REPORT - FEBRUARY 2022**

Loan	Company /Borrower	Amount	Disbursed	Pmts	Rate	Pay/Yr	Normal Pay	Last Activity	Last Balance	Paid Thru	Days Late	Last Activity	Next Pay Due	Loan Date	Maturity Date	Board Action
5100		25,000.00	25,000.00	60	3.5000	12	454.79	454.79	18,723.87	02/01/22	0	02/01/22	03/01/22	10/20/20	11/01/25	performing
5101		30,000.00	30,000.00	60	3.5000	12	545.75	545.75	22,468.60	02/01/22	0	02/01/22	03/01/22	10/20/20	11/01/25	performing
5102		500,000.00	500,000.00	60	3.5000	12	1,409.72	1,409.72	500,000.00	02/01/22	0	02/01/22	03/01/22	11/11/20	01/01/31	performing
5104		85,000.00	85,000.00	84	3.5000	12	1,142.39	1,142.39	71,170.07	02/01/22	0	02/01/22	03/01/22	11/24/20	01/01/31	performing
5107		300,000.00	300,000.00	120	3.5000	12	2,966.58	2,966.58	267,627.08	02/01/22	0	02/01/22	03/01/22	11/20/20	11/01/30	performing
5108		35,000.00	35,000.00	60	3.5000	12	636.71	636.71	27,998.16	02/01/22	0	02/01/22	03/01/22	12/22/20	01/01/31	performing
5110		150,000.00	150,000.00	120	3.5000	12	1,483.29	1,483.29	136,097.30	02/01/22	0	02/01/22	03/01/22	01/13/21	01/01/31	performing
5111		210,000.00	210,000.00	120	3.5000	12	2,076.60	2,076.60	190,790.14	02/01/22	0	02/01/22	03/01/22	12/31/20	01/01/31	performing
5112		500,000.00	500,000.00	120	3.5000	12	4,944.29	4,944.29	454,362.88	02/01/22	0	02/01/22	03/01/22	12/28/20	01/01/31	performing
5113		50,000.00	50,000.00	60	3.5000	12	909.59	909.59	42,273.23	02/01/22	0	02/01/22	03/01/22	02/25/21	03/01/26	performing
5114		150,000.00	150,000.00	120	3.5000	12	1,483.29	1,483.29	138,517.63	02/01/22	0	02/01/22	03/01/22	02/24/21	02/01/31	performing
5115		50,000.00	50,000.00	60	3.5000	12	909.59	909.59	40,723.11	02/01/22	0	02/01/22	03/01/22	02/02/21	02/01/26	performing
5116		243,000.00	243,000.00	120	3.5000	12	1,737.16	1,737.16	233,535.01	02/01/22	0	02/01/22	03/01/22	05/14/21	04/01/31	performing
5117		394,000.00	394,000.00	240	3.5000	12	2,285.04	2,285.04	383,416.66	02/01/22	0	02/01/22	03/01/22	05/13/21	05/01/31	performing
5118		300,000.00	300,000.00	180	3.5000	12	2,144.65	2,144.65	291,002.06	02/01/22	0	02/01/22	03/01/22	06/15/21	07/01/36	performing
5119		75,000.00	75,000.00	120	3.5000	12	741.64	741.64	71,787.22	02/01/22	0	02/01/22	03/01/22	08/12/21	08/01/31	performing
5120		80,000.00	80,000.00	120	3.5000	12	791.09	791.09	76,596.69	02/01/22	0	02/01/22	03/01/22	08/09/21	08/01/31	performing
5121		175,000.00	175,000.00	120	3.5000	12	1,730.50	1,730.50	167,296.26	02/01/22	0	02/01/22	03/01/22	08/24/21	08/01/31	performing
5122		500,000.00	500,000.00	120	3.5000	12	2,899.80	2,899.80	490,298.51	02/01/22	0	02/01/22	03/01/22	08/25/21	08/01/31	performing
5123		150,000.00	150,000.00	120	3.5000	12	1,483.29	1,483.29	145,739.20	02/01/22	0	02/01/22	03/01/22	10/15/21	10/01/31	performing
5124		250,000.00	250,000.00	120	3.5000	12	2,472.15	2,472.15	242,898.66	02/01/22	0	02/01/22	03/01/22	10/15/21	10/01/31	performing
5125		500,000.00	500,000.00	180	4.5000	12	3,824.97	3,824.97	497,362.53	02/01/22	0	02/01/22	03/01/22	01/13/21	10/01/31	performing
5126		128,000.00	0.00	60	4.0000	12	2,357.31	n/a	n/a	n/a	0	n/a	03/01/22	02/15/22	02/01/27	approved
Totals		4,880,000.00	4,752,000.00				41,430.19	39,072.88	4,510,684.87							

CARES ACT RLF FUNDING UPDATE

AS OF: 02/01/2022

Loan #	LOAN AMOUNT	COUNTY	CITY
1	\$25,000.00	Monroe	Key Largo
2	\$30,000.00	Monroe	Islamorada
3	\$500,000.00	Broward	Pompano Beach
4	\$85,000.00	Palm Beach	Palm Springs
5	\$300,000.00	Miami- Dade	Miami
6	\$35,000.00	Broward	Hollywood
7	\$210,000.00	Broward	Miramar
8	\$150,000.00	Monroe	Key West
9	\$500,000.00	Monroe	Key West
10	\$500,000.00	Miami- Dade	Miami Beach
11	\$50,000.00	Broward	Hollywood
12	\$150,000.00	Broward	Davie
13	\$50,000.00	Broward	Lauderhill
14	\$243,000.00	Broward	Sunrise
15	\$394,000.00	Palm Beach	Boca Raton
16	\$300,000.00	Broward	Plantation
17	\$75,000.00	Broward	Fort Lauderdale
18	\$80,000.00	Miami- Dade	Miami
19	\$175,000.00	Palm Beach	West Palm Beach
20	\$500,000.00	Miami- Dade	Miami
21	\$150,000.00	Broward	Plantation
22	\$250,000.00	Miami- Dade	Miami Beach
23	\$500,000.00	Broward	Coconut Creek
24	\$128,000.00	Broward	Hollywood

TOTAL FUNDED: \$5,380,000.00

**RLF CARES ACT APPLICATION TRACKING REPORT
PROSPECTS**

NAME OF APPLICANT/BUSINESS	INITIAL DATE	REQUESTED AMOUNT	BUSINESS TYPE	REFERRED BY	COUNTY
	11/20/21	n/a	wellness	survey	Miami-Dade
	11/23/21	n/a	grant writer	survey	Miami-Dade
	11/23/21	n/a	restaurant	survey	Broward
	11/23/21	n/a	daycare	survey	Miami-Dade
	11/24/21	n/a	restaurant	survey	Broward
	12/09/21	n/a	construction	survey	Palm Beach
	12/10/21	n/a	medical	survey	Miami-Dade
	12/12/21	n/a	export	survey	Miami-Dade
	12/17/22	n/a	business consultant	n/a	Miami-Dade
	12/23/21	\$100,000	optometrist	survey	Broward
	12/28/22	n/a	hvac	survey	Palm Beach
	12/28/22	n/a	interior design	survey	Miami-Dade
	01/05/22	\$200,000	electrician	n/a	Palm Beach
	01/12/22	\$450,000	UPS Store	Urban League	Palm Beach
	01/21/22	\$60,000	Trucking	n/a	Miami-Dade
	01/26/22	n/a	shading	survey	Miami-Dade
	01/27/22	\$100,000	auto	survey	Miami-Dade
	01/31/22	\$30,000	adult daycare	survey	Miami-Dade
	02/06/22	n/a	business management	survey	Broward
	02/07/22	n/a	business planning	survey	Miami-Dade



AGENDA ITEM # VI.D

DATE: FEBRUARY 28, 2022
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: COUNCIL HIGHLIGHTS

Attached are brief descriptions of some ongoing programs and activities of the Council.

Information only.

FEBRUARY 2022

SOUTHEAST FLORIDA CLEAN CITIES COALITION

For more information, please contact Alisha Lopez, Clean Cities Coordinator at alopez@sfrpc.com.



The Southeast Florida Clean Cities Coalition (SEFCCC) is hosting an Annual Stakeholder Award Ceremony on Thursday, February 24th at 10:00 a.m. It will be an in-person event at the Council Office.

The SEFCCC co-hosted a Renewable Natural Gas Webinar with the North Florida Clean Fuels Coalition.

Additionally, we participated in a Florida Department of Environmental Protection (DEP) webinar hosted by the Tampa Bay Clean Cities Coalition. All the coalitions presented updated information on their region.

Lastly, Alisha Lopez, our Clean Cities Coordinator attended the National Biodiesel Conference in Las Vegas to speak with fuel providers, producers, and other coordinators on their sustainability efforts using biodiesel. The outreach was a huge success and our Coalition plans to expand biodiesel use in the region.



SOUTH FLORIDA LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

For more information, please contact Jason McMahon, LEPC Coordinator at jmcmahon@sfrpc.com.



Annually, the South Florida Local Emergency Planning Committee (LEPC) provides hazardous materials training to over 300 individuals. In January, the LEPC sponsored over 20 Special Operations responders from Broward Sheriff's Office Fire-Rescue, Hollywood Fire-Rescue, and Miami-Dade Fire Rescue to attend the 2022 Hazardous Materials Symposium in Daytona Beach.

At the symposium, top hazardous materials experts conducted diverse training courses, and the various hazardous materials teams competed in races to identify chemicals and contain leaks. On January 27th, the LEPC hosted Florida's Division of Emergency Management Presentation to provide E-Plan training to our region. In attendance were over 30 representatives from facilities that file annual chemical inventory reports, as required by law and the Environmental Protection Agency.



On February 16th, the LEPC held a quarterly meeting where upcoming training opportunities were discussed and planning for the 2022 LEPC Emergency Response Exercise kicked off.

The LEPC is looking forward to March with plans to offer the following training:

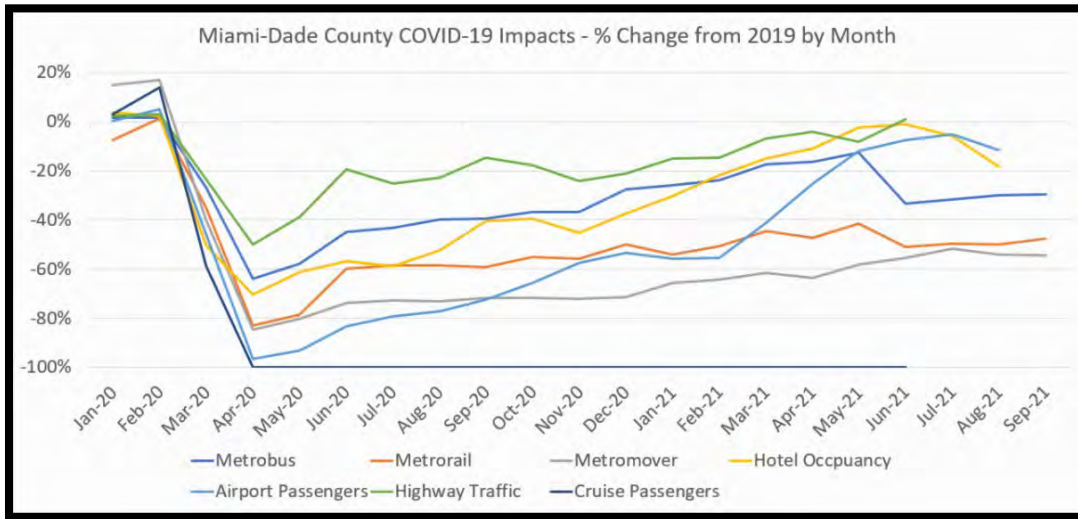
- OSHA Hazardous Waste Operations and Emergency Response training at the Broward County Environmental Permitting Division.
- Federal Resources Presumptive Identification to Today's Emerging Threats at the SFRPC office in Hollywood, FL.
- 160-Hour Hazardous Materials Technician Training at Hollywood Fire-Rescue.

MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION'S COVID-19 TRAVEL BEHAVIOR TREND ANALYSIS

For more information, please contact Christina Miskis, Principal Planner at cmiskis@sfrpc.com.



Council staff completed work on the COVID-19 Travel Behavior Trend Analysis at the end of 2021. The goal of the project is to understand the impact the pandemic has had on those that utilize the surface transportation networks in Miami-Dade County, project future travel behaviors, and how these behavioral shifts may impact transportation demand. As the impacts to travel due to COVID-19 are ongoing, the project serves as a baseline to document the impacts to travel during the pandemic. The impacts to travel patterns during the business lockdown phases of the COVID-19 led to precipitous drops in travel of unprecedented levels, particularly to transit. Overall travel has steadily increased in Miami-Dade County since the beginning of the pandemic and in some cases is back to pre-pandemic levels.



The findings of the report will be presented by TPO staff to the Miami-Dade Transportation Planning Council (TPC) in February. The TPC is responsible for the technical adequacy of the TPO’s planning program and advises the TPO Governing Board on the various proposed program actions. Staff will join TPO staff in support of the presentation and coordinated in TPO staff in preparation.

UPDATE: CARES ACT REVOLVING LOAN FUND

For more information, please contact Jeff Tart, Senior Loan Officer at jtart@sfrpc.com.

To date, this program has provided 24 businesses with the tools and resources they need to continue their recovery from the pandemic and keep Floridians working. At its January 18th meeting, the RLF Board reached the milestone of completely lending the EDA appropriated funds to Covid-impacted businesses in South Florida six months ahead of schedule. Additional loans become available as loans are repaid.

In other business, the Board elected SFRPC Councilmember Cary Goldberg to the position of Vice Chair, and SFRPC Councilmember Samuel Kaufman to the position of Secretary. RLF Chair Lisa Mooney, Vice President, Bank United; Treasurer Tequisha Myles, Esq., Legal Aid Society of Palm Beach County; and Isabel Cosio Carballo, SFRPC Executive Director were re-elected to the Board. Lastly, the Board welcomed its newest member Marie Gill, President & CEO of M. Gill & Associates. Marie Gill is a successful entrepreneur whose primary focus is assisting small, minority, women, and veteran-owned businesses to successfully compete in the domestic and global markets.



CONTINUED SUCCESS: NEW RLF SURVEY

For more information, please contact Jeff Tart, Senior Loan Officer at jtart@sfrpc.com.

During the last 12 months, the SFRPC utilized social media to attract individuals from Monroe, Miami-Dade, Broward, and Palm Beach counties. During that time, a survey was created which collected responses from 289 participants and allowed SFRPC RLF staff to reach out and discuss possible options to small business owners ranging from photography, construction, dry cleaning, marketing, and many other entrepreneurial areas. We recorded a total of 465 interactive clicks (14% men, 85% women) from our Facebook ad and other social media platforms.



Given the success of said survey, we have revamped it to collect additional information and understand more of what the communities' needs are, and will be running another Facebook ad until further notice. We ask that you please share the survey within your respective jurisdictions. You can access it by clicking [HERE](#), or through the image provided above – [via our website](#).

EXCITING NEWS: EQUITABLE LENDING LEADERS

For more information, please contact Jeff Tart, Senior Loan Officer at jtart@sfrpc.com.

Due to our strength and dedication in supporting minority-owned businesses with financial assistance through our Revolving Loan Fund Programs, the South Florida Regional Planning Council has been selected as a peer leader by the Economic Development Administration to help further encourage diversity and promote equitable lending to small business owners throughout the mid-Atlantic and Florida regions.



BROWNFIELDS

For more information, please contact Jeff Tart, Senior Loan Officer at jtart@sfrpc.com.

The SFRPC has EPA funded loan-money available for site remediation and subsequent redevelopment. The SFRPC has been participating in Brownfield assessment, cleanup, and redevelopment since 2001. Our Brownfields Partnership and Cleanup Revolving Loan Fund initiatives include:

- Ongoing Public Marina and Coastline Resilience Brownfields Initiative
- \$300,000 EPA Grant – 79th Street Corridor Neighborhood Initiative
- \$600,000 EPA Grant – Coalition Partnership – Treasure Coast Regional Planning Council and South Florida Regional Planning Council
- \$500,000 EPA Grant (pending) – Homestead CRA
- \$1,000,000 BCRLF – (pending) – Miami-Dade River Redevelopment



UPDATE: SOUTH FLORIDA MILITARY INSTALLATION RESILIENCE REVIEW

Attached

South Florida Military Installation Resilience Review

PROJECT SUMMARY AND UPDATES

As of January 25, 2022

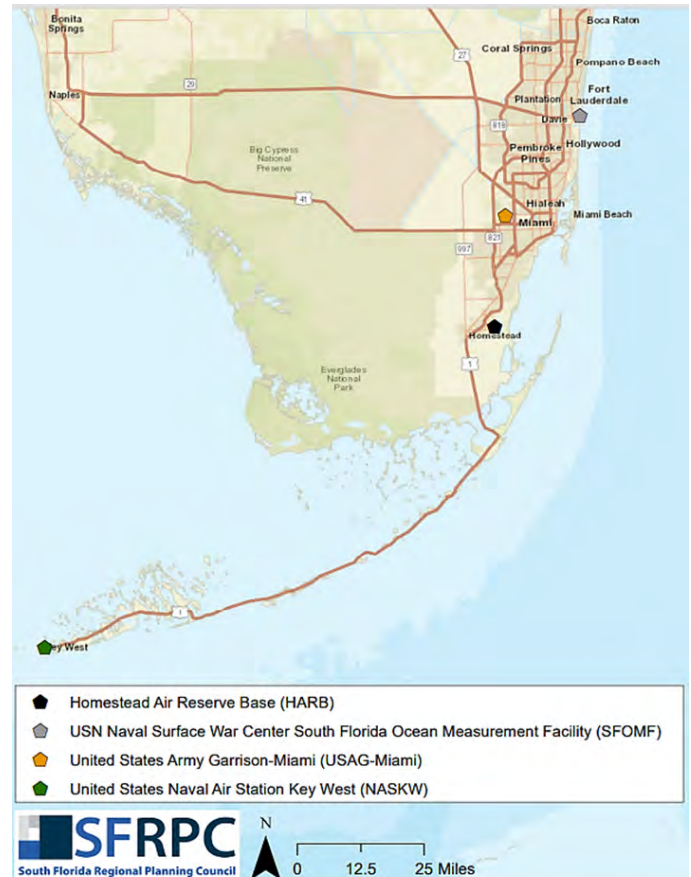
The U.S. Department of Defense Office of Local Defense Community Cooperation (OLDCC) has awarded the South Florida Regional Planning Council (SFRPC) funding to conduct a regional Military Installation Resilience Review (MIRR) of four key military installations over the next 18 months.

These four installations include:

- Homestead Air Reserve Base (HARB), Miami-Dade County
- United States Army Garrison-Miami (USAG-Miami), Miami-Dade County
- USN Naval Surface War Center South Florida Ocean Measurement Facility (SFOMF), Broward County
- United States Naval Air Station Key West (NASKW), Monroe County

This study will identify the risks, hazards, and vulnerabilities of concern as it relates to the ability of the military to carry out its missions on the base that could be mitigated through investments and solutions outside of the fence line in the surrounding communities.

In October 2021, the SFRPC released two related Requests for Proposals (RFPs) in support of the project; one to assist with local military command coordination, mission analysis, state-wide military support engagement, and overall project management, and a second RFP focused on the required technical assessment and analysis work. The Council created a selection committee composed of five Executive Committee and Board Members, advised by professional staff and legal counsel.



Consultant Selections:

On December 16th, the Selection Committee awarded the military command coordination efforts to the **South Florida Defense Alliance** and created a finalist list of three vendors who were further reviewed for the technical assessment and analysis work. All three are respected engineering firms with a history of resilience work in South Florida as well as experience with the military. On January 6th, **Jacobs** was selected. Contract development is underway with an anticipated project kick-off in February 2022.

Utilizing the OLDCC grant, and matching funds provided by the Florida Defense Support Task Force, we look forward to working in partnership with the military commands and key stakeholders to enhance the resilience of South Florida's defense installations.

SFRPC Staff

Christina Miskis, MURP, Senior Planner
Project Manager
cmiskis@sfrpc.com

Bridget Huston, MS, Regional Planner
Environmental & Community Resilience
bhuston@sfrpc.com



1 Oakwood Boulevard, Suite 250
Hollywood, Florida 33020
www.sfrpc.org; sfadmin@sfrpc.com
Tel: (954) 924-3653

Executive Committee

Hon. Steve Geller, Chair
Hon. Samuel Kaufman, 1st Vice Chair
Hon. Quentin "Beam" Furr, 2nd Vice Chair
Hon. René García, Treasurer
Hon. Michelle Coldiron, Secretary
Mario J. Bailey, Immediate Past Chair

Isabel Cosio Carballo, MPA, Executive Director
Samuel S. Goren, Esq., Legal Counsel



MEMORANDUM

AGENDA ITEM #VI.E

DATE: FEBRUARY 28, 2022
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: COUNCIL MEMBER INQUIRIES

At the January 24th Council meeting, the following information was requested:

1. "Right to Clean Water" Charter Amendment (Furr)

Wekiva River and Econlockhatchee River Bill of Rights. This Charter amendment, adopted by 89% of Orange County voters in November 2020, amends the Orange County Charter by providing charter protections for the natural rights of the Wekiva and Econlockhatchee Rivers or other Waters of Orange County by prohibiting pollution, providing a definition of Waters, providing a private right of action and standing for citizens of Orange County to enforce these protections against governmental agencies, non-natural persons or corporate entities that intentionally or negligently pollute the Waters, and providing for severability and exceptions.

https://library.municode.com/fl/orange_county/codes/code_of_ordinances

Article XI – Econlockhatchee River Protection

Article XIII – Wekiva River Protection

There exists a legal movement that seeks to assert the rights of nature. An outgrowth of this movement, the "Florida Rights of Nature Network" (<https://fronn.org/>), was founded in 2020 as a "grassroots collaboration of local initiatives" working in charter counties "to protect nature's rights, people rights to healthy ecosystems, and Home Rule." This organization was sought to place on the 2022 Ballot five amendments: 1) Right to Clean Water; 2) Florida Iconic Species; 3) Florida Wetlands Protection; 4) Captive Wildlife Hunting; and 5) Stop New Toll Roads. They did not secure the needed signatures by November 2020 and are regrouping.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfregionalcouncil.org

Enclosure: Surma, Katie. "Does Nature Have Rights? A Burgeoning Legal Movement Says Rivers, Forests, and Wildlife Have Standing, too." *Inside Climate News*, 2021 Sept 19

2. Code of Miami-Dade County Fertilizer Ordinance Chapter 18C Code - Implementation Experience (Geller)

Miami-Dade County adopted Chapter 18C Code of Miami-Dade County on April 20, 2021. Chapter 18C – "Miami-Dade County Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes" creates an annual fertilizer restricted period from May 15 to October 31st. Enforcement began after October 31, 2021.

3. Septic to Sewer Conversion Cost in Miami-Dade (Geller)

Conversion Costs – Anticipated Homeowner Expenses

The conversion from septic to sewer is financially challenging, with **anticipated homeowner expenses** ranging from approximately \$7,500 (when both public sewer and a public lateral are available), to \$15,000 (when only public sewer is available), to an average of \$40,000 (when no public infrastructure is available).

Source: Plan of Action Report, A Risk-Based Approach to Septic Systems Vulnerable to Sea Level Rise, Miami-Dade County December 2020

Recommendation

Information Only.

Ballot Title, Summary and Proposed Amendment – Rights of the Wekiva River and Econlockhatchee River Committee

A. Introduction.

This Charter amendment would provide for definitions, create natural rights for the waters of Orange County, the right to clean water, a private right of action and standing for citizens of Orange County to enforce these rights and injunctive remedies. The proposed amendment prohibits any governmental agency, non-natural person or corporate entity from intentionally or negligently polluting the Wekiva River and Econlockhatchee Rivers, or any other Waters within Orange County.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

PROHIBITING POLLUTION OF THE WEKIVA
AND ECONLOCKHATCHEE RIVERS OR
OTHER WATERS OF ORANGE COUNTY

Amending the charter by providing charter protections for the natural rights of the Wekiva and Econlockhatchee Rivers or other Waters of Orange County by prohibiting pollution, providing a definition of Waters, providing a private right of action and standing for citizens of Orange County to enforce these protections against governmental agencies, non-natural persons or corporate entities that intentionally or negligently pollute the Waters, and providing for severability and exceptions.

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article 7 of the Orange County Charter is amended by adding Section 704.1. (Underline text is added to the charter).

Section 704.1 – Right to Clean Water, Standing and Enforcement.

A. Natural Rights of Orange County Waters and Citizens.

(1) The Wekiva River and Econlockhatchee River, portions of which are within the boundaries of Orange County, and all other Waters within the boundaries of Orange County, have a right to exist and to be protected against Pollution.

(2) All Citizens of Orange County have a right to clean water by having the Waters of Orange County protected against Pollution.

B. Standing, Private Right of Action.

Orange County, municipalities within Orange County, any other public agency within Orange County, and all Citizens of Orange County shall have standing to bring an action in their own name or in the name of the Waters to enforce the provisions of this Section of the Charter. Such actions shall be filed in the Ninth Judicial Circuit Court in and for Orange County, Florida, or, where jurisdiction exists, in the United States District Court, Middle District of Florida, Orlando Division.

C. Violations.

It shall be unlawful and a violation of this Section of the Charter for any governmental agency, non-natural person or corporate entity to intentionally or negligently pollute the Wekiva River and Econlockhatchee Rivers within the boundaries of Orange County, or any other Waters within the boundaries of Orange County. Violations include the Pollution of Waters which exist exclusively on private property owned by the same person(s) or entity, but only where Pollution thereon interferes with or causes Pollution of other Waters within Orange County or unreasonably interferes with or is injurious to the health and welfare of others. This Section of the Charter applies only to violations that occur after the effective date of the amendment as provided in Subsection (H).

D. Remedies.

(1) Remedies for violations of this Section of the Charter shall be injunctive and/or other equitable relief, including but not limited to a writ of mandamus requiring the violator, to the greatest extent reasonably possible, to restore the Waters at issue to the condition as it existed prior to being polluted by the violator. The prevailing party shall be entitled to recover its reasonable costs, including costs of expert witnesses.

(2) Attorneys' fees are not compensable unless the court determines that the action brought under this Section of the Charter is frivolous, vexatious, or is brought solely for the purpose of harassing the defendant. If such a finding is made, the Court may also award reasonable attorneys' fees to the defendant as a sanction.

E. Exception.

The provisions of the Section shall not apply to Constructed Wetlands.

F. Definitions.

(1) "Citizen" or "Citizen of Orange County" means an adult resident of Orange County with legal residence in the United States who has resided within the county for at least one (1) year prior to filing an action under this Section.

(2) “Constructed Wetland” means a non-natural swimming pool and any artificial wetland that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial water, greywater or stormwater runoff, to improve water quality.

(3) “Pollutant” means any substance or contaminant, whether manmade or natural, that is the source or cause of Pollution.

(4) “Pollution” shall have the same meanings as in FLA. STAT. § 376.031(17) and Rule 62-520.200(15), Florida Administrative Code, and means the non-natural presence in the Waters of Orange County of any one or more substances, contaminants, noise, or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animals, fish, plant life, and water quality or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(5) “Waters” shall have the same meaning as in Rule 62-520.200(25), Florida Administrative Code, and includes, but is not limited to rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water within the boundaries of Orange County, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person or entity are included, but only to the extent the pollution thereon interferes or is injurious to other Waters, property or persons within Orange County.

G. Severability and Conflicts.

The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

H. Effective Date.

This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller’s Office, the cost of the proposed amendment is approximately _____, which represents _____.




The Whanganui River near the entrance to Whanganui National Park, near Whanganui, North Island, New Zealand. Credit: Matthew Lovette/Education Images/Universal Images Group via Getty Images

Justice

Does Nature Have Rights? A Burgeoning Legal Movement Says Rivers, Forests and Wildlife Have Standing, Too

Climate change and environmental destruction have inspired court cases around the country—and the globe—aimed at protecting the natural world.



By Katie Surma 
September 19, 2021

For Chuck O’Neal, a lifelong outdoorsman and environmentalist, the moment of truth came on election night 2020, as results rolled in from perhaps the most partisan campaign season in American history.

He wasn’t watching Trump or Biden. O’Neal had spent the past two years running a campaign in Orange County, Florida, based on an unorthodox legal doctrine that holds that rivers, mountains and forests should have legal rights, just like people.

His effort involved amending the county’s charter, its mini-constitution, with a so-called rights of nature provision. The provision would protect waterways like the glassy Wekiva River from harmful pollution, such as that linked to toxic algae blooms fueled by fertilizer runoff from agriculture, septic systems and poor stormwater management.

While the rights of nature movement has been gaining ground for decades in countries around the world and in dozens of local jurisdictions in the United States, O’Neal knew that this fast-growing county in central Florida, home to Disney World in booming Orlando, would offer one of its biggest tests.

The concept of rights of nature was so far outside of the U.S. legal mainstream, and so threatening to agribusiness and other industries, that even O’Neal doubted that more than 50 percent of voters would go for it.

Newsletters

We deliver climate news to your inbox like nobody else. Every day or once a week, our original stories and digest of the web’s top headlines deliver the full story, for free.



ICN Weekly Saturdays

Our #1 newsletter delivers the week’s climate and energy news – our original stories and top headlines from around the web.

Get ICN Weekly



Inside Clean Energy Thursdays

Dan Gearino’s habit-forming weekly ta understand the energy transformation resl

Get Inside Clean Energy

So, late on election night, when a colleague spun around his silver laptop to reveal

the final results to O’Neal, he stared in disbelief.

“You’ve got to be kidding me,” O’Neal called out to a nearly empty dining room overlooking the river.

There, on the fluorescent screen, was one of the biggest surprises of the 2020 election: 89 percent of Orange County voters had united behind the rights of nature.

O’Neal’s fight had just begun.

Gaining Urgency

The legal movement for the rights of nature began with a seminal 1972 law review article, *Should Trees Have Standing*, by Christopher D. Stone, a law professor at the University of Southern California, who wrote that he was “quite seriously proposing” giving legal rights to nature.

The idea was famously taken up by Supreme Court Justice William O. Douglas in a dissent in the case *Sierra Club v. Morton*, but couldn’t muster support from a majority of the court.

In the years since then, the concept has surfaced globally in legislation, judicial rulings and constitutional amendments in countries that include Canada, Mexico, France, Colombia, Pakistan, Bangladesh, Bolivia, India, New Zealand, Ecuador and Uganda. At the United Nations, a *Harmony With Nature program* has helped coordinate and advance the movement, with nongovernmental organizations playing a leading role.



PAUL HORN / Inside Climate News

In the United States, rights of nature laws have taken root in more than 30 localities across the country, in, among other states, Ohio, Colorado, Pennsylvania and Minnesota. Florida, home to Republican Gov. Ron DeSantis, a leading Trump supporter, has become an unlikely epicenter, while other Florida cities like Titusville, Venice, Fort Myers, Naples and other jurisdictions are in varying stages of developing their own rights of nature ordinances, following Orange County's example.

Still, no U.S. court has ever upheld a rights of nature law, although some remain on the books, in effect awaiting litigation. The U.S. laws, so far mostly local ordinances, face unique obstacles because of legal precedent that subordinates local government laws and lawsuits to state legislation. A hearing scheduled for November on Orange County's charter change could be the most consequential legal moment to date for the rights of nature concept in the American courts.

The doctrine holds that nature and its component parts are not "things" or property but living beings with intrinsic value and an inherent right to exist. The idea is centuries old, existing primarily in Indigenous and other land-based cultures. But with pollution and deforestation threatening vast swaths of the planet and climate change amplifying sea level rise, extreme weather and mass migration, the concept of granting rights to nature has gained saliency and urgency across the globe over the last 15 years.

As the movement matures, it has dovetailed with a global push to criminalize "ecocide," or widespread destruction of the environment. That campaign aims to add "ecocide" as a fifth crime, alongside genocide and crimes against humanity, before the Hague-based International Criminal Court.



The ecocide and rights of nature movements both advance the idea that Earth is intrinsically worthy of protection: ecocide through criminal laws and the rights of nature mainly through civil and constitutional lawsuits.

Both movements are premised on the belief that a new legal framework is needed, because existing laws have failed to stop accelerating environmental emergencies like climate change and mass species die-offs.

While the crime of ecocide would outlaw only **severe** environmental destruction, rights of nature laws aim to protect against more commonplace acts, like government permitted pollution. The concept has raised the question: What level of human impact on nature is acceptable?

The movement is causing friction with what are considered fundamental rights in western legal systems: individual liberty and personal property. If nature has rights, then human beings have new responsibilities and will have to restrict certain activities that unjustifiably impair those rights.

That tradeoff between values and responsibilities isn't new in America, in the realm of environmental protection or otherwise, but as the Covid-19 pandemic has shown, some Americans resist the imposition of new duties, even if they are for the common good and the wellbeing of future generations.

Still, perhaps counterintuitively, the United States is where the vast majority of rights of nature laws have been enacted at the local level. Galvanized by oil spills, toxic waste dumps, lead-tainted water, air pollution and fracking, Americans increasingly battered by climate change have been drawn towards the rights of nature movement, as Chuck O'Neal was in Orange County.

The Battle in Orange County

An animal lover who'd grown up camping in state and national parks, O'Neal had served as the natural resources chair for the Florida chapter of the League of Women Voters in the early 2010s, helping draft legislation aimed at protecting Florida's waterways.

Time and time again, he would watch as industry lobbyists, chambers of commerce and corporate bigwigs picked over the bills until they had lost all meaningful effect. The experience left a bad taste in his mouth.

In 2018, when toxic algae blooms reached their most severe levels yet, killing off **thousands of tons** of wildlife like fish, manatees and dolphins, as well as imperiling the state's critical tourism economy, O'Neal decided he had to find a way to break the control that lobbyists and legislators had over Florida's ecosystems. Those

groups hadn't just passed watered-down environmental laws, they had also erected barriers that kept citizens and environmentalists out of court.



A landscape in Orlando. Credit:Jeffrey Greenberg/Universal Images Group via Getty Images

He thought back to a two-day course he had taken a few years earlier with a lawyer named Thomas Linzey, 52, now the senior legal counsel for the Center for Democratic and Environmental Rights, based in Spokane, Washington.

Linzey, using a wood easel, paper and magic markers, had explained how communities can challenge corporate power and protect their local environment using rights of nature laws. At the time, the concept resonated with O'Neal, but he shelved the idea, thinking Floridians weren't ready to accept it.

But by 2019, with algae blooms becoming longer and more severe, O'Neal thought a moment had arrived. That April, O'Neal asked Linzey to fly down from Pennsylvania to talk to a group of about 30 fellow environmentalists in his living room. The verdict soon was in: "People's minds were blown," O'Neal said of the meeting.

To test Floridian's acceptance of the idea, Linzey and O'Neal selected Orange County as a bellwether because of its status as a charter county, which under Florida's constitution gives citizens greater authority to enact local laws.

The two worked together for over a year, meeting weekly on Zoom, to shepherd a draft charter amendment through the lengthy review process. Included in the draft was another first in U.S. law: a human right to clean water.

Even at the local level, their efforts hit snags. To place the rights of nature on the ballot, it first had to clear the charter review commission, which included a number of developers who tried to derail it, Linzey said.

By June 2020, the amendment was on the ballot and O'Neal had inspired about 75 volunteers, who posted nearly 2,000 signs around the county emblazoned with slogans promoting their cause.

"I had never seen anything like it," Linzey, who has drafted more than 30 U.S. rights of nature laws, said of the campaign and voters' embrace of the movement.

On Nov. 3, 2020, Orange County became the largest municipality in the United States to pass such a law.

But unbeknownst to many of those voters, Florida's legislature had already put in place its own form of damage control.

The First Case: Tamaqua, Pennsylvania

Linzey, a frequent speaker and legal consultant on the rights of nature and community rights, first met Cathy Morelli, a city councilwoman in Tamaqua, Pennsylvania, in 2006.

She had come to him in her fight against toxic sewage sludge that had killed two

youths in nearby communities. The **news** stories shook Morelli, who over the previous three years had witnessed the illness and deaths of more than 10 neighbors, including her own father's battle with leukemia. The cases were unusual, such as **clusters of polycythemia vera**, a rare form of blood cancer. Though rates of the disease were over **four times higher** in the area, officials found no environmental link.

The town had become a sacrifice zone for industry, Morelli thought, and now some of its leaders wanted to issue permits for a new round of dumping. She knew she had to do something to stop it, but wasn't sure how.

Linzey and Ben Price, another rights of nature activist, helped Morelli draft an ordinance that aimed to prevent further hazardous waste dumping in Tamaqua, a town of almost 7,000 in eastern Pennsylvania's coal country. They included a provision no one had ever used before, giving legal rights to "natural communities" and ecosystems. The solidly Republican town threw its weight behind Morelli's ordinance, helping it become the first known rights of nature law in the world.

Though the 2006 Tamaqua ordinance has never been tested in court, Price credits the law with deterring a dredging company from moving forward with planned sludge dumping in a mining pit near the town.

News of the pathbreaking law would make its way around the country—and the globe—inspiring communities and governments at all levels to embrace the movement.

One of those communities was Toledo, Ohio, where residents, with Linzey's help, passed the 2019 Lake Erie Bill of Rights, in response to a number of environmental affronts, including toxic algae blooms caused by agricultural runoff.





Horacio Romero of Toledo, Ohio looks at algae in Lake Erie at Maumee Bay State Park Aug. 4, 2014 in Oregon, Ohio. Credit: Aaron P. Bernstein/Getty Images

Immediately after, an agricultural organization filed a lawsuit in federal court to stop the law from taking effect. A judge struck it down for being unconstitutionally vague. Other U.S. rights of nature laws have been nullified on grounds that they are superseded by state law.

Linzey and other lawyers are now advancing the idea that municipalities have inherent authority to self-govern and that states should set the floor, not the ceiling, on environmental regulations, allowing communities to enact more stringent protections if they choose to do so.

Most recently, Linzey has worked with attorneys who filed a lawsuit this summer in the White Earth Nation Tribal Court in Minnesota to stop construction of Enbridge Energy's Line 3 oil pipeline, asserting the legal rights of manoomin, or wild rice, to "exist, flourish, regenerate and evolve." The suit was the first rights of nature claim ever filed in a tribal court.





Demonstrators gather in the Mississippi River while others march across it during a 'Treaty People Gathering' protest in Clearwater County, Minnesota, on Monday, June 7, 2021. Credit: Nicole Neri/Bloomberg via Getty Images

At issue is Minnesota's approval of Enbridge's request to pump billions of gallons of fresh water during a drought, which attorneys say harms tribal members and the manoomin. Linzey explained that the law aims to protect the legal rights of manoomin, which is sacred to some Indigenous peoples, both on-reservation as well as off-reservation, and is part of a wider effort toward connecting the rights of nature to Indigenous treaty-held rights on territory ceded to the United States.

"That could have ramifications for all tribal nations across the United States who want to use rights of nature laws to enforce their hunting, fishing and gathering rights on traditional tribal lands," Linzey said. He expects that state governments, which have traditionally ignored tribal nations when making permitting and other decisions affecting those treaty rights, will fight hard to block the rights of nature laws.

In August, the state of Minnesota filed for an injunction in federal court to strip the White Earth Nation's Tribal Court of jurisdiction to hear the manoomin litigation. A judge denied the request, and the state has appealed.

"We can expect the same kind of hostility from other state governments, as tribes begin to enforce their treaty rights on their traditional lands," Linzey said.

In Florida, Agribusiness Calls Rights of Nature a 'Direct Threat'

At the same time O’Neal was campaigning for Orange County’s rights of nature charter amendment, an omnibus bill dubbed the 2020 Clean Waterways Act, aimed at improving state water quality, had been making its way through Florida’s legislature.

Before the final vote, a 29-word clause was inserted into the 111-page bill, preempting and prohibiting local governments from recognizing or granting legal rights to the natural environment. The preemption clause is something state legislators often use on a variety of issues to prohibit and extinguish local laws on issues from pollution to health care.

While conservatives historically have championed local control over centralized government, Florida has taken the opposite tact under Gov. DeSantis. In July 2020, he signed the Clean Waterways Act, preempting O’Neal’s charter amendment before voters in Orange County even went to the polls, voting overwhelmingly in favor of rights of nature. Most voters did not seem to realize that the state legislature had already moved to nullify their vote.

Just after the legislation went into effect, the Florida Farm Bureau Federation, an agricultural industry group, awarded state Rep. Blaise Ingoglia, a Republican, their [2020 Legislator of the Year award](#), noting Ingoglia was the “driving factor” ensuring the 2020 Clean Waterways Act “contained the Rights of Nature preemption language.”

Neither the Florida Farm Bureau Federation nor Ingoglia responded to requests for comment.

In a 2020 newsletter for the Turfgrass Producers of Florida, Charles Shinn, director of government and community affairs for the Florida Farm Bureau Federation, [wrote](#) that rights of nature laws are a “direct threat” to agriculture and that “business lobbies and any groups that are concerned about private property rights” would have to support the preemption legislation. Shinn did not respond to a request for comment.

O’Neal was incensed at what he called an anti-democratic move by Tallahassee politicians, and he and Linzey immediately began planning how to nullify the Farm Bureau’s efforts to derail the charter amendment.

Jerry Phillips, a former Florida Department of Environmental Protection lawyer, said loosening the grip of industry groups like the Farm Bureau from the institutions meant to protect Florida’s environment won’t be easy.

“You have to live in Florida to understand just how backward it is, but everything is geared towards greed,” said Phillips, now the director of Florida’s Public Employees for Environmental Responsibility. “Everything is geared towards fostering more people coming into the state, more business, more development and if that means destruction of wholesale areas of the state, so be it, they will do it.”

After the election, O’Neal began his own legal maneuvering, eyeing a developer, Beachline South Residential, which was planning to fill in over a hundred acres of wetlands, freshwater marsh and wet prairie to build mixed-use residential and commercial retail across 1,923 acres in east Orange County.

To O’Neal, the development had “test case” written all over it.

Rights of Nature Around the World

Unlike Florida, not all governments have resisted rights of nature-like laws. In countries like New Zealand, officials have welcomed the idea as a means to redress legacies of human rights abuses, create a more pluralistic legal system and safeguard important ecosystems.

In 2014, Māori tribes and New Zealand officials finalized a **settlement** in a 175-year old dispute related to the Whanganui River. The settlement established a new paradigm for the waterway, also called Te Awa Tupua, giving it a form of legal personhood that mirrored Māori worldviews. New Zealand has worked with the Māori to create similar frameworks for a national park and Mt. Taranaki.





Members of a Maori crew rest their paddles after paddling with on the Whanganui River on May 14, 2015 in Wanganui, New Zealand. Credit: Hagen Hopkins/Getty Images

The settlement recognized that the government's predecessor, the British Crown, had surreptitiously taken sovereignty over the tribes and the territories they had occupied for centuries, forcibly introducing the concept of property ownership on the Māori.

The Crown had predicated its ownership over the land on the doctrine of Discovery, an international legal concept based on the idea of western superiority over other cultures. The land grabs had crippled the tribes' way of life, including their spiritual connection to the river, which they view as their ancestor.

In other countries, courts have had opportunities to interpret the laws, and in several cases, to recognize the rights of nature of their own accord.

Keep Environmental Journalism Alive

ICN provides award-winning climate coverage free of charge and advertising. We rely on donations from readers like you to keep going.

[Donate Now](#)

You will be redirected to ICN's donation partner.

In Bangladesh, known as the land of rivers, the Supreme Court in 2019 acted on its own to recognize the rights of all of the country's rivers, noting the environmental importance of water now and into the future. Courts in Colombia, Brazil and India have taken similar actions.

In 2008, Linzey and Price assisted with the drafting of Ecuador's constitution, which enshrined the rights of Pachamama, or Mother Earth. Since then, Ecuador has been the epicenter of enforcement litigation.

While there have been some adverse rulings, dozens of cases filed in Ecuadorian administrative and lower courts have resulted in decisions favorable to ecosystems, including a river, mangroves and a jaguar. And, pending before Ecuador's Constitutional Court are at least three rights of nature cases that could have bearing on how the laws are effectuated throughout the country.



Pastaza River leaving the Andes and entering the lowlands of the Oriente in Ecuador. Credit: Rolf Schulten/ullstein bild via Getty Images

At stake in one of those cases is whether government-approved mining is allowable within the Los Cedros Reserve, a protected forest. The case highlights the tension between aspiration and reality in Ecuador, which is still heavily dependent on extractive industries and the foreign investment that comes with it.

For Mari Margil, executive director at the Center for Democratic and Environmental Rights, that tension makes changing people's beliefs about nature important. "You can't just pass a law and feel comfortable that the government will properly implement it," she said. "The organizing never ends. That's the case in any social justice movement, and the rights of nature isn't an exception."

In Florida, Two Streams, Two Lakes and a Marsh File Suit

In April, Chuck O'Neal, in his capacity as president of the nonprofit Speak Up Wekiva, and five waterways protected by Orange County's rights of nature law—Wilde Cypress Branch, Boggy Branch, Crosby Island Marsh, Lake Hart and Lake Mary Jane—all filed **suit as named plaintiffs** against Beachline South Residential, the Orlando developer. Noah Valenstein, secretary of the Florida Department of Environmental Protection, was also named as a defendant.

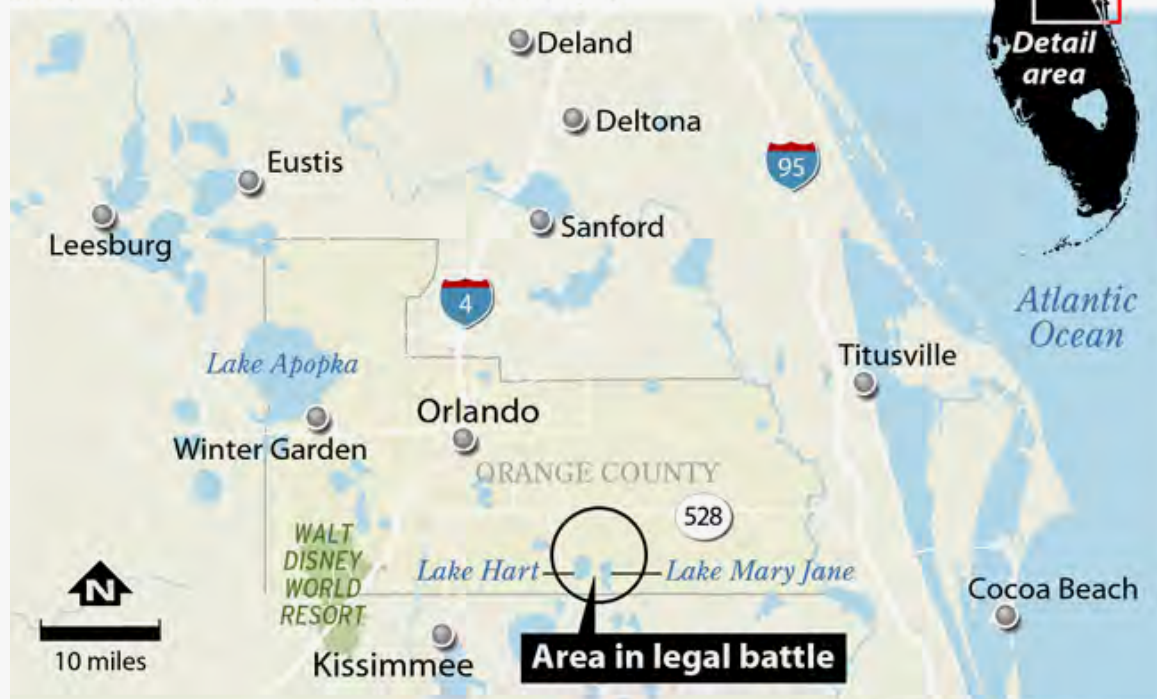
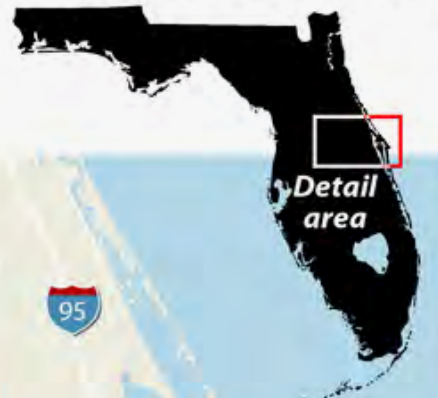
“The proposed development violates the right to exist of the Crosby Island Marsh, Lake Hart and Lake Mary Jane by cutting off and/or restricting the sufficient flow of

Inside Climate News

[Donate](#)


'Rights of Nature' Suit Filed Against Florida

A cluster of two lakes (Lake Hart and Lake Mary Jane), two creeks and a marsh are plaintiffs in a landmark lawsuit against the Florida Dept. of Environmental Protection and a developer.



PAUL HORN / Inside Climate News

The defendants have invoked the Clean Waterways Act, claiming it preempts the county's rights of nature charter amendment. The waterways and O'Neal disagree, arguing that the state legislation is vague and violates the county's rights as a charter government to enact its own laws. A hearing on the issues is set for November, in what is likely to be the beginning of a long and potentially precedent-setting journey through the appellate courts.

At the same time, O'Neal is pursuing a statewide ballot initiative aimed at

amending Florida's constitution to, among other things, recognize certain rights of nature. The campaign is aiming to secure the required 891,000 petition signatures in time to put the initiatives on the 2022 ballot, taking the fight over the rights of nature straight to Tallahassee and potentially making the 2022 midterms the biggest moment yet for the movement.

The developments in Florida are consistent with how advocates elsewhere are advancing the laws. Enforcement of existing legislation has taken center stage, with litigation enforcing nature's rights cropping up from [Minnesota](#), as tribes battle to block Line 3, to Ecuador, where advocates are anxiously awaiting the Supreme Court's rulings.

Lawyers like Grant Wilson of the Earth Law Center expect those court cases to sharpen the practical effects of the laws: "Let's say a river has rights. What does that mean in practice?" Wilson said. "It could mean, for example, that the government must establish plans to remove dams with significant negative ecological impact. Or it could mean that a river, through a legal guardian or other means, has the opportunity to participate in governmental decision-making impacting the health of the river."

Seizing on the momentum gathering in courts around the world, Wilson has co-written an ["Earth Law" case book](#) and is working internationally with law schools to train students, lawyers, judges and government officials on the concepts.

"People say that no legal theory can stand up against all of the big industries of the world and I think we can overcome that," Wilson said. "That's part of why we're training lawyers and judges because when we bring that big landmark case against someone like Chevron, they'll recognize that nature has rights. I think we can get there."

For O'Neal, there's not only his conviction that rivers, mountains and forests have rights, but the deeply held belief that those basic rights were wrongly left out of the U.S. Constitution over 200 years ago, because of what he calls a myth about the overabundance of nature. With the Earth's population now close to 8 billion people, he said, the world is much smaller than we thought.

"We have to find a balance between nature and commerce, and right now we're so far out of balance that the world is spinning out of control," he said. "We can create a new system, building a body of law that recognizes fundamental rights of nature. I think it's our last and best hope to save the planet."



Katie Surma

Reporter, Pittsburgh

Katie Surma is a reporter at Inside Climate News focusing on international environmental law and justice. Before joining ICN, she practiced law, specializing in commercial litigation. She also wrote for a number of publications and her stories have appeared in the Washington Post, USA Today, Chicago Tribune, Seattle Times and The Associated Press, among others. Katie has a master's degree in investigative journalism from Arizona State University's Walter Cronkite School of Journalism, an LLM in international rule of law and security from ASU's Sandra Day O'Connor College of Law, a J.D. from Duquesne University, and was a History of Art and Architecture major at the University of Pittsburgh. Katie lives in Pittsburgh, Pennsylvania, with her husband, Jim Crowell.



Newsletters

We deliver climate news to your inbox like nobody else. Every day or once a week, our original stories and digest of the web's top headlines deliver the full story, for free.

- ICN Weekly
- Inside Clean Energy
- Today's Climate
- Breaking News

- I agree to the [terms of service and privacy policy](#).

Sign Up

Related



MEMORANDUM

AGENDA ITEM #VII.A

DATE: FEBRUARY 28, 2022
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: ATTENDANCE FORM

Information only.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
www.sfr regionalcouncil.org

2021/2022 ATTENDANCE RECORD

COUNCILMEMBERS	3/19 *	4/26	5/7 **	5/24	6/28 MDC	7/26	9/27 **	9/27	10/25	11/8 MC	01/24 MDC
BAILEY, Mario, <i>Immediate Past Chair</i> Governor's Appointee	VP	P	VP	P	P	P	*	*	VP	P	P
CATES, Craig, Monroe County Commission	-	-	-	-	-	-	-	-	-	-	P
COLDIRON, Michelle, <i>Secretary</i> Monroe County Commission	*	VP	*	VP	*	VP		VP	VP	P	P
CORRADINO, Joseph Mayor, Village of Pinecrest	*	*	*	A	P	*		*	*	*	*
FURR, Beam, 2nd Vice-Chair Broward County Commission	*	P	VP	P	P	P	P	P	P	P	VP
GARCIA, René, Treasurer Miami-Dade Co. Commission	VP	VP	VP	VP	*	VP	VP	VP	VP	*	VP
GELLER, Steve, Chair Broward County Commission	VP	P	VP	P	*	P	P	P	*	VP	P
GILBERT, III, Oliver Miami-Dade Co. Commission	VP	D	*	*	*	*		A	A	A	A
GOLDBERG, Cary Governor's Appointee	VP	VP	*	*	*	*		VP	P	A	*
KAUFMAN, Samuel, First Vice Chair Commissioner, Key West	VP	VP	VP	VP	VP	VP	*	VP	VP	VP	VP
LEONARD, Jordan, Councilmember, Bay Harbor Islands	VP	VP	VP	*	P	P		*	P	VP	*
McGHEE, Kionne Miami-Dade Co. Commission	-	-	-	-	-	-	-	-	-	-	P
ROSS, Greg Mayor, Cooper City	VP	P	VP	P	VP	P	*	*	*	VP	VP
UDINE, Michael Mayor, Broward County	VP	VP	VP	VP	VP	VP	VP	VP	P	*	VP
ZIADE, Ana M. Mayor, North Lauderdale	VP	P	P	VP	P	VP	P	P	P	P	VP

2021/2022 ATTENDANCE RECORD

EX-OFFICIO MEMBERS	3/19 *	4/26	5/7 **	5/24	6/28 MDC	7/26	9/27 **	9/27	10/25	11/8 MC	01/24 MDC
ANDREOTTA, JASON Florida Dept. of Environmental Protection	*	D	D	*	D	*		D	D	*	D
MAYERS, Lorraine South Florida Water Management District	-	-	*	*	*	VP		VP	*	VP	VP
HUYNH, DAT Florida Dept. of Transportation	VP	VP	D	D	VP	VP		*	VP	VP	VP
Department of Economic Development	-	-	-	-	-	-	-	-	-	-	-

A majority of the meetings were physical/virtual meetings

P = Present

VP = Virtually Present

A = Absent

D = Designee Present

* = Excused Absence

- = Not Yet Appointed

CC = Via Conference Call

MDC = MIAMI-DADE COUNTY

MC = MONROE COUNTY

* *Joint Meeting March 19, 2021*

** Exec. Committee/Workshop

Insurance agents: Why rates for Florida homeowners are soaring in 2022

BY MAX MARBUT, ASSOCIATE EDITOR



Homeowners should expect an increase of at least 30% to 40% when they renew their policies this year, according to Tim Irish, president of J.P. Perry Insurance.

Insurance agents who sell property and casualty policies have a warning for their current and potential clients:

“The Florida homeowners insurance market is currently in crisis and has been for years due to fraud and frivolous litigation,” said Kyle Ulrich, Florida Association of Insurance Agents president and CEO.

In an April 2, 2021, letter to state Rep. Blaise Ingoglia, chair of the House Commerce Committee, state Insurance Commissioner David Altmaier wrote that in 2019, Florida accounted for 8.16% of homeowners insurance claims filed in the U.S., but the state accounts for 76.45% of the lawsuits filed in the U.S. against insurance providers.

“Florida’s ratio of suits opened to claims closed without payment is eight times higher than the next highest state at 27.75%,” Altmaier wrote.

“The state of Connecticut has the second highest ratio of suits opened to claims closed without payment at 3.4%. The next highest three states are New Jersey (2.45%), Rhode Island (2.23%), and Pennsylvania (1.82%).”

Roof claims lead list

The trend began several years ago when most of the disputes were related to water damage claims. Now, roof replacement is leading the litigation, said Danny Sands, president of Brightway Insurance – The Sands Agency.

“Roofing companies have become storm chasers. When there is a bad storm in an area, the next day they canvass the area with salespeople,” Sands said.

Florida insurance regulations allow policyholders to assign their benefits to a contractor, who then can make repairs and send the bill directly to the insurance carrier.

“The contractor will repair the roof and the homeowner thinks that’s great. On the back end, the fair market value for the repair might be \$20,000 but the contractor bills the insurance company \$40,000. The insurance company denies the claim, so the contractor sues,” Sands said.

“At that point, the insurance company makes a decision to pay the inflated price or go to court and maybe pay the inflated price plus attorney fees.”

Insurers are in business to stay in business and pay claims, so the cost of claims and litigation must be passed along to policyholders. The increased cost is causing premiums to rise from one year to the next.

“Insurance companies did not build this into their rate structures, but you want your insurance company to make money so they can be there when you make a claim,” said Tim Irish, president of J.P. Perry Insurance.

He said homeowners should expect an increase of at least 30% to 40% when they renew their policies this year. Some of his clients in Northeast Florida are seeing their annual premium more than double compared with last year.

The increased cost of doing business has driven some insurance carriers to stop writing policies in Florida, reducing options for consumers.

Sands said several years ago, there were more than 50 companies offering homeowners insurance, but that has dropped to about 10 options.

“In 2014, it was a soft market because a lot of companies wanted to enter the market, especially in North Florida because we miss the big storms. They were all lowering rates to be super competitive and get market share. I’ve never seen such a hard market like we’re in today,” Sands said.

Citizens grows

The inflation in premiums is driving many property owners to Citizens Property Insurance Corp.

It was created by the state Legislature in 2002 as a not-for-profit, tax-exempt government entity to provide casualty insurance to property owners unable to find coverage in the private market.

Policyholders pay smaller premiums when they are insured by Citizens.

In Duval County, the average premium is 10% to 20% less; in Clay County, 20% to 30% less; and in St. Johns County, 30% to 40% less, according to public rate hearing data submitted to the state by Citizens.

Pricing premiums below the private sector market rate means that if Florida were to be hit by a major catastrophe, Citizens could run out of money to pay all of its claims, a possibility the Legislature considered when it established the insurer.

Citizens is funded by policyholder premiums; however, Florida law requires that Citizens levy assessments on most Florida policyholders if it experiences a deficit in the wake of a particularly devastating storm or series of storms.

With private sector companies leaving the market, the state-run insurer has gone from being a safety net to being the insurer of choice for many homeowners.

“We write more Citizens than any other company. It’s about 50% of our business,” Sands said.

“Citizens has grown a lot, but long term, it’s not the solution. It needs to be the insurer of last resort,” Irish said.

“Citizens is expected to surpass 1 million policies in 2022 and will be the least expensive or only option for many Floridians as private companies continue to sustain losses and cut policyholders,” Citizens said in a Dec. 15 news release.

“In November, Citizens’ policies were found to be cheaper than private market options 97% of the time. Since January, Citizens’ policy count has grown from 541,000 to 745,000, a 37.7% increase,” it said.

The growth raised concern among Citizens’ board members, who voted in December to recommend the maximum 12% rate increase allowed by law for 2022

Citizens Chairman Carlos Beruff said in the release the widening premium gap, coupled with high litigation rates, is making it nearly impossible for Citizens to shrink and return to its role as Florida’s residual insurer.

He also said the recommendation to apply the maximum allowable rate increase is necessary to stem the flood of policies to Citizens.

“We need to take a look at all our options to stop this unsustainable trajectory. Any solution is going to require legislative action to provide Citizens with the tools and flexibility to return to its role as an insurer of last resort,” Beruff said.

Legislative changes

Now in session, the Legislature is considering changes that could improve the market for private sector property and casualty insurance providers.

Under the proposed bills, SB 1728 and HB 1307, customers would not be allowed to renew their policy with Citizens if a private insurer offers a premium that is within 20% of what Citizens would charge for the same coverage.

In addition, the Senate bill also would reduce coverage for roof damage and allow insurance companies to sell policies that would not offer replacement coverage for a roof that is at least 10 years old, a move that could help control the annual premium increase trend.

“The Legislature has been debating changes to roof coverage and the Florida Hurricane Catastrophe Fund that could have a more immediate premium impact. However, it remains to be seen whether anything will pass,” Ulrich said.

Insurance agents say homeowners need to understand the real purpose of casualty insurance.

“It’s an education issue. We have to help people understand that a property policy is not a warranty plan. It is not the insurance company’s responsibility when someone doesn’t put a roof on their home for 30 years,” said Veronica Della Porta, president of The Della Porta Group.

Irish said homeowners facing premium increases – or their insurance company declining to provide coverage for an older roof – might consider replacing the roof themselves to save money on insurance costs or qualify for coverage.

“You have to maintain your house. A roof has a reasonable life. If it’s 15 years plus, you might look at the cost of replacement. You could recoup some of the cost,” Irish said.

Citizens: Up, down and up again

Citizens Property Insurance Corp. was established in 2002 by the state Legislature. It is intended to be the “insurer of last resort” for Florida property owners who are unable to buy coverage in the private sector insurance market.

Citizens grew to about 900,000 policyholders by 2004, according to data provided by Citizens in September 2021.

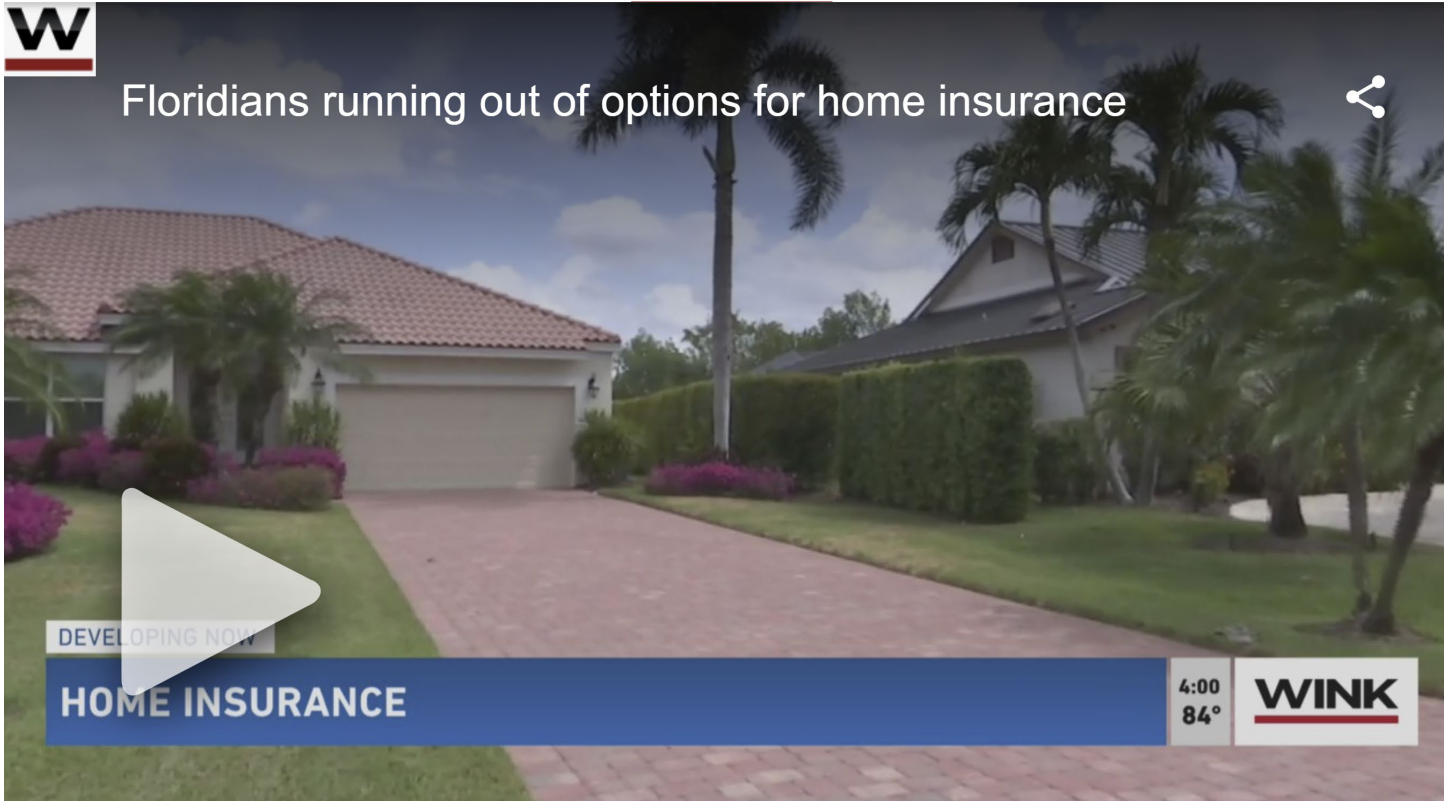
The policy count peaked in 2011 at about 1.5 million policies in force. The count then steadily declined until 2019, when about 500,000 policies were in effect.

Citizens is experiencing another growth period that started three years ago. In September 2021, more than 715,000 buildings were insured. Citizens is expected to surpass the 1 million policy mark in 2022.

<https://www.jaxdailyrecord.com/article/insurance-agents-why-rates-for-florida-homeowners-are-soaring-in-2022>

Floridians running out of options for home insurance

BY MICHAEL HUDAK, REPORTER | MATTHEW SEAVER, WRITER



Five insurance companies are pulling out of Florida, leaving homeowners with no choices in providers and major price increases. It is an issue that has been ongoing in Florida and with each season, is becoming worse.

Lawmakers know there is a problem and they are working on a solution that is controversial because critics say it favors insurance companies at the expense of homeowners.

A bill lawmakers are debating would allow companies to not offer replacement coverage for roofs more than 10-years-old.

WINK News asked Mark Friedlander of the Insurance Information Institute if he would do business as an insurer in Florida, "Haha, a loaded question. Thank you. I have to compose myself for that."

Friedlander operates out of northwest Florida but he feels the pain of the whole state.

"The state of homeowners insurance in Florida right now is in crisis, we are in serious crisis mode, where we're on a trajectory that the private insurance market could collapse," said Friedlander.

If that happens, Ken Skelton, and just about every other homeowner in Florida, will feel the pain.

Skelton said his insurance, "It was almost doubled, went up. \$1,700."

Skelton's insurance company jacked up his premium.

The Insurance Information Institute says only three out of 52 insurance companies in Florida actually made a profit last year.

Friedlander said, "every insurer is losing money, and they're losing a lot of money."

Those 52 insurance companies writing policies in Florida lost more than \$1.6 billion.

This year, fewer insurance companies will write policies in Florida because of those losses.

That is forcing more homeowners to rely on Citizens Property Insurance Corporation, the state's insurer of last resort.

777,000 Floridians now use Citizens Property Insurance to protect their homes. That is up 222,000 policies compared to 2020.

Florida State Senator Jeff Brandes said, "We have to fix it via legislation, the courts are never going to fix it."

Senator Brandes is frustrated by the fact Citizens Insurance is taking on policies at a breathtaking rate and criticized the governor for ignoring the problem.

"Yeah, property insurance is one of my big areas," said Brandes.

Brandes has been thinking about this for a long time. "The state of insurances, state of Florida is it's essentially in collapse."

A collapse that we cannot afford.

"A people homeowners are going to find it very difficult to find affordable coverage going forward unless the legislature acts," Brandes said. "Legislation fixes the incentive to sue your insurance company."

Brandes believes state law makes it too easy to file suit against insurance companies.

He points to the fact Floridians filed 100,000 lawsuits against insurance companies in 2021 alone.

Friedlander, with the Insurance Information Institute, said, "more than 90% are considered frivolous. So very few would be considered legitimate."

Not everyone agrees with that.

"Yeah, there are some frivolous lawsuits. But for the bulk part of it, they're not. They're just denied claims. It's a numbers game for the insurance company, if they deny 10 claims, maybe one gets awarded," said Property Attorney Chris Ligman.

Either way, something has to give. Ligman said, “we need to create alternative dispute resolutions so that everybody doesn’t wind up in court. And these insurance companies don’t end up going under because of litigation.”

State lawmakers are considering a bill that would force state-run Citizen Insurance to stop renewing policies if a private company offers a premium that is not more than 20% more than Citizens’ rate.

<https://www.winknews.com/2022/02/17/floridians-running-out-of-options-for-home-insurance/>

Miami Herald

Apartment rents are soaring in Miami. New local laws could give tenants some relief.

BY DOUGLAS HANKS AND OMAR RODRIGUEZ ORTIZ



Tenants of an apartment building in Hialeah whose rent will increase up to 65% protested at their new landlord's office in Brickell on Jan. 19, 2022.

The housing crisis arrived at Yudet Pérez's door in the form of a notice announcing a 55% rent spike at her unit in a Hialeah apartment complex weeks after the building was sold to a new owner. Her family had less than a month to brace for an extra \$600 due every month for their two-bedroom unit — now the subject of an eviction notice that has Pérez trying to find an affordable home in a market where rents are rising at one of the fastest rates in the country. "I cried a lot this morning," the 46-year-old cosmetologist, who came to the United States from Cuba, said in Spanish during an interview last week.

While Florida and local laws mostly give landlords latitude on increasing rents once a lease expires, there's a push in Miami-Dade County to impose some new rules on the timing of those hikes. A proposed countywide ordinance would require 60 days notice before a landlord could increase rent by more than 5% at the end of a lease, or for tenants without fixed leases. The legislation by Commissioner Eileen Higgins follows the lead of Miami Beach, which imposed a similar rule within city limits earlier this month, and Hialeah, which on Tuesday advanced legislation to impose its own notice requirement for notable rent increases.

"It buys them more time," said Higgins, whose county district includes Little Havana, parts of downtown Miami and South Beach. "You've got to give low-income folks more time to prepare."

NEW RENT RULES PROPOSED IN HIALEAH, MIAMI-DADE

Jeff Hearne, who serves as director of litigation at Legal Services of Greater Miami and also oversees the Tenants' Rights Clinic at the University of Miami law school, said renters rely on lease language for the kind of notice requirement the Higgins proposal would impose — a protection that's often absent. "If the lease is silent, the landlord can say a few days before a lease ends: 'Hey, we're going to raise the rent,'" he said.

Advocates for low-income tenants say the start of 2022 brought a flood of reports of people facing hefty rent increases, another symptom of a real estate market that's been in high demand since the early days of the COVID-19 pandemic. "We're seeing apartments in Liberty City that were \$800 [a month] go to \$1,700," said Santra Denis, executive director of the Miami Workers Center, a grassroots organization that supports tenants, workers and families in South Florida. "Someone in Little Haiti who was paying \$500 for an efficiency is now paying \$900." Statistics show the Miami area has some of the fastest growing rents among major metropolitan areas, fueled in part by a surge of transplants from New York and California after the pandemic created work-from-home opportunities in low-tax South Florida.

"If you come down from New York where you're renting a one-bedroom for \$4,000 a month, you find one here for \$2,000 a month and think it's affordable," said Jack McCabe, a real estate analyst and owner of Jack McCabe Expert Services in Deerfield Beach. "Prices have gone up so far, so fast. It's ridiculous."

RENTS IN MIAMI INCREASING AT A RAPID PACE

A national ranking of rental costs from apartment-listing company Redfin found the greater Miami area, which includes Fort Lauderdale and West Palm Beach, had the fifth highest rent increases last year in the country, up 31%. Data from Apartment List found the Miami area not quite as inflated as other metro areas, with a 27% rent increase landing the region in 11th Place on that ranking. The Higgins proposal is one example of county legislation backed by tenant advocacy groups aimed at protecting renters in an increasingly unaffordable housing market. Miami-Dade commissioners Jean Monestime and Raquel Regalado are proposing a county "Tenant Bill of Rights" that landlords would have to give renters outlining existing Florida protections and adding new ones locally, including a prohibition on asking about prior evictions and allowing rent deductions for neglected repairs. Both proposals are up for preliminary votes at the March 1 meeting of the County Commission.

Greg Brown, senior vice president for government affairs at the National Apartment Association, an organization that advocates for the rental housing industry, said new government restrictions on rent decisions usually hit small landlords the hardest and can result in shoddy housing as repairs get squeezed out of small budgets. "Half of the rental owners are mom and pops," he said. "Their margin on a month-to-month basis is very thin."

In Hialeah, the rent increases at Pérez's building became a flashpoint over a broader crunch on housing costs. When Eco Landing Development LLC announced rental increases weeks after purchasing the 20-unit building in December for \$4.1 million, the tenants organized, protested and contacted city officials with the help of the Miami Workers Center.

A Jan. 6 letter provided by a tenant from Miami-based real estate investment company Eco Stone Group, which shares corporate officers with Eco Landing Development, announced a \$600 rent increase effective 25 days later, on Feb. 1.

At least eight of the building's tenants have applied for federal emergency rental assistance intended to cover up to six months of rent for people who have been directly or indirectly impacted by the coronavirus pandemic, Mayor Esteban Bovo said at a Feb. 15 press conference.

The company has not responded to the Miami Herald's numerous requests for comment. So far, court records suggest only one tenant, Pérez, is facing eviction at the building, located on the 1500 block of West 42nd Street. She's one of several tenant organizers protesting the rent increases, which she said gave her and her husband and adult daughter just a month before her rent jumped from \$1,050 to \$1,650.

Pérez said four residents have vacated their units because they could not afford the new rents. María Rubí, a cashier who immigrated to the United States from Nicaragua, has lived in the apartment building for 25 years, along with her adult daughter. Now the 57-year-old is facing a 65% rent hike — a far higher rent bill than she ever expected. "I don't know what is going to happen next," Rubí said in Spanish.

HIALEAH CITY COUNCIL ADVANCES NOTICE RULE FOR RENT INCREASES

On Tuesday, the Hialeah City Council voted unanimously in favor of a proposed ordinance that would require landlords to give tenants 60 days notice before the effective date of any rent increase greater than 10%. City Council members must vote in favor of the legislation a second time before it becomes law. The item is scheduled for a final vote at the next council meeting, on Tuesday, March 8.

Council member Bryan Calvo, the ordinance's sponsor, called the proposed law a first step toward helping tenants. "This is also not a final, end-all, be-all solution to the problem of rent in our city," he said. "I think this is a start, this is a kickoff to what our city needs to be doing."

<https://www.miamiherald.com/news/local/community/miami-dade/article258467943.html>

Miami Herald

FPL wants injection wells at Turkey Point. It could also help Miami-Dade's wastewater woes.

BY ALEX HARRIS



Matt Raffenberg, FPL's environmental services director, talks about how FPL is working on ways to better control water temperature and salinity in the 39 cooling canals at the Turkey Point power plant in 2016.

Miami-Dade County has to find a place to send millions of gallons of wastewater it now pipes into the ocean. Florida Power & Light has been working for years to contain a saltwater plume beneath the troubled cooling canal system at its Turkey Point nuclear power plant.

A partial solution to both those long-standing environmental problems may reside about 3,000 feet below the sprawling plant on the edge of southern Biscayne Bay — if Florida's Department of Environmental Protection gives the green light.

FPL is seeking permission to install what are known as injection wells on the property. If the two wells are approved, FPL would switch from tapping a brackish underground aquifer to run through the cooling towers of a natural gas-powered unit on the site and instead use treated Miami-Dade wastewater — helping the county meet its federally mandated 2025 deadline to stop dumping its wastewater in the ocean.

FPL would then take that leftover cooling water and inject it thousands of feet underground, deep below the water South Florida uses for drinking, into an isolated geological pocket known as "the boulder zone." That leftover aquifer water, with a higher concentration of salt, is now sent into a 5,600-acre system of canals that cool

the two nuclear units on the site but also have been blamed for an underground salt plume that could taint underground fresh water supplies.

The utility is three years into its 10-year cleanup process for the saltwater plume, and the latest report suggests its strategy is working: the plume is smaller and doesn't extend as far west, where its leading edge threatened well fields drawing drinking water from the shallow Biscayne Aquifer.

Miami-Dade still has a ways to go to meet its federal deadline, but diverting millions of gallons of its wastewater to Turkey Point is an attempt to address two problems at once.

Environmentalists seem tentatively on board with the plan, at least as an improvement to the status quo.

"On the one hand, it's about levels of better. It might be better than putting wastewater into the ocean, but on the other hand, it's not using this water for anything beneficial. Instead, we're sticking it into the ground," said Rachel Silverstein, Miami Waterkeeper. "And the risk is that it could always leak."

"The downside for me is that they didn't seize this opportunity to do more."

A SCALED-DOWN SOLUTION

The notion of using Miami-Dade's wastewater at Turkey Point has been around for years, ever since FPL proposed building two new nuclear reactors at its bayfront plant. The utility needed a whole lot more water to cool down the potential new reactors, and a new way to handle it after its 50-year-old cooling canal system proved problematic.

The mutual solution would have allowed Turkey Point to use 50% of Miami-Dade's wastewater, almost completely meeting the county target of re-using 60% of its water by 2025. And it would have allowed FPL to use freshwater in its cooling canals, combating the saltwater plume.

But then, the cost estimates came out. The price to clean Miami-Dade's wastewater enough to use it in the leaky canals was higher than anyone was interested in paying, so the idea fizzled. And FPL indefinitely paused its plan to build two new reactors.

"Municipal wastewater has a lot of pollutants in it, and also high nutrients. They would have to significantly clean up that water to use it," said Lee Hefty, head of Miami-Dade's division of environmental resource management.

However, wastewater injected into the boulder zone does not have to be as clean. And that's the key to Miami-Dade's plan to meet its responsibility to the federal government. The county already has 26 deep injection wells to shoot its wastewater into the boulder zone, but it still needs to build 14 more by 2025 to meet its deadline, according to Marisela Aranguiz, deputy director of Miami-Dade's water and sewer department.

FPL and Miami-Dade seem confident that the injection wells will be approved since they've already begun work on other parts of the plan.

Along with the new injection wells, FPL would build an 8-mile pipeline to move treated wastewater from the county's south district water treatment plant to Turkey Point. FPL and Miami-Dade are building a new water treatment plant at Turkey Point to treat the water a second time before its used on the natural gas unit.

The plant is designed to treat up to 60 million gallons of wastewater a day, producing 45 million gallons of water suitable to use for cooling down the power plant. In addition to the 15 million gallons a day of treated wastewater used for the natural gas unit, the plant will have the capacity to produce another 30 million gallons of wastewater for the cooling canals, which would sharply decrease the amount of aquifer water used by FPL.

Construction on the new wastewater plant, approved by Miami-Dade's commission in the summer of 2020, is expected to begin in late 2022 and be completed by 2024. Miami-Dade taxpayers are on the hook for \$182 million of the total cost, and FPL ratepayers are funding the additional \$300 million-plus in construction costs.

There's no timeline for when DEP will rule on the injection well permits, which would each pump up to 18 million gallons a day into the boulder zone. Public comment ended Tuesday night, and the next step is for the state to respond with a yes or no.

FPL already has one deep injection well at Turkey Point. They use it to suck up super salty water from the underground plume and shoot it into the boulder zone.

As the final public comment meeting for the well permit, Danielle Hall, a manager in environmental services for FPL, said the new injection wells and wastewater agreement would result in FPL drawing less water from the Floridan aquifer.

If DEP approves the plan, it would be FPL's first concrete shift away from its cooling canals, a win for environmentalists that have been complaining (and suing) the utility over them for years.

"It's the lesser of evils," said Laura Reynolds, an environmental consultant and board member of Friends of Biscayne Bay. "Miami-Dade County has a lot of wastewater. We need to use a certain amount of it so that we're being more efficient. FPL is the natural user of this. This is a good thing." Reynolds said advocates for cleaner water in Biscayne Bay would like to see FPL use more injection wells or technologies like mechanical draft towers for its remaining nuclear power units, rather than continuing to use the leaky canals. Turkey Point is the only nuclear power plant in the world that uses cooling canals.

And those canals are basically at sea level. With about one foot of sea rise, which is expected by 2030, they could be completely swamped. "They should be replacing technology with something that works. This is a failed experiment," she said.

FPL CLEANUP STATUS

As of a November status report, FPL said it had reduced the saltwater plume 42% from the 2018 level — about 18 billion gallons of super-salty water and 7 billion pounds of salt. It also found that the plume has stopped moving west toward Miami-Dade's well fields, where it could have threatened South Florida's drinking water. Aranguiz, from Miami-Dade's water and sewer department, said, "there is no concern that Miami-Dade's western drinking wells will be impacted by FPL."

The utility's computer model shows that at this rate, it will not completely remove the saltwater plume from the aquifer by the year 10 deadline. The lower third of the aquifer will still have some super salty water, potentially from natural sources, FPL said.

"At this point, it is not clear whether the incomplete retraction is a result of a physical phenomenon or inaccuracies in the model," the report read. FPL didn't suggest any changes to its strategy other than maybe tweaking the way it models the saltwater in the aquifer. Hefty, from DERM, said he's encouraged by the progress FPL has made in its \$200 million cleanup.

"Saltwater intrusion is a complex issue. While we think Turkey Point is a component of it, it's not the only component," he said. "So far the evidence indicates that they're compliant with our consent agreement and the evidence so far is indicating that we're seeing improvements in the aquifer."

<https://www.miamiherald.com/news/local/environment/article257231257.html>

Miami Herald

After Surfside collapse, condo dwellers who shirk fixes may reap a redevelopment windfall.

BY ANDRES VIGLUCCI AND ALLIE PITCHON



A Miami Beach condo tower, built in 1964, was vacated by city order and faces demolition and a developer buyout after failing for years to complete required repairs.

Faced with a deadline to make major repairs, and resistance from residents unwilling or unable to pay spiraling maintenance bills, the majority of condo board members at Miami Beach's aging La Costa tower elected to take the easiest way out: They punted.

Year after year, former residents and board members say, the La Costa board majority — with practically no financial reserves and little will to raise millions of dollars for seriously overdue repairs — authorized only minimal patchwork while longstanding and severe structural, concrete and electrical deficiencies visibly worsened.

The city of Miami Beach, one former board member says, was content to look the other way. The city issued extension after extension, he said, even though the board skipped the required 40-year recertification for the 1964 oceanfront building entirely, then failed for years to undertake the necessary work to complete it after sailing past its 50-year anniversary.

In the end, 17 years of neglect and deferred maintenance and the cost of massive repairs proved too much for La Costa's 120-plus condo owners to overcome.

Last month, the 15-story building was vacated by emergency order of the city of Miami Beach and now faces demolition. A developer who bought out most of the condo's owners has plans to build an ultra-luxury tower in its place, and is now suing a group of holdouts to force them to sell.

The consequences that unspooled at the mid-Miami Beach tower could serve as an object lesson for the scores of older condos up and down the South Florida coastline that face emergency inspections and potentially steep repair bills in the wake of the catastrophic collapse of the Champlain Towers South condo in Surfside, which claimed 98 lives.

The experience at La Costa offers some potential solutions to those issues, including the advantages of buyouts of outdated condos whose market value may not justify the imposition of large special assessments. Even before the collapse, some developers successfully bought out older condos to redevelop on prime waterfront locations in Brickell, Edgewater and Surfside, while many of the supersized towers in Sunny Isles Beach were the result of buyouts and dissolution of small, obsolete condos.

Real estate experts say such deals will likely become far more common, especially if Miami-Dade County ends up requiring more frequent inspections and earlier recertification for condos, or insurance companies worried about another Surfside jack up rates or drop coverage altogether for buildings whose owners fail to properly maintain them.

If Hurricane Andrew in 1992 led to sweeping changes in building codes and quality of construction across Miami-Dade, the Champlain Towers collapse will force an equally consequential reckoning for scores of older condos like La Costa, said prominent Miami condo-market analyst Peter Zalewski. Many of these properties sit on valuable land on barrier islands and Biscayne Bay and developers are eager to buy them out, he added.

"This is the next inflection point," said Zalewski. "The scrutiny, regulations and guidelines that will follow Surfside will change the condo market in South Florida dramatically."

La Costa's buyout illustrates one way in which these forces could play out in South Florida's aging condos.

But it's also a warning that there are few easy fixes and numerous legal, human and economic hurdles to clear for owners of deteriorated condos. It's uncertain, for instance, what recourse unit owners whose boards have neglected repairs may have under current condo law, though owners in one building vacated for safety reasons after the Surfside tragedy are now suing their condo association.

Meanwhile, complicated and confusing changes to condo regulations and court rulings on condo terminations can make such bulk buyouts a fraught and uncertain undertaking for developers and unit owners alike, experts say. Developers who pay over-market prices but fail to persuade enough owners to sell may get stuck with units not worth what they paid for them. And buyout offers can exacerbate tensions among residents already in disagreement over paying for repairs.

"It's a very complicated process that takes a substantial amount of time," said condominium law expert Martin Schwartz, of the Miami firm Bilzin Sumberg. Schwartz has handled terminations in the past, but is not involved in the La Costa case. "It's a bit like what happened at Champlain Towers. There are people who want to pay an assessment and people that don't want to pay the assessment. That's condominium life. You can't get anyone to agree on anything."

At La Costa, the end came just as a newly elected board majority finally decided to get serious about repairs, hired an engineer, instituted a special assessment and borrowed several million dollars — an amount former board members and residents said was nonetheless clearly insufficient for all the work that needed to be done.

Then, following the Surfside collapse, the city of Miami Beach belatedly took firm action: Its building official ordered emergency inspections of La Costa in July. In August, the city ordered everyone out after troubling reports from a pair of engineers working for the condo. One report indicated a portion of the garage and pool deck, structurally separate from the residential tower, was in danger of falling in. Both engineers concluded extensive repairs at the residential tower needed to be undertaken within 30 days and the building was vacated while the work was completed.

But it was too late for La Costa.

By then, a developer offering big money had swooped in to buy most of the units from sellers eager to get out from under impending assessments and the prospect of units rapidly losing their market value. The 116 willing sellers made out unusually well, cashing out by May, just before the Surfside calamity. Some sold their units for as much as twice the market value.

But it has left a mess for others. Some 15 holdouts who refused to sell, now effectively evicted by city order, had to find a place to live without receiving anything in return for their former homes. Now they have been taken to court by Miami developer Mast Capital and principal Camilo Miguel to force them to sell. The holdouts say in court filings that Miguel improperly sought to terminate the condo to force them out.

Dania Valdes, 65, has owned a one-bedroom unit at La Costa since 2002. Valdes claims that she and other holdouts have been victims of “bullying” by the developer. Valdes said she feels she and other unit owners were pressured into selling for less than the overall condo property is worth. “They made life impossible for those who didn’t want to sell until they became desperate and had no other solution,” Valdes said. One former longtime La Costa resident and board member, Emilio Canasi, 60, says he reluctantly opted to sell his unit to Mast at a substantial premium. He contends the condo association and Miami Beach share in the blame for what happened.

After skipping the required 40-year recertification, the condo board decided to embark on a 50-year recertification instead in 2016, two years after the building passed its half-century mark, Canasi said — a sequence confirmed by city records. A repair plan was approved in 2017, city records show, after the city belatedly cited the building for failing to complete its 40-year recertification. But it was never completed. The board did only minor work to keep the recertification permit going, Canasi said.

“The old condo association was playing this game with the city of not really doing anything, and asking for extensions, extensions, extensions,” Canasi said. “The building deteriorated, and I was part of that board. And I got out of the board, because I saw that I was being overruled on everything. I said, you know what, I don’t want to be part of the board because, if sh-t hits the fan, and it will hit the fan, I don’t want to be accused that I was part of the decision-making.”

After the Surfside collapse, he said, “our city of Miami Beach started looking around at all the buildings and La Costa had an open permit to do the 50-year certification for about six years. I think they said, ‘Where are you

with this?' And nothing had been done. Zero. Nothing. Nothing." The building's worrisome condition and the prospect of ever-mounting repair costs meant that, like him, many owners saw no better option than selling when Mast came knocking, he said.

"I never intended to sell. But, unfortunately, the building deteriorated in such a way that it would have required an enormous amount of money to put it together. And the offer that came in was substantially higher than it was worth," said Canasi, who moved in June to a smaller but newer condo at the 20-year-old Blue and Green Diamond towers on the beach just to the north with the proceeds of the sale of his La Costa unit to Mast. "I loved my old unit. I wish I still had it. But I'm happy that I sold. I got quality of a building in exchange for the size of my unit."

Miguel, meanwhile, is not waiting for the courts to decide the ultimate fate of La Costa.

He has already submitted to the city a plan by OMA, the firm of Dutch superstar architect Rem Koolhaas, to replace La Costa and its modestly valued units with an ultra-luxury tower that will boast creative design features to make it highly resistant to rising seas and larger storm surges — two of the biggest threats to the longevity of older, low-lying condos along South Florida's coastline.

The plan by OMA's New York office for the narrow lot calls for an elongated building composed of seven interlocked, diamond-shaped towers that present a slim profile to Collins Avenue and the beach. In one of several innovative features designed to adapt to climate change, the building's first floor would be placed at 13 feet over base flood elevation, higher than rules now require, and the second at 29 feet. That would allow for the first floor to be raised if the city lifts Collins Avenue in response to higher seas. But its 100 units — fewer but larger than La Costa's 131 units — will be financially far out of reach of the vast majority of Miamians.

The plans for the new tower, which meet existing zoning rules and require no variances, will get only one public review, before Miami Beach's Design Review Board, which has final approval power barring an appeal. City planning and zoning officials have recommended approval. On Sept. 10, the developers received a deferral from the board until Oct. 5.

At La Costa, the situation has gotten so sticky that few people involved, with the exception of some willing sellers, will talk publicly about it. The city released a series of public records after a request from the Miami Herald, but its building official, Ana Salgueiro, declined a request for an interview through a city spokeswoman. Miguel, the developer, issued a terse "no comment" through a public relations representative and did not allow two prominent attorneys representing him to speak to reporters. Miami engineer Denis Solano, who prepared a troubling evaluation last year for the condo board, did not return a message left at his office. The lawyer for the holdouts also declined an interview request and asked reporters not to contact his clients. The one holdout interviewed, Valdes, spoke with the Herald before the lawyer advised his clients not to speak to the press.

Experts in real estate and condo law say the difficult circumstances at La Costa are likely far from unique. Already, post-collapse inspections have led to the emergency evacuation of a handful of condos and apartment buildings in Miami-Dade. As Miami-Dade County and municipal building officials respond with extreme caution to even the smallest threat of structural and other safety hazards in older residential and commercial buildings, there are likely more evacuations to come.

Half of the 139 condos that Zalewski found sit on barrier islands in Miami-Dade will be facing recertification within the next decade, the analyst said. He predicts that many of them, deteriorating and occupied by older people, will find it financially taxing if not unfeasible to do the work necessary to bring them up to code amid sharpened scrutiny by insurers and municipal building departments. As more condos where maintenance and repairs have been put off face often-staggering bills and assessments, the experts also expect they will increasingly become targets for developers looking to buy everyone out, especially at a time when demand for condos has skyrocketed but supply is sharply limited given that South Florida coastlines are all but built out.

Developers who had turned away from the coast because they thought there was no land left to build on will come back in droves in search of deals with a potentially huge profit margin, Zalewski predicts. And cities will likely be happy to help them so as to rid themselves of deteriorating buildings and the enforcement headaches they represent, Zalewski added, as well as to glean the higher taxes new towers will bring.

“They will put the gun to condo owners’ heads and say, either bring it up to code or we’re going to force everyone out,” he said. “People will be forced to sell.”

That won’t mean buyouts are an easy way out, however. The buyout tactic until now has been relatively uncommon in part because of the difficulty of persuading large numbers of residents to sell, which typically requires negotiating individually with unit owners. But shifting and often unclear targets set under state law for dissolving condos have made it even more complicated in recent years, experts say. Three different condo termination thresholds have been in place since 1976, but which standard applies can depend on when and how condo declarations were written. A recent court decision in a Sunny Isles Beach case only further muddied the waters, experts say.

“We’re living with a statute that makes it very difficult to terminate. It’s a ridiculous standard,” said Schwartz, who stressed he’s not familiar with the particulars of the case at La Costa. Schwartz is among a number of condo lawyers urging the state Legislature to ease and clarify rules on condo dissolutions. “It’s unfortunate because it’s really the best way out for these people,” said Schwartz, who wrote an op-ed piece for the Miami Herald on the subject. To be sure, a buyout can handsomely reward longtime condo owners with large premiums over the usually modest market values for units built decades ago in buildings that lack the space, design pizzazz or range of amenities common in newer towers. At La Costa, many of the owners were investors renting out units who were happy with Mast’s offer and what they saw as a winning business proposition.

Mast and a high-profile investment partner, Miami Beach-based Starwood Capital, created an affiliate for the buyout, 5333 Collins Acquisitions LP, and spent a median of \$950,000 on the one- and two-bedroom units in the condo, according to figures on the Miami-Dade property appraiser’s website. Mast’s total purchase cost, including common areas, came to just over \$100 million. While the individual purchase prices may have represented a premium over market values, Valdes contends the total buyout figure represents a “ridiculous” underpayment given the underlying land value of the condo’s nearly 2.5 acres.

By comparison, she notes that the smaller Champlain Towers site, which depending on how it’s measured is 1.27 acres or 1.88 acres, has been valued at \$120 million. One seller said Mast began approaching unit owners as long as four years ago, but didn’t find many takers until it significantly upped its offer last year. That’s just as a newly elected condo board was embarking on developing a plan to finally make some critical repairs, said Paul Siska, a business executive who with his wife owned a unit at La Costa since 2000 until selling to Mast.

With recertification overdue, little in the way of condo cash reserves to cover the cost, “major issues” with the building and a substantial offer on a unit they bought when it was relatively cheap, the financial calculation was practically a no-brainer for the couple. Siska and his wife, Tatiana, who live in a house they bought on nearby Normandy Isle in 2009, sold the unit they kept as an investment rental for \$1.1 million to the Mast affiliate earlier this year, the Miami-Dade tax assessor’s website shows. They paid \$289,000 for the unit in 2001, the records show. “One of the problems that we had, historically, is that it didn’t have any reserves,” said Paul Siska, who served on the condo board for several years. “And so it was always an issue with repairs and maintenance in La Costa. And the repairs, and the issues that were not addressed, were building up all the time.

“The building needed a major amount of repairs to meet the 50-year certification. We made an assessment for about, I think, six or seven million. But that didn’t include a lot of things. So, on the one hand, you had this offer that was probably 60%, 70% above market at the time. And on the other hand, you had the prospect of continuing to own a condo that was going to be a money sinkhole.”

Unlike Valdes, Siska had only good things to say about Mast. “I will say that the buyer, Mast Capital, was extremely transparent. And extremely ... forthcoming and professional in the way they presented everything,” he said.

One issue, he and other willing sellers said, is that older units and buildings may never recoup the value of money invested in repairs because of outdated facilities, layouts and lack of amenities.

Then there is the impact of rapidly worsening climate change, one of the factors investigators are looking at in the Champlain Towers collapse, where some have questioned whether saltwater intrusion could have accelerated foundation deterioration. Low-lying buildings along the beaches and waterways, often with underground or partly underground parking garages, are increasingly vulnerable to rising seas and increased storm surge due to the warming climate, and retrofitting them would be massively costly, if even physically possible or feasible.

The choice to sell wasn’t easy for Lucia Delgado, 60, an owner and resident of La Costa for two decades. She and her husband, Celso Delgado, were sorry to leave friends of many years behind, she said. But when the percentage of owners who agreed to sell rose above 50%, she added, their attorney advised them to do so as well. And facing a collective multi-million-dollar special assessment already in place and more likely to come, and an offer more than twice what they paid for their condo, they took it.

After renting at La Costa for several years, the Delgados paid \$500,000 for a two-bedroom, 1,500-square-foot unit at the condo in 2014, Miami-Dade tax records show. They sold to the Mast affiliate for nearly \$1.23 million and purchased a 1,490-square-foot, two-bedroom unit at the 20-year-old Green and Blue Diamond towers just north on the Beach oceanfront. “We kind of saw the writing on the wall,” Lucia Delgado said. “So we sold and, lucky for us, we were able to buy at a place that is 40 years newer. The numbers spoke, you know?”

John Pabone, 68, hesitated about selling at first, and still has mixed feelings about doing so. He wishes he could have stayed at La Costa and Miami Beach. But though he believes the Surfside collapse likely helped Mast get the city to vacate the building, he’s in hindsight certain he made the right financial decision and is glad he had already agreed to sell by then.

Pabone had the unit under a sale contract with Mast for a year and a half, closed in March and moved out in early August, he said. Although the developer had given everyone six months to find a new place to live, he said the Surfside collapse and the new inspections precipitated his moving out faster than planned. He ended up in Fort Lauderdale, in a place he bought with the proceeds of the La Costa unit sale.

“I was selling because I got the right price for it,” he said, but added: “We had to move out abruptly. ... I think it was an opportune time to get rid of everybody all at the same time due to the collapse of the other building ... [But] I wanted to sell. Thank God that I sold before this. I think it was a godsend that we were out at that time.”

But real-estate experts caution that the formula really only works well for condos on waterfront sites in sought-after areas — like La Costa, which sits at the southern end of the famed condo canyon along Collins Avenue. Demand for waterfront luxury living by wealthy buyers means developers can readily afford generous buyout offers because they can realize mammoth profits from redeveloping. The sellout for a building like Mast is proposing in place of La Costa is likely to be in the hundreds of millions of dollars. It’s a different story in inland areas or places where local zoning rules sharply limit the scale of new construction.

In areas where the formula can work, experts and affordable-housing advocates note, there is another problem. The multi-million prices for new luxury towers contribute to the ultra-gentrification of the Miami-Dade shoreline, where older buildings are usually the only ones most people can afford to live in. At a time of a worsening affordable housing crunch in Miami-Dade, the demolition of older condos for new luxury buildings reduces affordable options and pushes lower-income people inland, sharpening geographic inequality.

The buyout trend could in some cases also offer a perverse incentive: Some owners in older buildings, hoping to sell to a developer, may band together to lure one, and would have little reason to support special assessments for repairs that other owners may favor.

A complication comes from the complex, even bewildering rules that apply to condo terminations. Applicable rules depend on language in a condo’s declaration — the laws that govern the condo — and what version of Florida’s condo termination law was in effect when a declaration was written, among other factors.

Florida condo laws first adopted in 1976 established a threshold of unanimous, 100% agreement of owners to terminate, unless a declaration stated otherwise. That was lifted in a brief-lived 2007 reform designed to make such buyouts easier, which lowered the threshold to 80% of condo ownership.

That is calculated based not on how many units a buyer holds but on the percentage of interest in the condominium assigned to each individual owner. Just 10% of naysayers could block termination. The reform applied retroactively, even if a condo’s declaration carried a different threshold.

In 2014, though, that reform was largely reversed by the Legislature after many condo owners were forced into bulk sales at prices lower than what they owed the bank on units during the real estate crash, Bilzin’s Schwartz said. Rules now in place tighten the standard so that just 5% of naysayers can block a termination.

But a subsequent court decision blurred the lines. The court ruled that the 2007 rule could not override the standard laid out in a condo’s declaration, making it difficult to determine in many cases which threshold applies, Schwartz said.

Just which rules apply is the gist of the litigation between Mast Capital and the 15 holdouts. The developers' lawyer, John Shubin, argues in court filings that what applies is the condo's own declaration from 1997, which says 80% of ownership is sufficient for termination, and that termination is automatic given that Mast controls nearly 90%. Mast filed a notice of termination with the county dated July 27. Since May, according to the attorney for the holdouts, Mast created a new board to wind down affairs.

But attorney N. Fraser Schuh of Hallandale Beach argued for the holdouts that it's current law that applies, with 5% of no votes holding just over 11% of ownership constituting a legal veto of the proposed termination. Schuh also argues in a court filing that Mast flouted legal requirements that a plan for termination be filed and approved by the state.

The La Costa tower, built as rentals and converted to condos in 1997, was typical of the basic concrete construction of its day, but boasted some relatively large two-bedroom units, typically at 1,500 square feet. Though squeezed in between two other high-rises on a narrow lot, it sits directly on the beach and offered unimpeded views across Indian Creek because no buildings occupy that opposite side of Collins. Miami-Dade property appraiser records show someone could score a place on the beach for a relatively modest \$300,000 as recently as 2017.

The problem was the maintenance, said Canasi, the former board member and La Costa owner, who bought his condo in 2012. There was spalling and cracking in concrete columns and exterior walls that became more alarming by the year. Elevators that didn't work for weeks at a time because they were so old parts were hard to find. An electrical system that needed full replacement. Canasi said he stepped down from the board in frustration after several years of service because he was consistently voted down when he pushed for repairs to be addressed comprehensively. The La Costa board could not buck residents and investor-owners who balked at any increase in maintenance fees, he said — a dynamic experts say is a common one.

"When you live in a building that is old, and most of the people there lived on fixed incomes, and you want to continue to run to be on the board — how do you make those people happy? By not raising their maintenance fee," Canasi said. In 2020, after Canasi opted not to run again, a mostly new board came in determined to change that old dynamic, he said.

The association hired a Miami engineer, Denis Solano of SolVer Structural Partnership, who found the residential tower riddled with serious concrete and structural deficiencies. Another engineer found similar deterioration in La Costa's parking garage, which is structurally separate from the condo tower and supports the pool and amenities deck, Solano wrote in a letter to the city earlier this year. He did not respond to a phone message left with an assistant. So extensive was the work needed that Solano said the tower would have to be vacated while repairs were under way. The letter doesn't mention cost. But former board members and residents say the amount raised by the new board was not nearly enough. Facing rising costs and attractive offers from the developers, most owners decided to sell.

"No matter how much money you were going to put into it, it was still a 60-year-old building, it still didn't have the amenities of these new Brickell buildings, and was never going to appreciate in order to put in \$100,000," Canasi said. For Canasi and many others, it was a happy ending despite lingering reservations. But it has not been so for others, he concedes.

“The people who didn’t sell are not happy with the rest of us. I understand them,” he said. “They don’t want to sell, but now the city closed the building. And I think they think that the people who bought it instigated all of this. Now, I don’t think they’re looking at it intelligently, or they’re looking at it with an emotional eye. I feel sorry for those people who didn’t sell because I think they’re going to get the short end of the stick here.”

The condo brought SolVer back in July when the city ordered inspections after Surfside. Solano found the situation had only deteriorated further since the previous year. Though he found the tower was safe to occupy, he recommended that repairs start immediately and the tower be vacated in the meantime. At the time, he noted, only 16 units out of 124 were still occupied.

Two weeks later, the new, Mast-appointed board hired a second engineering firm, the Miami office of national powerhouse Thornton Tomasetti, which is working with OMA’s architects on a Washington, D.C., project. The second engineer largely concurred with Solano, but urged evacuation by Aug. 16. A Thornton Tomasetti engineer also found a corner of the pool and recreational deck over the separate parking garage was in danger of partial collapse. Shortly after, the city posted orders to vacate at La Costa’s lobby entrance.

The Surfside collapse, Zalewski said, will likely lead to more cases like La Costa and a new boom in condo development east of Interstate 95. But those condos will be purchased not by locals but by wealthy investors, part-time residents or foreign buyers looking to capitalize on the location. The flip side, he said, is that as developers focus east again, the development that has fueled the resurgence but also the gentrification of neighborhoods like Little Havana or Little Haiti may wane. “Developers will focus back east, on the barrier island and the bay,” he said. “The good news is, everyone who thought there was no more oceanfront land now realize there is more land to be had, in the form of condo terminations. “It’s going to be busy,” he said. “Real busy.”

<https://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article253741083.html>

Miami Herald

Judge backs permit for FPL's Turkey Point canals, rejects concerns about Keys well fields.

BY JIM SAUNDERS

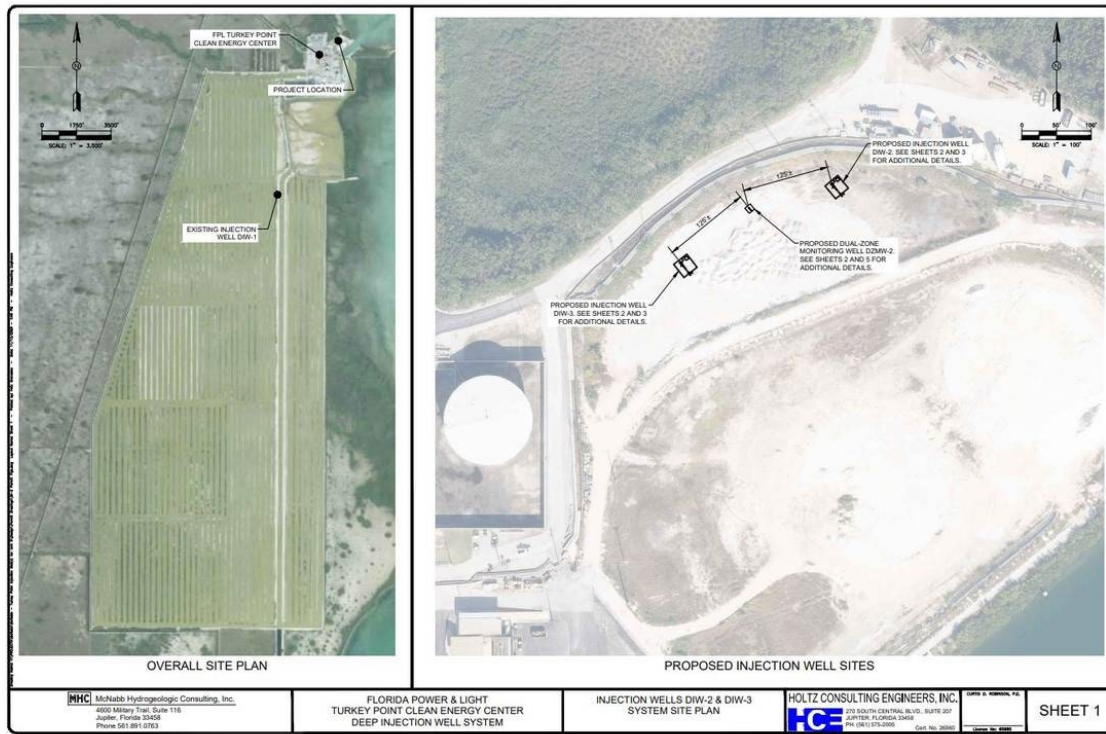


A Tallahassee backed a decision by the Florida Department of Environmental Protection to renew the permit for FPL's Turkey Point cooling canal system.

TALLAHASSEE Rejecting arguments about threats to Monroe County's water supply and Biscayne Bay, an administrative law judge has ruled the state should renew a permit for a massive canal system at a Florida Power & Light plant in Miami-Dade County. Judge Cathy Sellers on Friday issued a 125-page recommended order backing a decision by the Florida Department of Environmental Protection to renew the permit for FPL's Turkey Point site. The Florida Keys Aqueduct Authority, which supplies drinking water to the Keys, and the Florida Keys Fishing Guides Association challenged the permit renewal and were joined by Monroe County.

In part, the case focused on a wellfield that the authority operates about 9.5 miles west of the canal system to draw water from the Biscayne Aquifer and supply water to the Keys. The challenge contended that continued operation of the canal system would lead to increased salinity in groundwater that would threaten the drinking-water supply in the future. But Sellers wrote that FPL has taken steps, including entering a 2016 agreement with the Department of Environmental Protection, that have halted what she described as a "hypersaline plume"

from the Turkey Point site. She also pointed to the role of the canal system in cooling heated water from two nuclear generating units at Turkey Point.



A judge rejected objections to the state issuing a new permit for the cooling canal system at the Turkey Point nuclear power plant along southern Biscayne Bay. The Florida Keys Aqueduct Authority, which supplies drinking water to the Keys, and the Florida Keys Fishing Guides Association challenged the permit renewal and were joined by Monroe County. FLORIDA POWER & LIGHT

“Issuance of the renewal permit for the CCS (cooling canal system) is in the public interest,” Sellers wrote. “As discussed ... the Turkey Point electrical generating facility, and, specifically, Units 3 and 4 (the nuclear units), are an essential source of electricity for South Florida. Thus, (a section of state law) provides authority for issuance of the renewal permit.”

Sellers also disputed that renewal of the permit could hurt the fishery or other natural resources in Biscayne Bay, which is east of the power plant. She wrote that “the evidence did not demonstrate significant, if any, seepage from the CCS into Biscayne Bay, and the areas of the bay near the CCS are meeting the applicable water quality standards.”

The unique 5,900-acre canal system has operated since 1973, after FPL and the federal government reached an agreement to prevent direct discharges of heated power-plant cooling water into Biscayne Bay. Sellers likened the canal system to a “radiator,” with heated cooling water circulating through the system and ultimately being reused as cooling water for the nuclear reactors.

The canal system is unlined and includes an average of 4.5 billion gallons of water, which also includes water from other sources, Sellers wrote.

But FPL and state and local officials have grappled with problems of high-salinity water moving west from the site, resulting in the 2016 agreement, known as a consent order. Among other things, FPL was required to install wells to withdraw hypersaline water and inject it deep underground, Sellers wrote.

The Department of Environmental Protection in April 2020 published a notice of intent to issue a permit for the continued operation of the canal system, drawing the legal challenges.

In a proposed recommended order filed last year, attorneys for the challengers disputed that renewal of the permit was in the public interest.

“It is not in the public interest to perpetuate an adverse impact to a sole source aquifer relied on by Monroe County and others, in the absence of evidence that no other possible means exists for FPL to continue operations,” the document said. “Moreover, testimony presented indicates that CCS discharges to the bay have caused permanent changes to the bay’s flora and fauna, harming FKFGA (Florida Keys Fishing Guide Association) members’ ability to use the resource and changing their fishing patterns.”

But FPL attorneys, in a proposed recommended order last year, disputed such arguments.

“Petitioners (the challengers) have presented no evidence that ongoing discharges to groundwater from the CCS constitute a nuisance,” the document said. “Petitioners have not presented evidence that any specific person’s use of groundwater will be affected by continued operation of the CCS. As discussed ... operation of the CCS is not currently affecting the FCAA (Florida Keys Aqueduct Authority) wellfields and will not affect those wellfields for decades, if at all.”

Under administrative law, Sellers’ recommended order will go to the Department of Environmental Protection for final action.

<https://www.miamiherald.com/news/local/community/miami-dade/article258617803.html>