



DRAFT AGENDA

MONDAY, SEPTEMBER 30, 2024, 10:30 a.m.

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

1 Oakwood Boulevard, Suite 250

Hollywood, FL 33020

954-924-3653

VIRTUAL / PHYSICAL MEETING

Join Zoom Meeting

<https://us06web.zoom.us/j/85959435686?pwd=x4YfYNOhhxrgcrrlkWi9CItDVjv4I3.1>

Meeting ID: 859 5943 5686

Passcode: 504351

Find your local number: <https://us06web.zoom.us/j/85959435686?pwd=x4YfYNOhhxrgcrrlkWi9CItDVjv4I3.1>

- I. Pledge of Allegiance and Roll Call
- II. Welcome & Approval Council Agenda
- III. Presentations and Updates (Time Certain: 11 AM)

SFRPC Appreciation of James Murley on the occasion of his Retirement

Central and Southern Florida Flood Risk Study Section 203 Studies Update

Jennifer L. Jurado, Ph.D., Deputy Director and Chief Resilience Officer, Broward County Resilient Environment Department

Ana Carolina Coelho Maran, P.E., Ph.D., District Resiliency Officer, South Florida Water Management District

- IV. Action Items
 - A. Minutes of Previous Meeting



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954-924-3653 Phone, 954-924-3654 FAX
www.sfrpc.org; sfadmin@sfrpc.com

B. Financial Report

C. Consent: Comprehensive Plan Amendment Reviews (*Property Rights)

Proposed:

- Town of Davie 24-02ER
- City of Florida City 24-01ESR
- City of Hallandale Beach 24-01ESR
- Village of Key Biscayne 24-01ESR
- City of Miami 24-01ESR
- City of Miami Beach 24-01ESR
- City of Miami Springs 24-01ER
- City of North Miami 24-02ESR
- City of North Miami Beach 24-01ESR
- City of Plantation 24-01ESR
- City of South Miami 24-01ESR
- Town of Southwest Ranches 24-02ESR
- Town of Surfside 24-01ER

Public Hearing

Adopted

- Monroe County 24-02ACSC
- City of Dania Beach 24-01ER
- City of Hialeah Gardens 24-01ESR
- City of Homestead 24-01ESR
- City of Margate 24-02ESR
- City of North Miami 24-01ER
- City of Oakland Park 23-02ER
- City of Pompano Beach 24-01ER
- Town of Southwest Ranches 24-01ESR

Public Hearing

- D. Regional Issues: Comprehensive Plan Amendment Review – None
- E. Legal Counsel Annual Review / Contract
- F. Executive Director Annual Review / Contract
- G. FY 2024-25 Proposed Operating Budget
- H. SFRPC Personnel Policy

Public Comments

V. Program Reports and Activities

- A. SFRPC Revolving Loan Funds Status Report
- B. SFRPC CARES Act RLF Status Report
- C. SFRPC / TCRPC Regional Conference: Preparing for the Silver Tsunami

D. Council Highlights

VI. Discussion Items

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

VII. Announcements and Attachments

- A. Attendance Form
- B. Correspondence and Articles
- C. Upcoming Meetings
 - 1) October 21, 2024, 10:30 a.m. (SFRPC)
 - 2) November 15, 2024, (SFRPC/TCRPC Joint Conference, Florida Atlantic University)
 - 3) November 18, 2024, 10:30 a.m. (SFRPC)
 - 4) December 2024, unless upon call of the Chair

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.

COUNCIL GUESTS



Jennifer L. Jurado, Ph.D.
Deputy Director & Chief Resilience Officer
Resilient Environment Department
Broward County



James F. Murley
Senior Resilience Officer
Office of Resiliency
Miami-Dade County



Ana Carolina Coelho Maran, P.E., Ph.D.
District Resiliency Officer
South Florida Water Management District

COUNCIL GUESTS



Jennifer Jurado, Ph.D. is the Chief Resilience Officer and Deputy Director of Broward County's Resilient Environment Department. Dr. Jennifer Jurado is responsible for leading climate resilience and environmental planning initiatives for Broward County, FL. Areas of particular focus include sea level rise adaptation, sustainable water resource management, shoreline protection, coastal resource conservation, and clean energy projects. She works extensively with internal and regional stakeholders to advance county-wide resilience planning informed by future conditions scenarios, including resilient infrastructure design standards and redevelopment strategies, and fosters public-private partnerships key to large-scale initiatives. Current priorities involve the application of climate information and economic risk assessments to inform a basin-level county-wide resilience plan. Dr. Jurado has been a participant in the four-county Southeast Florida Regional Climate Change Compact since its formation in 2009. She serves on the board of directors for the American Society of Adaptation Professionals and the American Geophysical Union's Thriving Earth Exchange. She earned her Ph.D. from the University of Miami in Marine Biology and Fisheries.



Carolina Maran, Ph.D., P.E. is the Chief of District Resiliency with the South Florida Water Management District. In her role, she is responsible for coordinating resilience efforts across federal, state, regional and local agencies, advancing scientific research and data analysis to ensure the District's resilience planning and projects are founded on the best available science; and, developing and implementing comprehensive resiliency projects to mitigate and adapt to the challenges facing the District's infrastructure from sea level rise and other climate change impacts. Carolina has more than 20 years of experience working on water and climate resiliency; water resources planning, management and regulation; hydrologic and hydraulic modeling, decision support systems and GIS; water allocation rules and conflict resolution. Prior to joining SFWMD, Carolina was the Water Manager at Broward County, worked over 10 years as a Water Resources Specialist for the Federal Water Agency in Brazil, and collaborated with International Organizations as part of technical consulting teams. She holds a Ph.D. in Civil and Environmental Engineering – Water Resources from Colorado State University and a Master's Degree in Water Resources Engineering from Parana Federal University in Brazil. Currently, she serves on the Florida Water and Climate Alliance Steering Committee, Southeast Florida Regional Climate Compact Steering Committee, and on the Board of Directors of South Florida Hydrologic Society and the Resilient Utility Coalition. Mom of two awesome boys, Carolina enjoys watching them play little league baseball and visiting new places with her family.

Serving Broward, Miami-Dade, and Monroe counties



James F. Murley is the Senior Resilience Officer for Miami-Dade County retiring today, September 30, 2024. Jim served as Miami-Dade County's Chief Resilience Officer (CRO) from 2015 until this year, when he transitioned his role to Senior Resilience Advisor.

Before his appointment in 2015 as the County's first ever Chief Resilience Officer, Jim already had a decorated career in government planning. Fifty years ago in 1974, Jim began his career in Florida as a planner with the South Florida Regional Planning Council. Murley had his first stint with the Florida Department of Community Affairs in 1983 as its Director of Resource Planning and Management. From 1987 to 1995, Jim led 1000 Friends of Florida, a not-for-profit public interest group that works to promote sensible planning, economic development and environmental preservation.

In 1995, Murley was appointed Secretary of the Department of Community Affairs (DCA) by Governor Lawton Chiles. As Secretary, Murley oversaw the Department's growth management functions, including Key West and Florida Keys Areas of Critical State Concern. He directed the state emergency management operations during the landfall of four hurricanes in 1998. He also directed the Department's housing and urban development programs and served on the Board of Directors for Florida Housing Finance Agency, Florida Communities Trust, the South Walton County Conservation and Development Trust, and the Conservation Land Advisory Committee.

From 1999 to 2011, Jim served in various positions at Florida Atlantic University including Director of the University's Center for Urban and Environmental Solutions (CUES). With the support of the National Commission on Energy Policy the Center produced a study entitled "Florida Resilient Coasts: A Statewide Policy Framework for Adapting to Climate Change." This was the first document ever written on climate adaptation in the state of Florida. While at FAU, in 2008 he was appointed by Governor Charlie Crist as the first Chair of the Florida Energy and Climate Commission. The Commission was charged with implementing over \$180 million in federal economic recovery funds from the United States Department of the Energy.

In 2011, he would return to the SFRPC as Executive Director until he left in 2015 to work with Mayor Carlos Gimenez and Deputy Mayor Jack Osterholt as Miami-Dade County's first Chief Resilience Officer. Together with Chief Resilience Officers from partner cities, they led the development of the Resilient305 Strategy. The Resilient305 partnership is still active, and the CROs continue to work collaboratively to advance regional resilience goals. He has also overseen the development of the County's Sea Level Rise Strategy, and Climate Action Strategy and continues to lead and advise on the implementation of those plans. In his time with the County, the Office of Resilience increased from six staff to a team of twenty-five as Jim elevated the work and importance of resilience. He stewarded Miami-Dade County's work with the U.S. Army Corps of Engineers for the Back Bay Study and is an active, long-serving member of the Southeast Florida Regional Climate Change Compact staff steering committee.

Serving Broward, Miami-Dade, and Monroe counties

Before coming to Florida, Jim worked for the National Atmospheric and Oceanographic Administration in coastal zone management. He continues his love for oceans and coasts by serving on the Board of Directors of the Florida Ocean Alliance (FOA). In 2001, Murley received FOA's initial Ocean Champion award presented by Jean-Michael Cousteau of the Ocean Futures Society. He also served as Chair of the National Board of Directors of the Coastal States Stewardship Foundation (CSSF) and continues to serve on their board. The CSSF partners with the Coastal States Organization to provide coastal states with opportunities to engage in public private partnerships and secure nontraditional sources of funding and expertise for their endeavors.

Jim is a Fellow in the National Academy of Public Administration. He has served on several study panels for the Academy, including reviews of the National Marine Sanctuary Program and a three-year study for the Environmental Protection Agency on how issues of environmental justice are addressed at the federal, state and local government levels. Murley participated on an Academy panel requested by the United States Congress to review the proposed National Climate Service in the National Oceanic and Atmospheric Administration.

The list of Jim's accomplishments and history of public service is lengthy. The SFRPC is grateful for his public service and many contributions, particularly his unwavering support for regionalism and the South Florida Regional Planning Council.



Serving Broward, Miami-Dade, and Monroe counties



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108**

Mr. Drew Bartlett
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Mr. Bartlett:

Thank you for your letter, dated July 17, 2024, informing my office of South Florida Water Management District's (SFWMD) intent to prepare a feasibility study for the Central and Southern Florida Flood Resiliency Study, Reach A (Broward and Hillsboro Basins) under Section 203 of the Water Resources Development Act of 1986, as amended ("Section 203 Study"), and offer to provide funds for the Government to undertake Federal Activities and Technical Assistance for the Section 203 Study.

Jacksonville District may accept SFWMD funds to undertake Federal Activities and Technical Assistance in accordance with Section 203. I will instruct the Jacksonville District Commander to develop and negotiate a Memorandum of Agreement (MOA) for Federal Activities, an MOA for Technical Assistance, and scopes of work to be executed under both MOAs, to be approved by the South Atlantic Division Commander. No credit or repayment shall be provided for any funds provided for the Federal Activities or Technical Assistance. Please note that the Section 203 authority does not enable the U.S. Army Corps of Engineers to conduct project planning for this study on your behalf.

My staff is available to discuss Section 203 study requirements or procedures at any time. My point of contact for Section 203 studies is Ms. Andrea Walker at andrea.e.walker.civ@army.mil.

Thank you for your support of the Army Civil Works program.

Sincerely,

Michael L. Connor
Assistant Secretary of Army
(Civil Works)



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 17, 2024

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Subject: Section 203 C&SF Flood Resiliency Study for South Florida, Reach A, Broward County Basins

Dear Secretary Connor:

Flood risk management is a primary focus for both the South Florida Water Management District (District) and the U. S. Army Corps of Engineers (USACE). It encompasses the development of approaches and solutions to reduce the risks of flooding and storm impacts. The District and the USACE have made significant progress in recent years on the Central and Southern Florida (C&SF) Flood Resiliency Study, authorized under Section 216 of the Flood Control Act of 1970 ("Section 216 Study"). The purpose of the Section 216 Study is to provide continued flood risk management in Broward and Miami-Dade Counties (Planning Reaches A-D) and to reduce the most immediate risk to the C&SF Project due to changing conditions, including climate change, sea level change, land development, and population growth in the lower east coast of Florida.

Expediently modifying C&SF coastal infrastructure in highly vulnerable areas is critical to reducing the risk of harmful and damaging flooding and impacts to our communities. The District recognizes that flood risk management cannot be accomplished by the USACE alone and that flood risk management is a shared responsibility. Collaborating with state, local, and other federal partners is essential for success. As a partner, the District is prepared to assist in advancing part of the feasibility assessment and initial engineering studies on key C&SF water control coastal structures in the vulnerable areas of Broward County, Florida, specifically Reach A of the C&SF Flood Resiliency Study. The District proposes utilizing Section 203 of the Water Resources Development Act (WRDA) of 1986, as amended, to advance a flood risk management study for this area of Broward County by submitting an integrated feasibility study report and environmental impact study report directly to you for review and submittal to Congress for authorization as a part of WRDA 2026. This study will recommend necessary infrastructure adaptation to reduce flood risk and increase flood resiliency in these urbanized basins. The District is partnering with Broward County to advance this Section 203 effort in parallel with the ongoing Section 216 Study and accelerate the implementation of key resiliency projects within their communities.

Secretary Michael L. Connor

July 17, 2024

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The District will need the USACE to provide the increased technical and federal assistance afforded under WRDAs 2018 and 2020, including conducting the National Environmental Policy Act (NEPA) and Section 106 Tribal consultations. This technical work and the District's ability to nimbly leverage resources for this effort will ensure a successful feasibility study.

To that end, the District requests that USACE initiate the analyses, reviews, and compliance processes described in Section 1152 of WRDA 2018 and Section 161 of WRDA 2020, to be conducted to support the District with the Section 203 Study to achieve a NEPA-compliant feasibility study. The District also requests your prompt direction to the Jacksonville District Commander to quickly enter into two Memorandums of Agreement (MOAs), attached for your reference, between the Department of the Army and the District for the undertaking of federal activities and for the provision of USACE technical assistance to support the Section 203 study. The District is prepared to provide the funds and any resources necessary to expedite this important work.

It is exciting that our organizations are keenly positioned to significantly advance flood risk management opportunities with truly meaningful resiliency projects. The District is proud to partner with the USACE in flood risk management and resiliency.

Sincerely,



Drew Bartlett
Executive Director

Enclosure:

- 203 MOA for Federal Activities Flood Resiliency Feasibility Study for South Florida
- 203 MOA for Technical Assistance Flood Resiliency Feasibility Study for South Florida

**MINUTES OF THE
SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

JULY 15, 2024

The South Florida Regional Planning Council met virtually and in person on this date at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, FL 33020. Chair Geller welcomed everyone, called the meeting to order at 10:34 a.m., and asked Councilmember Furr to lead in the Pledge of Allegiance. The recording of this meeting can be found here:

https://www.youtube.com/watch?v=v_TcbOIk0io

I. Pledge of Allegiance and Roll Call

Chair Steve Geller
Councilmember Mario J. Bailey*
Councilmember Frank Caplan
Councilmember Craig Cates**
Councilmember Joseph Corradino**
Councilmember Beam Furr
Councilmember René García**
Councilmember Oliver Gilbert, III**
Councilmember Cary Goldberg**
Councilmember Denise Horland*
Councilmember Samuel Kaufman*
Councilmember Michelle Lincoln*
Councilmember Kionne McGhee**
Councilmember Greg Ross*
Councilmember Michael Udine*

* Virtually Present

** Absent

SFRPC Executive Director Isabel Cosio Carballo and Legal Counsel Sam Goren were present.

The following Ex-Officio Members were virtually present:

- Shereen Yee Fong for Dat Huynh, representing the Florida Department of Transportation, District VI
- Jon Moore for Sirena Davila, representing the Florida Department of Environmental Protection
- Armando L. Vilaboy, representing the South Florida Water Management District
- Kent Walia, representing the Florida Department of Transportation, District IV

Sam Goren, Legal Counsel, stated that Councilmembers Caplan and Furr could be appointed as temporary Executive Committee Members so that an Executive Committee Meeting could be held. Chair Geller appointed Councilmembers Caplan and Furr to the Executive Committee and the Executive Committee meeting was convened.

II. Welcome and Approval of Council Agenda

Chair Geller motioned to approve the Agenda. Councilmember Ross moved the motion and Councilmember Caplan seconded the motion, which was carried by a unanimous vote.

III. Presentations and Updates

FY 22-23 Audit Presentation (Time Approximate: 11:00 AM)

Tanya I. Davis, CPA, Partner, S. Davis & Associates, PA

Chair Geller introduced Mrs. Davis. Mrs. Davis gave a detailed presentation on the FY22-23 Audit. She stated that there is an unmodified opinion on compliance for a major federal program and no material weaknesses noted in internal control over compliance. There are no matters of negative impact to report and the Council was in compliance with Section 218.415, Florida Statutes. There were no material uncorrected adjustments to the Financial Statements. There were no significant difficulties in dealing with Council staff or disagreements.

There was a discussion on grants, pass-through funds, and the expenses for consultants.

Councilmember Furr asked if the Council could improve on anything for the future. Mrs. Davis stated that the migration of the accounting system to new software requires Council staff to remain focused on the software changes.

Councilmember Udine asked if a private discussion had to occur between Council Members and the auditor without Council staff present. Mrs. Davis stated there was no need in this case.

Chair Geller asked Councilmember Udine to meet with Council staff regarding grants and to ensure there is a sufficient amount built in for the Council.

Mrs. Cosio Carballo thanked Mrs. Davis and her staff for their great work. She also thanked Director of Finance and IT Leo Braslavsky Soldi, Accounting Manager Guillermo Verdura, Director of Administration Kathe Lerch, Administrative Coordinator Alexander Santana, and all members of Council staff that spent time working on the audit to ensure that it was clean and delivered on time.

South Florida's ClimateReady Tech Hub (Time Approximate: 11:20 AM)

Francesca de Quesada Covey, Miami-Dade County Chief Innovation and Economic Development Officer

Chair Geller introduced Ms. Covey. Ms. Covey gave a detailed presentation on [South Florida's ClimateReady Tech Hub](#). She explained that South Florida's ClimateReady Tech Hub seeks to create a

platform to advance solutions to the world's changing relationship with extreme water – evidenced by extreme weather, rising sea levels, and intense humidity. The South Florida economy is dependent on water, which includes tourism and the cruise industry. South Florida is a large coastal protection market with more than \$400 billion in regional Gross Domestic Product (GDP) and more than 6 million residents. The near-term focus is on building climate-resilient infrastructure for the changing environment: extreme weather, rising sea levels, high heat, and humidity. Examples include (1) coastal defense artificial reefs and seawalls using nature-based solutions, (2) clean resilient infrastructure, starting with concrete and cement, and (3) energy-efficient buildings and resilient grid operations. The Tech Hub has more than 40 partners in higher education, government, the non-profit sector, risk capital, and the corporate world.

Chair Geller noted that South Florida will be underwater in approximately ten or twelve years. In Broward County, the climate is tropical rainforest or tropical monsoon, and rain is currently draining through the canals built and owned by the U.S. Army Corps of Engineers (USACE). Dr. Jennifer Jurado, the Chief Resilience Officer for Broward County, has made clear that in about 12 years sea level rise will roughly approximate inland water so whenever it rains it won't be able to drain anymore as a system that depends on gravity to move water out of the urban area. Senator Geller stated that as Chairman of the South Florida Regional Planning Council (SFRPC) and the Broward County Water Advisory Board (WAB), he has been working with the USACE through Dr. Jurado and the South Florida Water Management District (SFWMD) on getting something done. If nothing is done in about 12 years, then every time it rains water won't go anywhere and will be catastrophic. Chair Geller stated this is the most critical threat to Southeast Florida, particularly Broward, Miami-Dade, and Palm Beach counties. The solutions currently under review such as pumps and other technology are projected to cost perhaps \$10 billion. Chair Geller does not see the federal government giving that much funding in time. Broward County passed a seawall ordinance but that is not enough to solve the pressing threat. Chair Geller asked if this is something the Tech Hub can look at and work with the USACE and SFWMD to come up with new and creative solutions that might be interim steps or less expensive.

Ms. Covey answered that the Tech Hub could look at this issue. The Tech Hub is committed to finding solutions to water, heat, and other opportunities that create foundations so that companies can grow and scale their products. The Tech Hub would be excited to partner with the Council on this issue and make sure this is the next area to focus on.

Councilmember Furr asked how the Tech Hub is working with the Southeast Florida Regional Climate Change Compact. Ms. Covey stated that the Compact has been a partner since the beginning in Phases 1 and 2. They have helped the Tech Hub look at cross-county issues and create cross-county policies and community efforts.

Councilmember Furr stated he believes solid waste is being omitted from the Tech Hub's work and its effect on climate change. He referenced the Medley landfill in Miami-Dade County, Monarch in Broward County, and a facility on Jog Road in Palm Beach County in trying to mitigate the effects of solid waste. He noted the business opportunities of composting and recycling. Miami-Dade and Broward counties are looking to create recycling campuses. He announced that Broward County recently established a new

Solid Waste Authority. He mentioned parts of the disposal process and the innovative ideas from consultants. Councilmember Furr suggested the Tech Hub join Broward County so it can see what they are doing.

Ms. Covey answered that she would like to join in the efforts. Councilmember Furr stated that he will send her an invitation and Mrs. Cosio Carballo and Council staff will assist with coordinating the distribution of Tech Hub information.

Councilmember Furr discussed the Property Assessed Clean Energy (PACE) Program and the Broward County seawall ordinance. Ms. Covey stated that she will look into the PACE program. Chair Geller suggested that with Dr. Jurado's expertise on sea level rise, he would like her to work with Ms. Covey. Ms. Covey responded that she would like to work with Dr. Jurado and Broward County staff.

IV. Action Items

A. Minutes of the Previous Meeting

Chair Geller motioned to approve the Meeting Minutes for May 20, 2024. Councilmember Caplan moved the motion and Councilmember Ross seconded the motion, which was carried by a unanimous vote.

B. Financial Report and Amended Budget FY 23-24

The Director of Finance and IT Leo Braslavsky Soldi presented the Financial Report in detail. He also presented the Amended Budget for Fiscal Year 2023-2024.

Chair Geller explained the dues increase: an increase of 1.25 cents per person per year until it reaches 30 cents. The membership fee increase will mean that the Council will remain the second lowest among all regional planning councils in the state in terms of membership fees. He noted that some regional planning councils also charge city dues.

Chair Geller noted that the Council has secured about \$600,000 in new projects and asked if the Council gains any revenue from the projects or is gaining \$600,000 in expenses. Mrs. Cosio Carballo responded that it is a portion of the funds is used to augment its staff with consultants. She also stated that many of the funds pass through, but that a portion of the funds remain with the Council and the Council tries to maximize those funds. Mrs. Cosio Carballo commented that Council projects are in line with its mission which is to provide technical assistance to its local governments and other stakeholders.

Councilmember Udine stated that the Financial Report and Amended Budget were satisfactory.

Chair Geller motioned to approve the Financial Report and Amended Budget FY23-24. Councilmember Udine moved the motion and Councilmember Ross seconded the motion, which was carried by a unanimous vote.

C. Consent: Comprehensive Plan Amendment Reviews (*Property Rights)

Legal Counsel, Sam Goren, read the Comprehensive Plan Amendment Reviews, Proposed.

Proposed:

- Broward County 24-02ESR
- Broward County 24-03ESR
- Islamorada, Village of Islands 24-03ACSC
- City of Lauderdale Lakes 24-01ER
- Town of Southwest Ranches 24-01ESR
- City of Sweetwater 24-01ESR

Public Hearing

Chair Geller opened the Public Hearing and asked if there were any comments or questions.

Public Comments

There were no comments or questions from the public in person or virtually.

Chair Geller motioned to approve the proposed Comprehensive Plan Amendments. Councilmember Caplan moved the motion and Councilmember Furr seconded the motion, which was carried by a unanimous vote.

Legal Counsel, Sam Goren, read the Comprehensive Plan Amendment Reviews, Adopted.

Adopted:

- Monroe County 24-01ACSC
- City of Coconut Creek 24-01ER*
- City of Sunrise 24-01ESR
- City of Tamarac 23-01ESR

Public Hearing

Chair Geller opened the Public Hearing and asked if there were any comments or questions.

Public Comments

There were no comments or questions from the public in person or virtually.

Chair Geller motioned to approve the adopted Comprehensive Plan Amendments. Councilmember Caplan moved the motion and Councilmember Horland seconded the motion, which was carried by a unanimous vote.

Councilmember Furr noted that Broward County is designating land within one and a half miles of all passenger rails as multi-family. Chair Geller stated that Broward County has made aggressive efforts to

deal with Transit-Oriented Development (TOD). He stated that if Broward County is ever going to deal with affordable housing, it has to increase density but that density should not be 30-story buildings in the middle of a single-family residential neighborhood. He wants them near train stations, transit hubs, and major roadways that have bus lines.

Mrs. Cosio Carballo shared that the Council continues to work on the City Park DRI. Mr. Goren has been involved in the conversations and the DRI process is moving forward. Council staff, the Applicant, and governmental stakeholders are working on the Agreement to Delete. This is a large development proposed in south Miami-Dade County. Mrs. Cosio Carballo will send out a summary of the application status to Council Members. She noted that Monroe County may want to review the proposed application and see how if, and how, it may impact Monroe County.

Chair Geller asked if Miami-Dade County wants to expand the Urban Development Boundary (UDB). Mrs. Cosio Carballo answered that the proposed Development of Regional Impact (DRI) is outside the UDB. The DRI will be moving forward accompanied by a proposed comprehensive plan amendment. Before the DRI proposed development can move forward, the County Commission would have to adopt the comprehensive plan in order to move the UDB. The DRI process is about identifying and analyzing the mitigation necessary for the impacts related to the project. The process has changed over the years. Chair Geller and Councilmember Bailey noted that former Governor Rick Scott dramatically limited the powers of the regional planning councils which no longer have the authority to disapprove comprehensive plan amendments. The Council can only comment on them. Mrs. Cosio Carballo clarified that the reason the Parkland DRI is before the Council is because there was an exception built into statute for this particular DRI when the legislation was passed and signed by Governor Scott.

D. Regional Issues: Comprehensive Plan Amendment Review

None

E. Audit Report

Chair Geller motioned to accept the audit report. Councilmember Udine moved the motion and Councilmember Caplan seconded the motion, which was carried by a unanimous vote.

F. FY 2024-2025 Membership Fees

Mrs. Cosio Carballo stated that the Council looks at population projections for next year and takes the midpoint of the Council's fiscal year. The Council does not use the highest number or the lowest number but rather the midpoint projection. Data comes from the Florida Demographic Estimating Conference and the Florida Office of Economic and Demographic Research (EDR). The Council, with the exception of the East Central Florida Regional Planning Council, is the second lowest in the state in terms of membership fees. Under the leadership of Chair Geller and other Council Members, the Council has expanded its regional convening efforts by means of special topic convenings and regional conferences.

Mrs. Cosio Carballo is working on an annual report that will include all the Council's accomplishments for the previous year. The Council Highlights elevates some of the activities and accomplishments of the Council in recent months.

Chair Geller noted that if one looks at the regional convenings starting in 2022, it is an impressive list. At this time the Council is receiving .225 cents per capital in dues, increasing to .25 cents per capital in FY24-25. Chair Geller asked if the Council planned on stopping the increases at .25 cents per capita. Mrs. Cosio Carballo reminded the Council Members that the Council voted to increase dues up to fiscal year 2026-2027 at which point the Council would receive .30 cents per capita. Chair Geller referenced the Southwest Florida Regional Planning Council which Mrs. Cosio Carballo stated is a Council that suffers from a lack of financial and active support from its members. She noted that a Council that does not have the support of its members cannot effectively execute its mission and responsibilities.

Public Hearing

Chair Geller opened the Public Hearing and asked if there were any comments or questions.

Public Comments

There were no comments or questions from the public in person or virtually.

V. Program Reports and Activities

- A. SFRPC Revolving Loan Funds Status Report

- B. SFRPC CARES Act RLF Status Report

Mr. Jeff Tart, Senior Loan Officer and Manager of the Revolving Loan Fund (RLF) Programs stated that the CARES ACT RLF Program has provided \$7.78 million to 36 businesses to date, and all borrowers are current and in good standing. The Loan Administration is processing the closing of a previously approved \$500,000 loan to Renaissance Riviera Beach and Community Partners of South Florida for the construction of affordable housing. The program has approximately \$365,000 in available funds as a result of successful loan repayments. The loan administration team continues to reach out directly to business prospects and referrals within the region and receives assistance from coalition partners and Council Members in developing new leads.

The traditional RLF Program has provided \$5.40 million to 27 businesses to date. Loan administration is in the process of closing a previously approved loan to the Housing Foundation of America, Inc. and Tayan Alliances of \$470,000 for affordable housing residential services. Currently, the program has approximately \$500,000 in available funds and continues to actively network and reach out to prospective small businesses in the region. Goren, Cherof, Doody & Ezrol, P.A., the SFRPC's legal counsel, continues to represent the SFRPC in the ongoing collection efforts related to Angela Dawson, P.A. At this time the SFRPC awaits Judge Bidwill's decision regarding the SFRPC's motion for summary judgment. Full details were shared in the backup to agenda item V.A.

The RLF administration team, in conjunction with the Clean Cities Director, is planning to host a webinar on October 10th with a focus on providing financial and technical resources to small businesses that support the Clean Cities Initiative in South Florida. This includes introducing EV vehicles to help reduce the carbon footprint. The RLF administration team looks forward to sharing details of the webinar with the Board upon confirmation of speakers.

The Southeast Florida Community Development Fund (SFCDFI) board was recently recognized at the May 31st City of West Park's ribbon-cutting ceremony for the development of three (3) affordable single-family homes for first-time minority homebuyers. The project is being developed by the Housing Foundation of America. The ribbon-cutting ceremony was attended by representatives from the Broward County Housing Finance Division, the City of West Park, and the SFCDFI. Full details of the event were available through an SFRPC press release included in agenda packets and were also posted on the SFRPC website. Chester Bishop, Chairman of the Housing Foundation of America, will be a guest speaker at tomorrow's SFCDFI Board Meeting to express his gratitude and appreciation for the \$900,000 in available funding made possible by the SFCDFI for this West Park project. The affordable housing initiative has resulted in the construction of 33 single-family affordable homes for qualified and eligible homebuyers earning less than 120% of the average median income (\$80,640 in Broward County).

The U.S. Environmental Protection Agency (EPA) announced on June 18, 2024, that the SFRPC's Brownfields Initiative secured an additional \$3.5 million in supplemental funding to help address the cleanup of the former public works site in Hollywood which was a former incinerator ash dump. The site will be transformed into affordable housing and commercial space. The supplemental funding will also address the contamination and cleanup of Claude Pepper Park in North Miami. The EPA has recognized the Brownfields assessment and remediation successes by the SFRPC with past and present projects including 79th Street Corridor Initiative, Miami Health District, Homestead, Malibu Bay, Dedicated Transportation, and Carver Square. Full details of the EPA announcement are available via an SFRPC press release on the SFRPC website.

C. SFRPC Regional Conference

Mrs. Cosio Carballo stated that the Council's recent regional conference held on May 31, 2024, *Closing the Gaps: Supporting Mental Health through a Continuum of Housing and Supportive Services*, was very well attended and thanked Chair Geller, Councilmember Garcia, Ms. Eralda Agolli, Community & Economic Development Program Manager, and Mr. Randy Deshazo, Deputy Director, for their work and support of the conference. She also thanked Councilmembers Furr and Ross for attending. Mrs. Cosio Carballo thanked Ms. Hailey Lazzaroni, Regional Planner, and Mr. Alexander Santana, Administrative Coordinator, for preparing the minutes of the conference and other forms of support they provided.

Mrs. Cosio Carballo stated that she will schedule a meeting with stakeholders, Councilmember Garcia, and others on next steps. In December 2023 Councilmember Garcia held a meeting on mental health that was focused on Miami-Dade County service providers. Recommended next steps were identified by the program participants. Council staff is reviewing these recommendations for regional applicability and

support as appropriate.

D. Council Highlights

Council Highlights coincided with the Executive Director's Report.

VI. Discussion Items

A. Executive Director's Report

Mrs. Cosio Carballo stated the SFRPC/TCRPC Joint Regional Conference will take place in October 2024. Chair Geller, Council Members, and staff are identifying potential topics. The preliminary list includes (1) water quality, (2) silver tsunami, and (3) workforce and apprenticeships. Chair Geller noted that Florida Regional Councils Association (FRCA) lobbyist Ron Book suggested inviting Florida Senate President-Designate Ben Albritton and Florida House Speaker-Designate Daniel Perez to a water quality conference. Chair Geller stated that the water quality conference would only be worth having if President-Designate Albritton and Speaker-Designate Perez could attend. Councilmembers Furr, Lincoln, and Bailey as well as TCRPC Chair Doug Smith are interested in water quality issues including coral reefs. Councilmember Furr and Chair Smith are the co-chairs of the SFRPC/TCRPC Florida's Coral Reef Work Group.

Chair Geller stated he would like to schedule an executive committee meeting to discuss continuing topics for the future. There was consensus that an in-person meeting would be the most productive. Mrs. Cosio Carballo shared that Council staff had a conversation on freight transportation, US 27, and will talk with Councilmember Furr in greater detail about it.

Mrs. Cosio Carballo stated that Council staff will draft an annual report to list accomplishments in Fiscal Year 2023-2024. Mrs. Cosio Carballo also shared that in August 2024 the Council will be welcoming a new employee, Ms. Marion Knowles. She has a Master of Science in Urban Regional Planning and Public Administration and a Bachelor of Science in Political Science from Florida State University. She most recently worked at the Apalachee Regional Planning Council. She won awards for academic excellence and has family in South Florida.

The Council is seeking to hire a media and public relations professional to assist with Council publications, interacting with the press and elected officials, etc. The Council will be in recess during the month of August. The next regularly scheduled Council Meeting will be on September 30, 2024.

B. Legal Counsel Report

Mr. Goren did not have any legal updates for the Council.

C. Council Members Report

Councilmember Furr reminded Council Members that he serves on the boards of the Southeast Florida Transportation Council (SEFTC) and the Broward Metropolitan Planning Organization (MPO). He stated that both are looking at US 27 and exploring possibilities regarding freight and solid waste. He shared that the TPO recently visited the Netherlands to examine its transportation system as part of the Dutch Cycling Embassy Bike Immersion Program.

Councilmember Caplan is one of the Council's representatives on the Florida Regional Councils Association (FRCA) and will be attending the annual meeting in Tampa in August 2024. Councilmember Lincoln shared that she was appointed to the 2055 Florida Transportation Plan Strategic Planning Committee. The Committee will be meeting for 18 months. She encouraged Council Members to participate in the survey and attend workshops. There will be five different focus groups including safety, economic development, resilient infrastructure, technology, and workforce development. More information can be found at <https://www.floridaftp.com>. She would like Amanda Carpenter to come and give a presentation at a future Council meeting.

Chair Geller asked that Council staff send Councilmember Lincoln the recording and material related to the Striding Forward: First & Last Mile Innovation in the Region conference held on March 17, 2023.

D. Ex-Officio Report

Shereen Yee Fong from the Florida Department of Transportation, District VI stated that on July 1, 2024 the Department's Work Program 2025 to 2029 was adopted and has a statewide budget of \$14.5 billion. FDOT will be rolling out its 2055 Florida Transportation Plan and will be communicating with Council staff on preparing a presentation for the Council at a future meeting.

Kent Walia from the Florida Department of Transportation, District IV stated that there are no planned or programmed projects for rail on US 27 at this time.

VII. **Announcements and Attachments**

- A. Attendance Form
- B. Correspondence and Articles
- C. Upcoming Meetings
 - 1) August, Summer Recess (SFRPC)
 - 2) NOTE NEW DATE: September 30, 2024, 10:30 a.m. (SFRPC)
 - 3) October 18, 2024 (SFRPC/TCRPC Joint Meeting, TBD)
 - 4) October 21, 2024, 10:30 a.m. (SFRPC)

VIII. **Adjournment**

Chair Geller adjourned the meeting at 12:16 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 July 15, 2024, meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted on the 30th day of September 2024.

Denise Horland, Secretary
Commissioner, City of Plantation

Date



MEMORANDUM

AGENDA ITEM #IV.B

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: FINANCIAL REPORT

Attached is a Financial Report comparing the months of June through August 2024 for your review and approval.

Recommendation

Approve the Financial Report.



South Florida Regional Planning Council
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**SOUTH FLORIDA REGIONAL PLANNING COUNCIL
COMPARATIVE BALANCE SHEET**

August 31, 2024

(unaudited)

	June	July	August	Increase (Decrease)
General Fund				
Assets:				
Cash GF	1,731,627	1,650,665	1,602,692	(47,973)
SBA - Investment Account	12,343	12,400	12,458	58
Accounts Receivable	10,077	10,627	4,607	(6,020)
Due From Other Funds	29,564	29,583	54,536	24,953
Prepaid Expenses	15,477	15,477	15,477	-
Total Assets	1,799,087	1,718,752	1,689,770	(28,981)
Liabilities and Fund Balance:				
Liabilities	20,532	32,422	76,094	43,672
Fund Balance	1,778,555	1,686,330	1,613,676	(72,653)
Total Liabilities and Fund Balance	1,799,087	1,718,752	1,689,770	(28,981)
Federal, State & Local				
Assets:				
Accounts Receivable	128,319	101,827	62,828	(38,999)
Total Assets	128,319	101,827	62,828	(38,999)
Liabilities and Fund Balance:				
Liabilities	5,064	584	(962)	(1,546)
Fund Balance	123,255	101,243	63,790	(37,453)
Total Liabilities and Fund Balance	128,319	101,827	62,828	(38,999)
Revolving Loan Funds				
Assets:				
Cash RLF	2,824,486	2,849,978	2,931,462	81,484
Accounts Receivable	10,146,665	10,138,632	10,087,741	(50,891)
Allowance for Loan Losses	(1,067,123)	(1,067,123)	(1,067,123)	-
Total Assets	11,904,028	11,921,487	11,952,080	30,593
Liabilities and Fund Balance:				
Liabilities	65	65	129	64
Due To Other Funds	29,564	29,583	54,536	24,953
Fund Balance	11,874,399	11,891,839	11,897,414	5,575
Total Liabilities and Fund Balance	11,904,028	11,921,487	11,952,080	30,593
Southeast Florida Regional Prosperity Institute				
Assets:				
Cash	49,691	52,376	52,567	191
Receivables	-	-	-	-
Total Assets	49,691	52,376	52,567	191
Liabilities and Fund Balance:				
Liabilities	-	-	-	-
Fund Balance	49,691	52,376	52,567	191
Total Liabilities and Fund Balance	49,691	52,376	52,567	191

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

August 31, 2024

(unaudited)

<u>Description</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Fiscal to Date</u>	<u>% Realized</u>	<u>Annual Budget</u>	<u>% of Budget</u>	<u>Remaining Budget</u>
<u>REVENUE REPORT</u>								
Membership Dues	\$ -	\$ -	\$ -	\$ 1,099,870	100%	\$ 1,099,870	30%	\$ -
Interest & Other Income	6,747	6,581	6,308	84,711	84%	\$ 100,486	3%	15,775
Federal Funded Projects	51,739	64,116	71,775	1,001,175	99%	\$ 1,012,335	28%	11,160
State Funded Projects	-	-	30,030	82,000	50%	\$ 165,000	5%	83,000
Local Funded Projects	26,635	15,070	125	189,143	50%	\$ 378,269	10%	189,126
Trust Funds	49,358	47,196	60,366	809,367	92%	\$ 882,000	24%	72,633
TOTAL Revenues	134,479	132,963	168,605	3,266,266	90%	3,637,960	100%	371,694
<u>EXPENSE REPORT</u>								
<u>Operating Expenses</u>								
Staff Compensation	\$ 137,589	\$ 143,621	\$ 137,463	\$ 1,650,980	83%	\$ 1,998,956	55%	\$ 347,976
Occupancy	8,711	8,711	8,711	104,888	91%	115,000	3%	10,112
Utilities Electric/Sanitation	597	527	533	5,361	94%	5,730	0%	369
Janitorial Services	777	777	777	7,342	94%	7,800	0%	458
Repairs & Maintenance	-	-	-	566	47%	1,200	0%	634
Storage	508	508	518	5,558	92%	6,050	0%	492
Office Automation	4,519	4,440	8,928	64,413	95%	68,000	2%	3,587
Advertising, Notices, Supplies, Postage & PR	2,268	7,262	1,394	56,327	97%	58,000	2%	1,673
Travel	153	1,019	615	7,551	94%	8,000	0%	449
Professional Development	-	5,500	-	17,119	107%	16,000	0%	(1,119)
Insurance	10,429	(1,410)	11,525	45,493	106%	43,000	1%	(2,493)
Miscellaneous Expenses	-	-	-	-	0%	1,000	0%	1,000
Legal Services (1)	-	777	1,393	28,443	63%	45,000	1%	16,558
Financial Services	176	167	46,363	48,709	78%	62,500	2%	13,792
Professional Consultants	-	-	-	11,020	79%	14,000	0%	2,980
Capital Expenditures	-	-	-	-	0%	-	0%	-
Subtotal Operating Expenses	165,727	171,900	218,219	2,053,770	84%	2,450,236	67%	396,466
Pass Through Expenses:	55,257	48,300	62,808	988,861	83%	1,187,100	32%	198,239
TOTAL Expenses	220,984	220,200	281,027	3,042,631	84%	3,637,336	99%	594,705
<u>OTHER REVENUES (Expenses)</u>								
Bad Debt- RLF Programs	-	-	-	(260,365)				
Excess (deficit) Revenues over Expenditures	\$ (86,505)	\$ (87,237)	\$ (112,422)	\$ (36,730)		\$ 624	0%	
(1) Additional legal YTD expenses included in "pass-through Expenses"				\$ 53,815				
Note: Percentage of Fiscal Year lapsed				91.67%				



MEMORANDUM

AGENDA ITEM #IV.C

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN (LGCP) 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 the 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 as not causing adverse impact to state or regional resources/facilities and without extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

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



PROPOSED AMENDMENTS

- **Town of Davie 24-02ER**

The proposed Evaluation and Appraisal Review (EAR) based amendment incorporates the required 10 and 20-year planning horizon policies into the comprehensive plan, supported by updated land use tables and population forecasts from appropriate sources. The Data, Inventory, and Analysis Report shows sufficient vacant and otherwise developable land, including the Regional Activity Center and Transit Oriented Corridor area, to accommodate anticipated population growth.

- **City of Florida City 24-01ESR**

The proposed text amendment to the Future Land Use Element (FLUE) is to revise two (2) policies: 1) Revised Density provision, and 2) High-Density Residential Land Use Category is removed, and the density provisions for the Community Mixed Use and the Town Centre categories are revised.

- **City of Hallandale Beach 24-01ESR**

The proposed amendments are related to an increase in the number of residential units within the Regional Activity Center to address current and future needs and projected increases in population.

- **Village of Key Biscayne 24-01ESR**

The proposed text amendment updates the Village's Comprehensive Plan regarding public utility uses within all future land use map categories.

- **City of Miami 24-01ESR**

The proposed amendment to the Miami Comprehensive Neighborhood Plan (MCNP) clarifies that two (2) dwelling units may be developed on a lot designated Duplex Residential by amending the Future Land Use Map interpretation for the Duplex Residential Future Land Use designation and the corresponding chart.

- **City of Miami Beach 24-01ESR**

The proposed amendment to the 2040 Miami Beach Comprehensive Plan would allow a floor area ratio (FAR) increase in specific areas of the City to incentivize property owners to change transient uses, such as hotels and short-term rentals into permanent residential housing. The amendment generally applies to existing transient uses in the West Avenue Overlay, all RM-2 and RM-3 properties on the Collins Avenue corridor between 47th Street and 63rd Street, and all R-PS4 properties on Ocean Drive between 1st Street and 5th Street. The proposed amendment would not affect the maximum allowable residential density.

- **City of Miami Springs 24-01ER**

The proposed amendment package includes the Evaluation and Appraisal Review (EAR) of the City's comprehensive plan. It is noted that the South Florida Water Management District has commented that the 2023-2024 Lower East Coast Water Supply Plan is recently completed and is being considered for approval by the District's governing board on September 12, 2024. The City's Water Supply Facilities Work Plan will need to be updated within 18 months of approval of the 2023-2024 update.

- **City of North Miami 24-02ESR**

The proposed amendment to the Future Land Use Element (FLUE) will allow an Applicant to request an increase in the as-of-right height of one hundred fifteen (115) feet up to a maximum of two hundred thirty-eight (238) feet ten (10) inches in the Bayshore Zone through a Conditional Use Permit (CUP).

- **City of North Miami Beach 24-01ESR**

The proposed amendment is intended to align with Miami-Dade County's Rapid Transit Zone (RTZ) for the Northeast Corridor of the SMART Plan. Although this is not a Future Land Use Map Amendment, this text amendment will impact approximately 306 acres within the City limits.

FDOT District Six provided comments recommending additional analysis regarding the proposed density and intensity changes and the potential impact on the transportation system. FDOT notes that as proposed, the amendments may create an adverse impact to facilities of state importance; however, the level of information provided is not enough to be able to determine the level of impact. Staff recommends a review of strategies to ensure that the proposed density and intensity increases are tied to contemporaneous improvements in the transportation network capacity, including transit provision, so as to ensure that there is no adverse impact to regional resources. FloridaCommerce had no comments on this amendment.

- **City of Plantation 24-01ESR**

The proposed amendments relate to the Comprehensive Planning Flexibility Policies to be consistent with the Broward County Land Use Plan relating to Affordable Housing. The update includes the City's allocation of flexibility units, adopting policies consistent with the County's affordable housing bonus densities, and adopting a Unified Flex Zone for the entire City.

- **City of South Miami 24-01ESR**

The proposed text amendments to the City's land development regulations (LDR) address:

- 1) a long period of near-stagnant development in the City's downtown;
- 2) the policy direction of Miami-Dade County to increase walkable, high-density mixed-use development along the Metrorail South Dade Corridor and in particular around the South Miami Station;
- 3) increase the supply of well-integrated, quality affordable, and workforce housing; and
- 4) embrace the intent of State Legislation regarding the development of affordable and workforce housing with proactive measures by City policy and regulation, while protecting the City's neighborhoods from unintended consequences of pre-emptions.

- **Town of Southwest Ranches 24-02ESR**

The proposed text amendment to the Future Land Use Element authorizes development in one of the Town's Land Use categories to connect to municipal water and sewer systems other than those of the City of Sunrise.

- **Town of Surfside 24-01ER**

The proposed EAR-based amendments include the addition of a new Property Rights Element, revisions to the Town's Water Supply Facility Work Plan, an adjustment of the Base Floor Flood Elevation to 8.00 + 2.00 feet, compliance updates to Chapter 163, and updates to socioeconomic characteristics. Revisions have been made to the following Plan Elements: Future Land Use, Housing, Infrastructure (including Water Supply Facilities Work Plan), Coastal Management, Recreation and Open Space, and Capital Improvements. FloridaCommerce issued an ORC Report regarding needed revisions to the Housing Element Tables, intergovernmental coordination with SFWMD and FDOT, and a review of the Property Rights Element to ensure proper implementation once adopted. Council recommends addressing those comments.

ADOPTED AMENDMENTS

- **Monroe County 24-02ACSC**
Amends the Monroe County Future Land Use Map from Residential Medium (RM) to Commercial (COMM) for properties located at 106309, 106319, 106329, and 106339 Overseas Highway, Key Largo Mile Marker 106, Del Sol Point.
- **City of Dania Beach 24-01ER**
Amends all the Elements and Map Series of the Comprehensive Plan to reflect EAR-based amendments to update existing conditions, to include Statutory changes since the last EAR, including Peril of Flood compliance, and to reflect desired future outcomes.
- **City of Florida City 24-01ESR**
Amends the Future Land Use Element (FLUE) with revisions to two (2) policies: 1) Revised Density provision, and 2) High-Density Residential Land Use Category is removed, and the density provisions for the Community Mixed Use and the Town Centre categories are revised.
- **City of Hialeah Gardens 24-01ESR**
Amends the land use designation of an approximately 208.7-acre property from Parks and Open Space and Water District (POS) to Industrial Use, located East of the Homestead Extension of Florida's Turnpike (HEFT), West of NW 107 Avenue, and North of approximately NW 147 Street. The maximum allowable development intensity will be 6.25 million square feet of warehouse and 150,000 square feet of commercial retail. Florida Commerce had no comments at adoption.
- **City of Homestead 24-01ESR**
Amends the Comprehensive Plan text to permit affordable housing with a maximum net density of twenty-five (25) dwelling units per acre on property within the Civic Government Subarea of the Southwest Planned Urban Neighborhood (SWPUN), subject to the land development code.
- **City of Margate 24-02ESR**
Updates the 10-year Water Supply Facility Work Plan and related Goals, Objectives, and Policies of Element III of the Margate Comprehensive Plan.
- **City of North Miami 24-01ER**
Amends the Comprehensive Plan with EAR-based Amendments, amending the Future Land Use Element and Map to reflect the minimum 10- and 20-year planning periods now required by Florida Statutes. The Amendments update the Plan with text and Future Land Use Map (FLUM) amendments related to the creation of the Claude Pepper Global Planned Corridor Development Overlay District. The City included revisions to the ORC Report at the proposed stage.
- **City of Oakland Park 23-02ER**
The amendments and revisions to the Future Land Use Map Series, amend the Goals, Objectives, and Policies in the Future Land Use, Housing, Transportation and Mobility, Infrastructure, Intergovernmental Coordination, Recreation and Open Space, Conservation, Sustainable and Resiliency, Coastal, Economic Development, Private Property Rights, Capital Implementation, Capital Improvement Implementation, and Monitoring and Evaluation Elements and creating the Elements for Sustainability and Resiliency, Economic Development, and Private Property Rights Elements.

- **City of Pompano Beach 24-01ESR**
Amends the Comprehensive Plan to address the newly required 10 and 20-year Planning Horizons to the City's Comprehensive Plan
- **Town of Southwest Ranches 24-01ESR**
Updates the Five-Year Schedule of Capital Improvements within its Comprehensive Plan required by Florida Statutes.

**** Staff Note:** Due to the different time requirements for Agencies' responses, some comments may not have been received. Of the Agencies that have submitted comments, those comments do not reflect potential adverse regional or extra-jurisdictional impacts.

No concerns or technical assistance comments reflecting potential adverse regional or extra-jurisdictional impacts were received from local governments or partner agencies.



MEMORANDUM

AGENDA ITEM #IV.E

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LEGAL COUNSEL ANNUAL REVIEW / CONTRACT

Legal Counsel is customarily reviewed by the Executive Committee prior to the September Council Meeting where his contract renewal is considered. This year the Annual Review will be held at an Executive Committee meeting at 9:30 a.m. held immediately prior to the regular Council meeting. The review form is provided herewith for your information. All Council Members are welcome to attend.

Attached for your information is the Independent Contractor Professional Services Employment Contract between Legal Counsel and the South Florida Regional Planning Council. Paragraph 2.0 on page 1 stipulates that this contract shall commence on October 1, 2024, and terminate on September 30, 2025.

As full payment and compensation for Attorneys and for legal services, the Council shall pay the following rates: Partners - \$295.00 per hour; Associates - \$275.00 per hour; and Paralegals - \$ 150.00 per hour. This represents a slight increase from last year. Council staff appreciates the great work of Legal Counsel and is supportive of the increase.

Recommendations

- Receive the report from the Executive Committee.
- Approve Legal Counsel's contract for 2024-2025.




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SOUTH FLORIDA REGIONAL PLANNING COUNCIL

MEMORANDUM

TO: Senator – Chair Steve Geller
Isabel Cosio Carballo, Executive Director

CC: Kathe Ann Lerch, Director of Administration

FROM: Samuel S. Goren, General Counsel *SSG* 

DATE: September 9, 2024

RE: South Florida Regional Planning Council (“Council”) / Independent Contractor
Professional Services Employment Contract FY 2024/25

Attached for placement on the September agenda, please find the proposed 2024-2025 Independent Contractor Professional Services Employment Contract as General Counsel for FY 2024/25.

Please note I have included an increase in the hourly rate adjustment for authorized hourly billed legal work and which is subject to the Council Members approval at the September meeting.

Please contact our office if there is any additional information that we can provide.

SSG:kml
Enclosure

**INDEPENDENT CONTRACTOR PROFESSIONAL
SERVICES EMPLOYMENT CONTRACT**

THIS INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES EMPLOYMENT CONTRACT is made and entered into in duplicate in Broward County, Florida, this ____ day of September, 2024 by and between the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, a body corporate and politic and an agency of the State of Florida, hereinafter referred to as "SFRPC", being party of the first part, and SAMUEL S. GOREN, as a member of the law firm of Goren, Cherof, Doody & Ezrol, P.A., hereinafter referred to as "ATTORNEY", party of the second part.

IN CONSIDERATION of the mutual covenants and promises herein contained and the mutual exchange of other good and valuable consideration, the receipt of which is hereby acknowledged, it is mutually agreed, promises and covenanted as follows:

1.0 SFRPC does hereby agree to employ and accordingly does employ ATTORNEY, and ATTORNEY does hereby agree to accept and does accordingly accept employment by the SFRPC in the capacity of "General Counsel" of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, all in accordance with the terms and conditions and provisions of said employment as set forth hereinbelow.

2.0 The term of employment of ATTORNEY under this Contract, hence the term of this Independent Contractor Professional Services Employment Contract, shall commence on October 1, 2024 and terminate on September 30, 2025 the term of employment of ATTORNEY hereunder shall be for a period of twelve (12) months, unless the term of employment of ATTORNEY is earlier reduced or terminated pursuant to the early termination provision as set forth herein in numbered Paragraph 3 hereof.

3.0 This Independent Contractor Professional Services Employment Contract is terminable by either SFRPC or ATTORNEY at any time on thirty (30) days written notice to the other party. However, at ATTORNEY'S option, and if so requested by SFRPC, ATTORNEY may continue to provide the professional services contemplated herein pending the appointment/employment of his successor if such appointment/employment requires more than thirty (30) days, and provided that SFRPC exerts reasonable efforts during said thirty (30) days to seek and select his said successor.

In addition, the parties may terminate this Employment Contract at any time and on any agreed basis by mutual consent of all parties, the same reduced to writing and properly executed by all parties hereto. Likewise, the term of this Agreement may be extended at any time by mutual consent of all parties hereto, the terms of such extension being reduced to writing and executed by all parties hereto.

4.0 ATTORNEY, or a member of the law firm, agrees to personally attend all regular and special meetings of the SFRPC Council and to attend any meeting of any official SFRPC board,

committee or commission when specifically requested to attend and to perform any and all legal services, of whatever kind or nature, including office practice and litigation, required, in the opinion of the Attorney or requested of ATTORNEY by SFRPC for the SOUTH FLORIDA REGIONAL PLANNING COUNCIL and the agents, servants and/or employees thereof (when same are acting in their official capacity(s) on behalf of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL) during the term of this Employment Contract, subject only to the following. All legal services to be performed by ATTORNEY hereunder shall be rendered at the request or direction of the majority of the SFRPC (meaning majority of Council sitting at the time that any vote is taken on a direction to request service from ATTORNEY) and/or the Executive Director; otherwise, ATTORNEY shall not be required to perform legal services for SFRPC except on his own initiative and at his own expense. Other legal fees and expenses that may be incurred are as follows:

4.1 Any litigation in which the SFRPC is a party plaintiff or a party defendant in either the Broward County Court, the Broward Circuit Court, or the United States District Court for the Southern District of Florida or any other administrative matter, or trial or appellate Court into which the SFRPC is summoned or petitions;

4.2 Any administrative hearings before any governmental/administrative bodies;

4.3 Co-Counsel activities with insurance counsel assigned by the SFRPC's insurance carrier when necessary and appropriate.

4.4 Real estate and related loan transactions.

For purposes of clarification and emphasis: This Independent Contractor Professional Services Employment Contract is, and is intended to be, a party specific agreement and shall be construed accordingly. The individual attorney with whom SFRPC contracts hereby shall be the sole and exclusive party to render services for, to and on behalf of the SFRPC pursuant to the terms hereof. Except with the specific concurrence and approval of the SFRPC Council, no substitution of counsel for ATTORNEY shall be permitted, except as expressly provided for herein.

The parties specifically recognize and understand that the ATTORNEY is a member of the law firm of Goren, Cherof, Doody & Ezrol, P.A., Fort Lauderdale, Broward County, Florida (the "Firm") and that several members of the Firm possess the requisite skill, competence and exposure in administrative/governmental practice. Specifically, therefore, and notwithstanding any of the foregoing, the rendition of services hereunder by an attorney from the Firm other than the specific attorney contracted with hereunder shall not be prohibited and shall be deemed to be in accordance with the provisions of Section 112.313, Florida Statutes, as amended from time to time, including, litigation and support services otherwise described and permitted by the aforesaid Statute.

5.0 As full payment and compensation for ATTORNEYS and for all legal services hereunder, SFRPC shall pay to ATTORNEY and ATTORNEY agrees to accept from SFRPC rates as follows:

Partners	\$295.00/hour
Associates	\$275.00/hour
Paralegals	\$150.00/hour

In the event of early termination pursuant to the terms hereof, ATTORNEY shall be entitled to accrued and unbilled/billed and unpaid compensation as shall have accrued to the date of said early termination.

6.0 In addition to the compensation for professional services as last set forth, ATTORNEY shall be permitted to submit to the SFRPC on a monthly basis for payment by SFRPC to ATTORNEY an invoice for all reasonable and necessary legal expenses incurred on behalf of the SFRPC, such as court costs and filing fees, in addition to long distance toll charges, messenger service, computerized legal research, photo-copying and facsimile costs not performed by the SFRPC. The foregoing constitutes reimbursement of legal expenses to ATTORNEY and not legal fees for services as contemplated hereunder. ATTORNEY may also request these costs be paid directly by SFRPC to the billing party, agency or vendor upon their original invoice or billing statement rather than on a reimbursement basis including reimbursement for library books and supplements owned by the SFRPC and in possession of the Attorney, if any.

7.0 This Independent Contractor Professional Services Employment Contract sets forth the entire agreement between the parties hereto. Any prior conversations or writing are merged herein and extinguished. No subsequent amendment to this Contract shall be binding upon any of the parties hereto unless reduced to writing and properly signed and executed.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Independent Contractor Professional Services Employment Contract to be executed this ____ day of _____, 2024.

WITNESSES AS TO ALL PARTIES:

SOUTH FLORIDA REGIONAL PLANNING
COUNCIL

BY: _____
STEVE GELLER
CHAIR

BY: _____
DENISE APPLEBY HORLAND
SECRETARY

ATTORNEY

SAMUEL S. GOREN, as a
Member of the law firm of
Goren, Cherof, Doody & Ezrol, P.A.

ATTACHMENT "A"
FOR PRIVATE ATTORNEY SERVICES

A. SCOPE OF SERVICE:

*The ATTORNEY, or a member of his law firm, shall attend all regular and special meetings of the SFRPC Council and to attend any meeting of any official SFRPC board, committee or commission when specifically requested to attend and to **perform any and all legal services, of whatever kind or nature, including office practice and litigation**, required or requested of ATTORNEY by SFRPC for the SOUTH FLORIDA REGIONAL PLANNING COUNCIL and the agents, servants and/or employees thereof (when same are acting in their official capacity(s) on behalf of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL) during the term of this Employment Contract, subject only to the following. All legal services to be performed by ATTORNEY hereunder shall be rendered at the request or direction of the majority of the SFRPC (meaning majority of Council sitting at the time that any vote is taken on a direction to request service from ATTORNEY) and/or the Executive Director; otherwise, ATTORNEY shall not be required to perform legal services for SFRPC except on his own initiative and at his own expense.*

For purposes of clarification and emphasis: This Independent Contractor Professional Services Employment Contract is, and is intended to be, a party specific agreement and shall be construed accordingly. The individual attorney with whom SFRPC contracts hereby shall be the sole and exclusive party to render services for, to and on behalf of the SFRPC pursuant to the terms hereof. Except with the specific concurrence and approval of the SFRPC Council, no substitution of counsel for ATTORNEY shall be permitted, except as expressly provided for herein.

The parties specifically recognize and understand that the ATTORNEY is a member of the law firm of, Goren, Cherof, Doody & Ezrol, P.A., Fort Lauderdale, Broward County, Florida (the "Firm") and that several members of the Firm possess the requisite skill, competence and exposure in administrative/governmental practice. Specifically, therefore, and notwithstanding any of the foregoing, the rendition of services hereunder by an attorney from the Firm other than the specific attorney contracted with hereunder shall not be prohibited and shall be deemed to be in accordance with the provisions of Section 112.313, Florida Statutes, as amended including, litigation and support services otherwise described and permitted by the aforesaid Statute.

2. *ATTORNEY shall review and analyze SFRPC files, data, documents and other materials and advise on a recommended legal course. Further, ATTORNEY shall attend and participate in meetings, conference calls, inspections or the like and report on the status of the legal matters.*

3. *ATTORNEY shall prepare and file pleadings, motions, or briefs, initiate and conduct discovery, as required and represent SFRPC in any related litigation and otherwise represent SFRPC at trial or on appeal.*

B. COMPENSATION/FEES:

- 1. SFRPC shall be billed in accordance with Exhibit "1".*
- 2. Billable hours for hourly billed activities shall be measured in six (6) minute increments. Compensation of attorney hours will be for actual time spent providing attorney services to the SFRPC.*
- 3. Premium rates will not be paid for overtime work.*
- 4. Attorney time while traveling is neither billed nor compensable.*

C. COMPENSATION/COSTS:

- 1. Reimbursement of costs for third-party vendor bills, including but not limited to, exhibits, transcripts, and witness fees, filing fees and court costs require prior written authorization by SFRPC and shall be reimbursed based upon presentation by ATTORNEY of an appropriate Statement for Costs. The SFRPC shall not pay for firm surcharges added to Third Party Vendor bills.*
- 2. Routine expenses such as long distance toll charges, messenger service, photocopying, postage, printed library materials and facsimile costs are compensable by the SFRPC upon presentation by ATTORNEY on its monthly Statements.*
- 3. Non-routine office overhead expenses such as long distance phone calls, long distance facsimile transmissions, long distance courier services, bulk mailings, bulk third party copying, blueprints, x-rays, photographs and computer-assisted legal research services must be justified to the AGENCY and shall be reimbursed based on documented third party vendor charges. If these charges exceed subject to annual budget, as amended from time to time, prior written approval from the AGENCY must be obtained. In-house bulk mailings and bulk copying expenses must be supported by usage logs or similar documentation. Firm surcharges are not reimbursable.*
- 4. ATTORNEY shall, if applicable, only bill SFRPC for its proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.*
- 5. Incurred reimbursable costs described herein shall not exceed ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS per fiscal year. ATTORNEY shall notify SFRPC in writing when costs reach \$1,000.00. Said notification shall be made as soon as it is practicable and prior to the next monthly invoice.*

D. FORMATION FOR INVOICES:

1. Within thirty (30) days of service provision, each statement for fees and costs shall be submitted in original (white) and one (gold) copy, in a format that includes the following information:

- A. Case name and number, if applicable, or other legal matter reference;
- B. Invoice Number for the particular bill;
- C. **DELETED**
- D. ATTORNEY and SFRPC contract administrators' names;
- E. Inclusive dates of the month covered by the Invoice;
- F. **DELETED**
- G. **DELETED;**
- H. **DELETED;**
- I. **DELETED ;**
- J. Any other information as may be requested by SFRPC'S contract administrator.

E. ADMINISTRATION OF AGREEMENT:

- 1. The SFRPC contract administrator is ISABEL COSIO CARBALLO.
- 2. The ATTORNEY contract administrator is SAMUEL S. GOREN.
- 3. All written approvals must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrators.
- 4. This contract shall be governed by and construed under the laws of Florida.

F. OTHER AVAILABLE SERVICES:

Upon receipting approval from SFRPC, the ATTORNEY shall use existing SFRPC agreements, when available and cost effective, to acquire services (e.g. computer-assisted legal research) and the assistance of professionals (e.g., court reporters, expert witnesses) at reduced rates.

G. PUBLIC RECORDS:

All documents prepared pursuant to the Agreement are subject to Florida's Public Records Law, unless specifically so stated. Refusal of the ATTORNEY to allow public access to such records, as required by such law, shall constitute grounds for unilateral cancellation of this AGREEMENT.

H. PUBLIC CONDITIONS:

1. The ATTORNEY will make affirmative efforts to achieve cost effectiveness by consolidating court hearings, limiting travel, streamlining case processing, using printed forms, using the appropriate level of attorney or staff experience required by task, and taking other actions to improve efficiency.

2. *Multiple staffing at meetings, hearings, depositions, trials, etc., by the ATTORNEY will not be compensated without prior written approval from SFRPC.*

3. *ATTORNEY agrees that all documents shall be promptly returned at the termination of the ATTORNEY'S involvement in the case or matter at hand.*

4. *SFRPC in-house staff shall be used in the legal matter to the maximum extent possible.*

5. *The ATTORNEY will provide immediate notice by facsimile transmission or telephone regarding significant case developments, which will likely result in media inquiries.*

6. *The ATTORNEY shall provide SFRPC immediate notice of any representation undertaken by ATTORNEY in matters where the client is suing or being sued by the State or State entities in any civil or adversarial administrative action.*

7. *A contingency fee contract must be commercially reasonable. "Commercially reasonable" means the fees shall be no more than the amount permissible pursuant to Rule 4-1.5 of the rules regulating The Florida Bar and case law interpreting that rule. If the amount of the fee is in dispute, the counsel retained by the state shall participate in mandatory binding arbitration. Payment of all attorney's fees is subject to appropriation. Attorney's fees shall be forfeited if, during the pendency of the case, the counsel retained by the state takes a public position that is adverse to the state's litigation or settlement posture.*

8. *Each private attorney who is under contract to provide attorney services for the state or a state agency shall, from the inception of the contractual relationship until at least 4 years after the contract expires or terminates, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall make all such records available for inspection and copying upon request in accordance with Chapter 119, Florida Statutes.*

9. *The AGENCY's general counsel must approve and sign the contract as to form and legality. The Contract must be signed by the AGENCY head, who shall also maintain custody of the contract.*

EXHIBIT 1 – FEE SCHEDULE

1. HOURLY BILLING SCHEDULE:

ATTORNEYS and its paralegal staff to be used under this contract include the following individuals at the hourly rates indicated:

<i>SAMUEL S. GOREN</i>	<i>\$295.00/HOUR</i>
<i>DONALD J. DOODY</i>	<i>\$295.00/HOUR</i>
<i>KERRY L. EZROL</i>	<i>\$295.00/HOUR</i>
<i>MICHAEL D. CIRULLO</i>	<i>\$295.00/HOUR</i>
<i>JULIE F. KLAHR</i>	<i>\$295.00/HOUR</i>
<i>JACOB G. HOROWITZ</i>	<i>\$295.00/HOUR</i>
<i>BRIAN J. SHERMAN</i>	<i>\$295.00/HOUR</i>
<i>QUENTIN E. MORGAN</i>	<i>\$295.00/HOUR</i>
<i>SEAN M. SWARTZ</i>	<i>\$275.00/HOUR</i>
<i>HEATHER NEEDELMAN</i>	<i>\$275.00/HOUR</i>
<i>PAUL B. HERNANDEZ</i>	<i>\$275.00/HOUR</i>
<i>ADAM G. LEVINE</i>	<i>\$275.00/HOUR</i>
<i>AYLIN M. RUIZ</i>	<i>\$275.00/HOUR</i>
<i>CERTIFIED PARALEGALS</i>	<i>\$150.00/HOUR</i>

The above rates may be adjusted if both parties agree, and shall be documented in writing by amendment to this Agreement.

**SOUTH FLORIDA REGIONAL PLANNING COUNCIL (“Council”)
GENERAL COUNSEL PERFORMANCE REVIEW
RATING SHEET**

Rate each item from 1 (low) to 5 (high) based on your opinion of the Council’s General Counsel’s performance. Mark N/A if you do not have enough information to rate.

I. LEGAL CONSULTATION

- _____ A. Has legal advice provided by the General Counsel proven to be accurate and technically correct?
- _____ B. Does the General Counsel provide his best and honest recommendations given all existing legal issues and ramifications?
- _____ C. Does the General Counsel possess and provide an efficient and effective knowledge of the state law, the rules, policies and procedures of the Council?
- _____ D. Does the General Counsel possess and provide an efficient and effective knowledge of other government regulations and case law regarding the Council and issues facing the Council?
- _____ E. Does advice provided by the General Counsel regularly take into account and balance the overall goals and objectives of the Council?
- _____ F. Does the General Counsel regularly provide the scope of legal expertise necessary to meet the Council’s needs on issues that arise, either from himself, within his firm or other available resources?
- _____ G. Does the General Counsel proactively identify potential issues when he is aware of them to avoid problems from occurring?
- _____ H. Are alternatives and innovative solutions provided rather than just raising problems?
- _____ I. Is the General Counsel able to maintain the Council and staffs confidence while informing them of the different legal risks that proposed actions might generate?

II. LEGAL REPRESENTATION

- _____ A. Does the General Counsel aggressively represent the interests of the Council as directed by the Council Members?

- _____ B. Is the General Counsel's approach effective in achieving the best possible legal outcomes for the Council's interests given the issues that arise?
- _____ C. Does the General Counsel represent the Council in a professional and ethical manner?
- _____ D. Is the General Counsel impartial and objective in his duties and responsibilities?
- _____ E. Are the General Counsel's estimates of legal impacts reasonably accurate on a regular basis?

III. STAFF WORK

- _____ A. Does the General Counsel prepare contracts and other legal work accurately and consistent with the direction and objectives communicated by the Council Members, Executive Director and/or staff?
- _____ B. Does the General Counsel maintain good working relationships and serve as an effective member of the management team?
- _____ C. Does the General Counsel accurately identify and address all legal issues within documents and items that he reviews?
- _____ D. Are staff and the Council Members advised of key changes in governmental and administrative law as it pertains to the Council's activities?
- _____ E. Does the General Counsel display a positive attitude in carrying out his responsibilities and responding to requests?
- _____ F. Has the General Counsel been successful in accomplishing objectives previously established?

IV. COST/FISCAL ACCOUNTABILITY AND CONTROL

- _____ A. Are regular legal activities achieved within budgetary goals and limits?
- _____ B. Has the General Counsel been effective in minimizing legal costs by limiting tasks to those regarding legal issues and utilizing Council's in-house staff when possible to perform administrative and other functions?
- _____ C. Are standard forms developed and used where possible to minimize preparation of legal documentation?
- _____ D. Are legal tasks performed with appropriate authorization according to established procedures and contract requirements?

- _____ E. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
- _____ F. Does the General Counsel display the ability and knowledge to research issues in a minimum amount of time?
- _____ G. Have legal costs been effectively managed and controlled given the issues, assignments and requests made to the General Counsel?

V. RESPONSIVENESS/TIMELINESS OF ACTIONS

- _____ A. Are requested legal work and assignments completed in a timely manner within established time frames?
- _____ B. Is the General Counsel accessible when needed to respond to requests for legal information and assistance?
- _____ C. Are legal review and requests for information completed in time to avoid delays to Council projects, programs and other tasks?
- _____ D. Does the General Counsel follow-up effectively to requests that are made?
- _____ E. Does the General Counsel accurately interpret and clarify Council Members and Executive Director direction?

VI. COMMUNICATIONS

- _____ A. Does the General Counsel communicate effectively with the Council Members, staff and the community?
- _____ B. Are answers provided in a timely and in an understandable manner?
- _____ C. Are timelines for follow-up to requests clearly communicated?
- _____ D. Does the General Counsel maintain confidentiality with regard to all matters discussed with the Council Members and/or Executive Director and staff?
- _____ E. Does the General Counsel effectively report to the Council Members and/or Executive Director communications by project attorneys of a substantive nature regarding significant or sensitive matters?



MEMORANDUM

AGENDA ITEM #IV.F

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: EXECUTIVE DIRECTOR ANNUAL REVIEW / CONTRACT

Section 1.9.3 of the agreement between the Council and the Executive Director states that the Governing Body of the Council, or an Executive Committee with the delegated function, shall perform an annual evaluation and review of the Executive Director. This year the Annual Review will be held at an Executive Committee meeting at 9:30 a.m. prior to the regular Council meeting. The Evaluation Form and Second Amended and Restated Employment Agreement is provided herewith for your review and information.

This Employment Agreement terminates on September 30, 2027 (FRS DROP DATE), subject to annual review and approval by the Executive Committee and Council. All Council Members are welcome to attend the Executive Committee meeting.

Recommendation

- Receive and approve the report from the Executive Committee
- Approve the Executive Director's Employment Agreement



**SECOND AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN THE
SOUTH FLORIDA REGIONAL PLANNING COUNCIL
AND
ISABEL COSIO CARBALLO
PROVIDING FOR EMPLOYMENT
AS EXECUTIVE DIRECTOR**

THIS IS AN AGREEMENT, made and entered into this 30th day of September, 2024 with an effective date of October 1, 2024, (“Effective Date”) by and between the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, a body corporate and politic and an agency of the State of Florida, hereinafter referred to as “SFRPC” and ISABEL COSIO CARBALLO, hereinafter referred to a “EXECUTIVE DIRECTOR”.

W I T N E S S E T H:

WHEREAS, the SFRPC was created by an interlocal agreement pursuant to Section 163.01, Florida Statutes, as amended, known as the “Florida Interlocal Cooperation Act of 1969” and supported by all applicable Florida Statutes, including but not limited to Section 186.501, Florida Statutes, as amended, and known as the “Florida Regional Planning Council Act”, and

WHEREAS, Section 186.505, Florida Statutes, provides that the SFRPC may employ and compensate such personnel, consultants and technical and professional assistants as it deems necessary to exercise the powers and perform the duties set forth in accordance with Chapter 186, Florida Statutes; and

WHEREAS, the SFRPC has indicated its interest in entering into this Agreement for the purposes of establishing the basis, framework and context for the relationship which shall exist between the SFRPC and ISABEL COSIO CARBALLO as EXECUTIVE DIRECTOR; and

WHEREAS, this Agreement is the culmination of discussions, negotiations and agreements as to the employment by the SFRPC of ISABEL COSIO CARBALLO in conformity with the Florida Regional Planning Council Act; and

WHEREAS, the governing body of the SFRPC has, by majority vote, delegated the power and authority of recommending to the Council the hiring, firing and evaluating the Executive Director to the Executive Committee of the SFRPC, and therefore, the terms "SFRPC" shall be defined and interpreted to mean the Executive Committee in this Agreement unless later modified by form action of the SFRPC subsequent hereto;

WHEREAS, upon the Effective Date, this Agreement shall supersede the prior Agreement between the South Florida Regional Planning Council and Isabel Cosio Carballo dated September 27, 2021 providing for Employment as Executive Director ("Prior Employment Agreement"), and the Prior Employment Agreement shall be of no force and effect.

WHEREAS, in keeping with the Council's traditional practice, unless specifically addressed in this Agreement, the Council's Personnel Policy and Procedures are understood to generally apply to the Executive Director; and

NOW THEREFORE, in consideration of the promises, the mutual covenants, conditions, provisions and undertakings herein contained, and for other good and valuable considerations, the parties do mutually covenant and agree with each other as follows:

ARTICLE I

TERMS AND CONDITIONS - THE SFRPC

1.0 The SFRPC agrees as follows:

1.1 To employ ISABEL COSIO CARBALLO as the EXECUTIVE DIRECTOR of the SFRPC for the term hereinafter referred to, consistent with the terms, conditions and covenants of the Florida Regional Planning Council Act and other applicable, professional and ethical requirements imposed upon the EXECUTIVE DIRECTOR by existing SFRPC Rules or existing agreements as they may be amended from time to time.

1.2 To pay and to compensate the EXECUTIVE DIRECTOR the sum of ONE HUNDRED SIXTY THOUSAND DOLLARS AND 00/100 (\$160,000) per annum as modified in accordance with Section 1.9.1, hereinafter for the remainder of the term of this Employment Agreement, payable in

accordance with the regularly scheduled method of compensation for other SFRPC employees, in addition to such other fringe benefits, including but not limited to, health and medical insurance, retirement payments and other accoutrements of employment as more specifically set forth herein.

1.3 To provide EXECUTIVE DIRECTOR with an automobile allowance in the amount of SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$750) per month as and for the reimbursement for the reimbursable mileage and automobile expenses of the EXECUTIVE DIRECTOR for performing services in and on behalf of the SFRPC within the South Florida region. For travel outside the region, the EXECUTIVE DIRECTOR will be compensated at the rate of regular staff.

1.4 To provide the EXECUTIVE DIRECTOR with the equivalent of the full and complete health, medical and related insurance which are otherwise provided to regularly employed SFRPC employees, for her and her dependents. In the event the EXECUTIVE DIRECTOR does not require health insurance coverage because coverage is provided through a plan provided by the EXECUTIVE DIRECTOR'S spouse, the Council agrees to pay as additional compensation the financial equivalent of the cost the Council would have had to pay for full and complete health care coverage for her and her dependents.

1.5 To provide the EXECUTIVE DIRECTOR with sick leave and personal leave accrual as applicable to other SFRPC employees and based upon policies existing from time to time and adopted by the governing body of the SFRPC.

1.6 To provide EXECUTIVE DIRECTOR with an SFRPC-issued cellular telephone, which shall be used solely for SFRPC business.

1.7 Effective October 1, 2023, and each subsequent fiscal year start date thereafter, the Executive Director's annual leave account will be credited with two hundred forty (240) hours, exclusive of paid holidays. No annual leave hours may be carried over from September 30th. However, the SFRPC shall reimburse the EXECUTIVE DIRECTOR up to fifty (50%) percent of the unused portion of the annual leave account per year. No additional payments will be made for any unused vacation, however, in the event of termination, the EXECUTIVE DIRECTOR will be

entitled to the same vacation accrual policy that is in place for all regular employees of the SFRPC at the time of said termination. This provision shall not act to prohibit the EXECUTIVE DIRECTOR from receiving any reimbursement or conversion for sick leave, as may otherwise be authorized under the SFRPC's Personnel Policy and Procedures.

1.8 The SFRPC will contribute an amount comparable to the employee contribution in the State of Florida, Department of Administration, Florida Retirement System ("FRS") for the EXECUTIVE DIRECTOR, subject to FRS guidelines.

1.9 To provide increases in compensation to the EXECUTIVE DIRECTOR on the following basis:

1.9.1 Merit Increases: In addition to the EXECUTIVE DIRECTOR's Base Salary as defined in Section 1.2, it is understood that pursuant to SFRPC action at its September 30, 2024 Council Meeting, the EXECUTIVE DIRECTOR received a _____ percent merit increase. At the option of the Executive Committee of the SFRPC, the Council may provide a merit increase to the EXECUTIVE DIRECTOR on an annual basis coinciding with the annual adoption of the budget from the date of employment hereof, subject to a vote of the Governing Body of the SFRPC of not less than a majority of the members present at a regular meeting or a special meeting called for that purpose.

1.9.2 Cost of Living Increases: In addition to the EXECUTIVE DIRECTOR's Base Salary as defined in Section 1.2, it is understood that pursuant to SFRPC action at its September 30, 2024 Council Meeting, the EXECUTIVE DIRECTOR received a _____ percent cost of living increase. At the option of the Executive Committee of the SFRPC of the SFRPC, the Council may annually adjust the existing salary based upon cost of living increases if otherwise provided to State of Florida employees, subject to a vote of the Governing Body of the SFRPC of not

less than a majority of the members present at a regular meeting or a special meeting called for that purpose.

- 1.9.3 To annually review and evaluate the EXECUTIVE DIRECTOR based upon performance standards, attached hereto as Exhibit "A" and incorporated herein, and as may be amended from time to time by the Governing Body of the SFRPC or the Executive Committee of the SFRPC with the delegated function of performing such evaluation and review, subject to a vote of the Governing Body of the SFRPC of not less than a majority of the members present at a regular meeting or a special meeting called for that purpose.
- 1.10 Subject to the approval of the Executive Committee, to pay for and on behalf of the EXECUTIVE DIRECTOR professional dues, seminars, fees and charges incurred by the EXECUTIVE DIRECTOR as a professional and a member of such organizations which have a specific relationship with the SFRPC and the job duties and functions set forth herein.
- 1.11 To honor and to conform in all ways possible with the terms, conditions and provisions of the Florida Regional Planning Council Act, and other applicable rules and regulations affecting State of Florida employees as the same may not apply or as may be applicable in the future, as amended, as well as the ethical considerations imposed upon the EXECUTIVE DIRECTOR.
- 1.12 That in the event the SFRPC chooses to remove ISABEL COSIO CARBALLO as the EXECUTIVE DIRECTOR, it shall follow the provisions set forth hereinafter under the heading "Termination".

ARTICLE II

TERMS AND CONDITIONS - THE EXECUTIVE DIRECTOR

- 2.0 ISABEL COSIO CARBALLO agrees as follows:
- 2.1 To become the EXECUTIVE DIRECTOR of the SFRPC in accordance with the terms, conditions and provisions contained in the Florida Regional Planning Council Act as set forth in Chapter 186, Florida Statutes.

2.2 To fulfill the obligations and responsibilities provided for in the Florida Regional Planning Council Act and to perform all functions as the Chief Administrative Official of the SFRPC in a professional and respectable fashion and with the full decorum required and demanded of such officials generally in the South Florida Region, and elsewhere in the State of Florida as well as those impositions and requirements, both ethical and practical, as may be applicable to professional planners in the State of Florida.

2.3 To hire and to designate such other qualified professional staff, as may be necessary and proper in connection with the discharge of her functions as the EXECUTIVE DIRECTOR of the SFRPC.

2.4 That the position of EXECUTIVE DIRECTOR is not and cannot be an hourly type employment. It is a "Job-Basis" form of employment. Hence, the EXECUTIVE DIRECTOR shall do any and all things necessary and required to be available to the SFRPC, its agents, servants and employees during the course of this Agreement consistent with good and respectable management, requirements and as otherwise dictated and provided by the Florida Regional Planning Council Act and the Code of Professional Responsibility for certified planners, as well as such other rules, regulations and ethical considerations imposed upon State of Florida employees.

2.5 To act as an exempt, non-civil service employee of the SFRPC and to be an employee at will.

2.6 That EXECUTIVE DIRECTOR shall not engage in any other concurrent employment during the term of this Agreement or use the executive director position to solicit any independent clients for any private entity.

ARTICLE III

TERM

3.0 This Agreement shall commence upon full execution of both parties (the "Commencement Date") and shall terminate on the 30th of September 2027 ("FRS DROP Date"). However, the

parties hereto further agree that this Agreement may be renewed upon mutual written consent of the parties, subject to confirmation by the full SFRPC Board, as Florida Statute may permit at its natural termination.

3.1 In the event the EXECUTIVE DIRECTOR elects to voluntarily terminate this Employment Agreement, she shall provide the SFRPC with not less than thirty (30) days written notice to the Chairman of the Governing Body of the SFRPC indicating her intention to discontinue employment as the EXECUTIVE DIRECTOR, consistent with the Florida Regional Planning Council Act.

3.2 In the event the EXECUTIVE DIRECTOR voluntarily resigns her position with the SFRPC, she shall be compensated for all earnings and compensation to the date of voluntary termination, in addition to any and all other health, medical and related insurance and governmental benefits otherwise provided as stated in the SFRPC personnel policies at the execution hereof or as may, from time to time, be later amended.

3.3 In the event the SFRPC elects to terminate this Employment Agreement prior to the expiration hereof, the SFRPC shall comply with the terms, conditions and provisions contained herein for termination which sets forth the specific procedures and benefits payable to the EXECUTIVE DIRECTOR.

3.4 Notwithstanding the foregoing, in the event the SFRPC terminates the employment of the EXECUTIVE DIRECTOR as provided for hereinafter, the SFRPC shall continue to pay to the EXECUTIVE DIRECTOR all compensation earned to the date of termination as well as all severance payments required under Section 4.4.1, however, any such payments shall be in accordance with Section 215.425, F.S., as may be amended.

ARTICLE IV

TERMINATION

4.0 The parties hereto mutually covenant and agree as follows:

4.1 That the employment of the EXECUTIVE DIRECTOR shall be at the will of the Governing Body of the SFRPC, and that no civil service status, tenure or related

accoutrement shall be applicable to this type and kind of employment set forth in this Agreement.

4.2 By virtue of this acknowledgement, the parties have voluntarily and knowingly entered into and executed this Agreement on the basis of complying solely with the terms, conditions and provisions of this Employment Agreement.

4.3 This agreement may be terminated by either party for convenience. If EXECUTIVE DIRECTOR seeks to terminate this Agreement for convenience, she shall provide SFRPC with thirty (30) days prior written notice of her intention to terminate. If SFRPC seeks to terminate this Agreement for convenience, it shall provide EXECUTIVE DIRECTOR with thirty (30) days prior written notice of its intention to terminate, subject to Section 4.4. The notice provision herein shall not apply to termination for cause as outlined in subsection 4.5 herein.

4.4 If it be the will and pleasure of the Governing Body of the SFRPC to terminate the employment of the EXECUTIVE DIRECTOR, the SFRPC shall, by not less than a majority vote, adopt a motion or resolution terminating the services of the EXECUTIVE DIRECTOR based upon this Agreement. Upon approval of such motion or resolution, Executive Director shall be entitled to severance pay as follows:

4.4.1 As otherwise in accordance with Section 215.425, F.S., the SFRPC shall provide the EXECUTIVE DIRECTOR with a lump sum severance payment in the pro rata amount equivalent to three (3) months of EXECUTIVE DIRECTOR's annual compensation as set forth in Article 1 of this Agreement. This payment shall include the three (3) month equivalent of EXECUTIVE DIRECTOR's annual salary, annual car allowance, annual health insurance and annual retirement contributions for the period covered by the severance pay. This provision shall not apply to any termination in accordance with Section 443.036(29), F.S.

4.5 The EXECUTIVE DIRECTOR may be terminated immediately for cause or because of her conviction of any criminal act. In the event the EXECUTIVE DIRECTOR is terminated pursuant to this sub-section, SFRPC shall have no obligation to pay the aggregate severance benefit designated in this section. For purposes of this Agreement, "cause" shall include, but shall not be limited to, malfeasance, misfeasance, gross negligence, and gross mismanagement of the SFRPC's funds or operations, as may be determined by a majority of the SFRPC Board.

4.6 The Parties agree that a material negative change in the SFRPC budget, as determined by the SFRPC's governing board, shall not constitute a constructive termination pursuant to this Section. In the event of such a change which results in a reduction of compensation for all SFRPC employees, EXECUTIVE DIRECTOR agrees to have her compensation, as set forth in Section 1.2 of this Agreement, reduced proportionally in accordance with all other SFRPC employees.

ARTICLE V

MISCELLANEOUS

5.0 It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreement or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

5.1 It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

5.2 This document shall be executed in at least three (3) counterparts each of which shall be deemed to be a duplicate original.

5.3 This Agreement is executed and is to be performed in the State of Florida and shall be governed by and construed in accordance with the laws of the State of Florida.

5.4 In connection with any litigation arising out of this Agreement, including any administration, trial level, or appellate proceedings, the prevailing party shall be entitled to recover all costs incurred, including a reasonable attorneys' fee.

5.5 If any clause, section or other part or application of this Agreement shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the parties hereto have made and executed this Employment Agreement on the respective dates under each signature: THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, through its Governing Body, signing by and through its Chairman and Secretary, authorized to execute same by SFRPC action on 30th _____ day of _____, 2024 and ISABEL COSIO CARBALLO.

SFRPC:

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

BY: _____
STEVE GELLER, Chair

ATTEST:

DENISE APPLEBY HORLAND, Secretary

Approved as to legal form by General Counsel for the SOUTH FLORIDA REGIONAL PLANNING COUNCIL

SAMUEL S. GOREN, ESQUIRE
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 E. Commercial Boulevard, Suite 200
Fort Lauderdale, FL 33308

EXECUTIVE DIRECTOR:

BY: _____
ISABEL COSIO CARBALLO

ATTEST:

STATE OF FLORIDA

COUNTY OF BROWARD

BEFORE ME, ____ personally appeared or ____ via online notarization, STEVE GELLER, Chair of the South Florida Regional Planning Council, to me well known to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said Agreement for the purposes therein expressed on behalf of the SFRPC.

WITNESS my hand and official seal, this ____ day of September 30, 2024.

BY: _____
Notary Public

My Commission Expires:

STATE OF FLORIDA

COUNTY OF BROWARD

BEFORE ME, ____ personally appeared or ____ via online notarization, ISABEL COSIO CARBALLO, to me well known to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that she executed said Agreement for the purposes therein expressed.

WITNESS my hand and official seal, this ____ day of September 30, 2024.

BY: _____
Notary Public

My Commission Expires:

EXHIBIT "A"

PERFORMANCE STANDARDS - EXECUTIVE DIRECTOR

General Responsibilities: Direct the activities of the South Florida Regional Planning Council staff. Establish the Council work program and complete the work program in a timely manner. Manage the operation of the agency.

Objectives of the position:

1. Anticipate emerging issues within the region and articulate an agency mission statement which reflects these emerging issues.
2. Set long and short-term agency objectives that are responsive to the agency mission.
3. Assure that the organization is staffed and structured for effective mission accomplishment.
4. Maintain effective communication with all Council Members and member unit local governments.
5. Implement an objective performance agreement system by which Regional Planning Council staff will be assessed.
6. Ensure the statutory responsibilities of the agency are carried out in a timely and complete manner.
7. Develop and maintain good organizational relationships with other relevant organizations.
8. Assist all Council officers in performing their duties.
9. Prepare an adequate annual budget and operate the agency within that budget.

An agency work program will be prepared. At the end of the appraisal period, the record of progress will provide a measure of whether the Director met, failed to meet or exceeded expectations.

South Florida Regional Planning Council Executive Director Annual Performance Review

Executive Director: Isabel Cosio Carballo, MPA

Evaluation Period: October 1, 2023 – September 30, 2024

Evaluation Date: September 30, 2024

Ratings on Job Performance

- 5 = Exceeds Job Requirements
- 4 = Above Average Performance
- 3 = Satisfactory Performance
- 2 = Needs to Take Action to Improve
- 1 = Performance Does not Meet Job Requirements

	Executive Director	5	4	3	2	1
1.	Represents the Council in a positive, professional manner					
2.	Accurately represents the goals and policies of the Council					
3.	Maintains a positive image and relationships with local, state, and federal agencies					
4.	Promotes the Council and its services					
5.	Makes clear and concise recommendations to the Council					
6.	Deals honestly and fairly with all parties					
7.	Exercises sound judgment in business transactions					
8.	Is respected by peers and leaders in the region					
9.	Is knowledgeable about regional issues					
10.	Provides good overall leadership for the Council					

Additional Comments: _____

Signature

Date



MEMORANDUM

AGENDA ITEM #IV.G

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: FY 2024-25 PROPOSED OPERATING BUDGET

Please find herewith the proposed Operating Budget for Fiscal Year 2024-25 for your review and approval. The Council's revenue budget for Fiscal Year 2024-25 amounts to \$3,092,722 down from \$3,637,960 in the previous year. The reduction of \$545,238 is mainly explained by the DOD/MIRR program's funding coming to an end.

The Council's expense budget for Fiscal Year 2024-25 amounts to \$3,092,722 as compared to \$3,637,960 in the previous year. Again, the reduction of \$545,238 is primarily associated with expenses directly related to the DOD/MIRR.

Recommendation

Approve the Fiscal Year 2024-25 Operating Budget.



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
Budget for
FY 2024-25

2024

2025

REVENUES		FY 2023-24 AMENDED BUDGET	FY 2024-25 PROPOSED BUDGET
GENERAL FUND		\$ 1,200,356.00	\$ 1,291,527.00
Membership Dues		1,099,870	1,226,527
Interest & Other Income		100,486	65,000
Local Funded Projects		378,269	353,350
	Miami Dade TPO	50,000	50,000
	SFRTA - Land Use Transportation	100,000	100,000
	FDOT District 6 Prof Services	50,000	50,000
	Southeast Florida Community Development Fund, Inc.	62,500	68,500
	Economic Forecasting Partnership	8,400	28,400
	Southeast Florida Regional Prosperity Institute	11,869	1,700
	Dania Beach Vulnerability Assessment	95,500	54,750
	TOTAL GENERAL & LOCAL FUNDS	1,578,625	1,644,877
SPECIAL REVENUE FUNDS			
Federal Funded Projects		1,011,314	827,324
	EDA/EDD CEDS	79,838	70,000
	DHS/UASI Analysts	178,809	242,000
	DHS/UASI CSA		272,617
	FDEM/HMEP - Planning, Oct-Sept	9,077	20,677
	FDEM/HMEP - Training, Oct-Sept	53,198	62,030
	DOD/Resiliency Planning	167,480	50,000
	DOE- Clean Cities	150,525	110,000
	EPA Coalition Assesment Grant		
State Funded Projects		166,021	91,021
	FDEM/LEPC	77,000	90,000
	FDEP Regional Resilience	88,000	
	FDEM/Monroe Has 0722/06/23	1,021	1,021
Trust Funds		882,000	529,500
	EDA-Consolidated RLF	191,000	178,000
	EDA-RLF CARES Act	217,000	244,000
	BROWNFIELDS RLF	74,000	77,500
	EPA BROWNFIELDS HOMESTEAD	350,000	
	EPA BROWNFIELDS RLF II	50,000	30,000
	TOTAL SPECIAL REVENUE FUNDS	2,059,335	1,447,845
TOTAL Revenues		\$ 3,637,960	\$ 3,092,722



South Florida Regional Planning Council

Budget for
FY 2024-25

2024

2025

EXPENDITURES		FY 2023-24 AMENDED BUDGET	FY 2024-25 PROPOSED BUDGET
Capital Expenditures:			
	Equipment	\$ -	\$ 15,000
	Leasehold Improvement- Soft costs	-	10,000
	Leasehold Improvement- Hard costs (net of landlord credit)	-	-
	Subtotal	-	25,000
Core Operating Expenses (Allocated):			
	Salary	1,172,423	1,213,817
	Leave	215,565	222,481
	Fringe Benefits	610,968	539,030
	Janitorial Services	7,800	9,000
	Legal Services	45,000	45,000
	Financial Services	62,500	62,500
	Professional Consultants	14,000	15,000
	Travel	8,000	10,000
	Miscellaneous Expenses	1,000	1,000
	Printing, Advertising, Notices	35,000	35,000
	Supplies	15,500	15,500
	Professional Development	16,000	16,000
	Occupancy	115,000	118,450
	Utilities Electric/Sanitation	5,730	6,200
	Repairs & Maintenance	1,200	6,200
	Council Reserve Fund	624	25,479
	Storage	6,050	7,500
	Office Automation	68,000	68,000
	Communication, Postage	7,500	7,500
	Insurance	43,000	45,000
	Subtotal	2,450,860	2,468,657
Pass-through Expenses			
	Legal Services	55,000	43,852
	Financial Services	700	1,200
	Professional Consultants	586,000	34,970
	PBSO Analyst Salary & Fringe	501,000	467,834
	Travel	35,000	44,848
	Miscellaneous Expenses	-	-
	Printing, Advertising, Notices	3,500	988
	Supplies	500	421
	Professional Development	1,500	3,502
	Office Automation	1,500	-
	Communication, Postage	400	150
	Insurance	2,000	1,300
	Reimbursement from Borrower	-	-
	Subtotal	1,187,100	599,065
	TOTAL EXPENDITURES	3,637,960	3,092,722
	Increase in Fund Balance Reserve	\$ -	\$ -



MEMORANDUM

AGENDA ITEM #IV.H

DATE: SEPTEMBER 30, 2024
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: SFRPC PERSONNEL POLICY

Council staff has reviewed the Personnel Policy and recommends the following updates.

Section 3: Classification and Pay Plan

Update Class Titles and minimum and maximum salary ranges. Staff used Broward County's classifications and salary ranges as a benchmark.

Section 5: Probationary Period

5.2. Leave Accrual and Use

Authorizes the Executive Director to permit an employee to use vacation leave during the first six months of employment if deemed appropriate.

Section 7: Hours and Location of Work and Leaves of Absence

7.1 Hours and Location of Work

Adds new language to stipulate that remote work is an optional Council benefit that may be granted or withdrawn by the Executive Director to ensure the optimal operation of the Council and its staff. The Council's corporate office is identified as the primary work location for employees.

No employee by right of employment is entitled to work remotely. The opportunity to work remotely is an optional Council benefit that may be granted to or withdrawn from an employee at the sole discretion of the Executive Director to ensure the optimal operation of the Council and its staff. The employee's primary work location is understood to be the Council's corporate office.



7.3 Holidays

States Council practice that when two or more of the region's counties have a holiday, Council staff may also enjoy the holiday. Juneteenth (June 19) is added to the Council's list of approved holidays.

7.6 Vacation Leave and 7.7 Sick Leave

Updates effective dates to track the Council's Fiscal Year commencing on October 1st and ending on September 30th.

Recommendation

Approve the changes to the Personnel Policy



PERSONNEL POLICY AND PROCEDURES

Adopted October 2020
Revised September 2024

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PERSONNEL POLICY AND PROCEDURES

Section 1: Purpose, Adoption, and Amendment of Personnel Policy

- 1.1 Purpose – In accordance with Chapter 186, Florida Statutes, and the South Florida Regional Planning Council rules, the Chair shall (1) oversee the organization of the work of the Council, (2) see that all policy decisions of the Council are carried out, and (3) recommend to the Council the appointment of an Executive Director to serve as the principal operating administrator for the Council, who is responsible for all other staff as specified elsewhere in this policy. The Council may prescribe all terms and conditions of employment for its officers, employees, and agents. This Personnel Policy establishes a uniform and equitable system of personnel administration and, subject to the provisions of Chapter 29J, Florida Administrative Codes, places the responsibility for employment and supervision of the Council staff with the Executive Director. All employment is subject to the Council-approved work program and budget.
- 1.2 Adoption and Amendment –The Chair, assisted by such committee as the Council may establish, shall prepare and recommend personnel policies and procedures. The Council shall review and adopt such policies and procedures at a regular or special meeting. The Council may approve, modify, reject, or approve with modifications this policy and any amendments thereto. The Executive Director may adopt such administrative directives as are needed to clarify, supplement, or implement this policy.

Section 2: Definitions

The following words and terms used in this policy have the meaning indicated below:

Chair – The person elected by the Council to serve as its Chair.

Class – A group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation, and other employment processes, and sufficiently different from positions of other classes to justify differing treatment in one or more of these respects.

Classification and Pay Plan – The schedule of classes and compensation that covers all employees not in the Unclassified Service of the Council.

Council – The South Florida Regional Planning Council.

Day – Unless otherwise stated, a working day.

Demotion – Change of an employee from one position to another with less responsible duties or a lower salary.

Employee – A person employed by the Council as a member of its staff in a classified position.

Executive Director – The Council's chief staff member, responsible for employment and supervision of all other staff and consultants in conducting work of the Council.

Full-Time Employee – A regular, probationary, or temporary employee who fills a position which normally requires services for the entire regular workweek, and who is compensated based on an annual rate. At a minimum, this requires 35 hours per workweek.

Grade – A class or classes of position that are sufficiently similar with respect to level of duties and responsibilities, or with respect to prevailing rates of pay for comparable work so that the same rate of pay can be equitably applied to all employees in the position classes within a grade level.

Grant Administrator – Supervises Grant Funded Employees.

Grant Funded Position - A full or part time position that is funded entirely by grants and exists only while those grant funds are available.

Intern – A temporary employee who is participating in an on-the-job work program in connection with enrollment in a graduate or undergraduate program at a recognized college or university.

Military Leave – Leave of absence granted to regular employees entering active duty in the armed forces of the State of Florida or the United States.

Part-Time Employee – A regular, probationary, or temporary employee who is appointed to a position that normally requires services for less than the regular workweek and who is paid on an hourly or daily rate.

Position – A set of delegated or assigned duties and responsibilities that require the full-time or part-time employment of one person.

Probationary Period – A period of up to six months actual work during which a new or promoted employee is required to demonstrate fitness for a position by performing the duties of the position to which appointed.

Promotion – A change of an employee from a position in one classification to a more responsible or higher salary position in a higher class or grade.

Reclassification – Reassignment or change in classification of an individual position to a higher or lower class based upon significant change in the kind, amount, difficulty, or responsibility of the work performed in such position.

Regular Employee – An employee who has been appointed to a classified position after successfully completing a probationary period.

Temporary Employee – A person appointed, either full-time or part-time, to a position without assurance of continuing funding or employment and who will not accrue most of the employee benefits available to regular and probationary employees. Interns and grant-funded employees are specifically temporary employees. Temporary employees are not entitled to any leave or insurance benefits.

Transfer – Change of an employee from one position to another in the same class or to a position in another class within the same salary range, involving similar duties and essentially the same skills.

Unclassified Service – Those individuals in the position of Executive Director and any grant funded position.

Section 3: Classification and Pay Plan

3.1 Adoption of Classification and Pay Plan – This schedule of classes is the Classification and Pay Plan for all staff not in the Unclassified Service.

3.2 Intent of the Classification and Pay Plan – The Classification and Pay Plan is maintained so that positions substantially similar with respect to type, responsibility, and difficulty of work are in the same grade with the same range of pay.

3.3 Class Specifications – The Executive Director shall provide, and may amend as provided in Paragraph

3.8, written specifications for each classification in the Classification and Pay Plan. Specifications shall include class title, duties and responsibilities, and minimum qualifications for reasonable prospects of success in a grade. Specifications are intended to indicate the kinds of responsibilities allocated to the various grades, as determined by duties and responsibilities, and shall not be construed as limiting the authority of the Executive Director to assign, direct, and control the work of employees. Qualifications commonly required of all employees, such as honesty, sobriety, industry, and necessary physical capabilities shall be deemed to be qualification requirements for entrance to each grade, even though they may not be specifically mentioned in the specifications.

3.4 Use of Class Title – The Class Title is the official title of an employee for use on payrolls, budget estimates, official records, and reports relating to the position. The Executive Director may specify such other titles as are deemed necessary to convey to the public each employee’s responsibilities.

3.5 Schedule of Classes – The Classification and Pay Plan includes the following Class Titles and minimum and maximum salaries by grade, based on differences in duties and responsibilities of the classifications in each grade:

Pay Grade	Class Titles	Minimum Annual	Maximum Annual
Grade 1	Intern I	\$25,000	\$30,000
Grade 2	Intern II Planning Technician I Administrative Assistant I	\$35,602	\$ 57,000
Grade 3	Planning Technician II Administrative Assistant II	\$ 36,938	\$ 59,000
Grade 4	Planning Technician III Administrative Assistant III Finance Specialist I	\$ 38,273	\$ 61,100
Grade 5*	Planning Technician IV Administrative Assistant IV Web and Design Manager Finance Specialist II Regional Planner Technology Specialist	\$ 47,546	\$ 76,000
Grade 6*	Senior Planner	\$ 63,496	\$ 101,400
Grade 7*	Principal Planner Office Manager	\$68,300	\$110,000

Information Systems Manager

Grade 8* \$75,000 \$120,000

Revolving Loan Fund Manager
Finance Manager

Grade 9* Deputy Director \$98,000 \$ 157,000
Chief Finance Manager

* These positions may have specialized titles.

3.6 Administration of the Classification and Pay Plan – The following provisions of the Classification and Pay Plan assume that adequate funds for salary adjustments are within the budget for the year approved by the Council. These provisions shall guide the Executive Director in establishing salary administration procedures, including periodic salary reviews.

a) Beginning Salary – The minimum rate for a grade shall normally be paid upon appointment in that grade. In instances when an applicant presents above entry qualifications or where there is a lack of applicants at the minimum rate, the Executive Director may authorize original appointment at a rate above the minimum rate, provided the justification for doing so is made a part of the personnel file of the employee.

b) Salary Adjustments – Salary adjustments within an estimated range are not automatic, but depend on the employee’s performance, which will be reviewed at least annually in the fourth quarter by the employee’s immediate supervisor and made a permanent part of the employee’s personnel file. The employee shall be apprised of this review by the employee’s immediate supervisor at the time that it is made. Salary adjustments will be recommended by the immediate supervisor and approved by the Executive Director. The Executive Director for just cause may reduce the salary of an employee within the salary range prescribed for the class.

After the close of the fiscal year, the overall agency finances will be reviewed. If overall agency performance is within the projected expenditures and revenues, individual employee reward will be allowed. This reward will be called a pay incentive in lieu of salary increase.

c) Total Remuneration – Salary paid to a regular employee is total remuneration for the employee, not including reimbursement for official travel.

3.7 Rates of Pay – Applicants may be appointed, and employees’ salary rates adjusted, either at the annual or monthly rate of pay for full-time employment. Part-time employees may be paid at an hourly rate of pay, which, if calculated on a full-time basis, shall not exceed the maximum of the established range for the class of position involved. For payroll purposes, an employee shall be paid their hourly rate times the number of hours worked during the affected payroll period. To determine an employee’s hourly rate of pay, the annual rate of pay is divided by 2080 hours. The hourly rate calculated in the

above manner is rounded to the nearest whole cent and used for all payroll and labor cost distributions.

- 3.8 Amendment to the Classification and Pay Plan – Amendments to the Classification and Pay Plan shall be made upon the recommendation of the Executive Director and approval by the Council.

Section 4: Qualifications and Appointment

- 4.1 Applications – Applications for staff employment must be filed on forms furnished by the Council. If statements on the application are later determined to be fraudulent, the applicant, if employed, is subject to immediate dismissal.
- 4.2 Requirements – As provided in the Classification and Pay Plan, the Executive Director shall establish minimum education, training, experience, and physical condition qualifications as are deemed necessary for an employee in a given position to possess. When necessary, evidence of special qualifications will be required.
- 4.3 Appointment – The Executive Director shall authorize the appointment of a qualified applicant to a vacant, authorized position after it has been verified that budget funds are available.
- 4.4 Veterans’ Preference – In treatment of employees or applicants, veterans of the United States armed forces shall be given preference when all other factors are equal.
- 4.5 Non-Discrimination – There shall be no discrimination against or in favor of employees or applicants for employment because of race, religion, color, sex, national origin, political affiliation, union affiliation, age, marital status, or physical disability that allows performance of normal duties. Every effort will be made to equitably provide opportunities to qualified women, minorities, and low-income persons in all classes of employment.
- 4.6 Recruitment – The Executive Director, subject to budgetary consideration, may incur such expenses as are necessary to recruit the best available applicants to positions on the Council staff. Such expenses may include meals and travel expenses incurred by the applicant and the interviewer. Reimbursement must be made in conformance with Council travel regulations. Moving costs and employment agency fees may be paid to the extent necessary to obtain the best qualified applicant for a position, up to the amount of \$1,500. Any employee separated from Council employment within one year of receiving a moving or agency fee allowance shall refund such allowance in full, by deduction from either payroll or travel expense checks.

Section 5: Probationary Period

- 5.1 Duration – A probationary period shall be required upon employment or promotion. The Executive Director shall determine when the probationary period shall end. Any interruption of service during the probationary period shall not be counted as part of total service.
- 5.2 Leave Accrual and Use – An employee may accrue but may not take vacation leave during the first six months of employment unless approved by the Executive Director. An employee separated during the first six months will not be paid for vacation leave. Sick leave will also be accrued and may be taken if necessary during the probationary period.

Section 6: Resignation, Layoff, Disciplinary Action

- 6.1 Resignation – An employee accepting employment agrees that, in the event of resignation, written notice thereof will be submitted to the Executive Director 30 calendar days in advance for professional employees and 14 calendar days in advance for all other employees. Failure to comply with the above requirements constitutes serious misconduct.

Payment of accrued benefits upon termination are contingent upon compliance with the notice requirements specified in Paragraph 1, unless specifically excused by the Executive Director.

- 6.2 Layoff – The Executive Director may lay off an employee by reason of abolition of a position, shortage of either funds or work, or other reasons beyond the employee's control, which do not reflect, discredit on the services of the employee. In the event of a layoff, an employee shall, at least 10 days before the layoff date, be provided written notice, including the reason.
- 6.3 Disciplinary Action – The Executive Director may suspend, demote, or dismiss any employee who:
- a) Is negligent, incompetent, or inefficient in the performance of his/her duty.
 - b) Has been offensive in conduct toward fellow employees or the public.
 - c) Has some permanent or chronic physical or mental ailment or defect, which incapacitates his/her from proper performance of duties.
 - d) Has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given by a supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or result in loss, inconvenience, or injury to the Council or to the public.
 - e) Has solicited or taken for personal use a fee, gift, or other valuable item in the course of work or in connection with it, when such fee, gift, or other valuable item so solicited or taken might be construed to be a means of seeking a favor or obtaining better treatment than that accorded

other persons either on a present or future basis or through improper use of official position or knowledge for personal benefit or for the profit or advantage of any other person or entity.

- f) Has failed to pay or make reasonable provision for future payment of just debts when discredit is caused the Council because of such failure.
- g) Has been convicted of a felony.
- h) Has, through negligence or willful conduct, caused damage to public property or supplies or the property of other employees.
- i) Has been absent without leave or has failed to report after leave of absence has been disapproved, revoked, or cancelled.
- j) Has hindered the regular operation of the Council because of excessive absenteeism.
- k) Has violated the provisions of Council rules or policies.
- l) Has attempted to use political influence in securing or attaining a position or in securing promotion or individual salary increases. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of Council Policy.
- m) Has been under the influence of alcohol or illegal drugs on duty, or if off duty, his/her conduct brings reproach upon the Council service.
- n) Has intentionally falsified a time record, or failed to report an absence from duty to supervisors.
- o) Has made a false claim for leave.
- p) Has been found after employment, to have made a false statement as part of his/her application for employment.
- q) Has misappropriated Council funds, appropriated Council property for personal use, or illegally disposed of Council property.
- r) Is antagonistic towards other Council employees, criticizing orders, rules, and policies, and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the Council service.
- s) Has failed to provide notice of resignation as required by this Personnel Policy.
- t) Has been habitually tardy in reporting for duty or has been absent frequently from duty during regular hours, or has refused to perform a reasonable amount of emergency work after working

hours when directed to do so by his/her immediate supervisor.

- u) Has lost his/her driver's license and driving privileges by due process of law, when his/her position requires the operation of a motor vehicle in the performance of his/her duties.

None of the foregoing shall be deemed to prevent the dismissal, demotion, or suspension of an employee for any cause, which is justifiable, even though such cause is not contained among those enumerated. Suspension will be without pay for any of the reasons listed above or any other just cause, for a period not to exceed 30 calendar days, unless court action is pending, in which case the suspension may be continued by the Executive Director until final court action is taken. No salary, employee benefits, or seniority shall accrue during a period of suspension and no leave may be taken.

- 6.4 Appeal – In the case of suspension, demotion, or dismissal, a regular employee shall, upon request, be furnished with a written statement of the reasons for the action.

Such employee may, within 30 calendar days after such action becomes effective, file with the Chair a written request for a hearing. The request shall include the employee's current mailing address. Upon receipt of such a request, the Chair shall appoint two other Council Members to act with him/her as an appeal board to preside at a hearing on the action of the Executive Director. The hearing shall be held within 30 calendar days of receipt of the request by the Council, upon written notice being mailed or delivered to the employee at a current mailing address, not less than seven calendar days before the hearing.

The appeal board shall approve, modify or disapprove of the action of the Executive Director, and in the case of approval, the action shall be final. In the case of disapproval, the appeal board may reinstate the employee under such conditions, as it deems proper, and may order payment to the employee of any or all compensation lost as a result of the suspension, demotion, or dismissal.

- 6.5 Seniority – Employment, promotion, demotion, and dismissal shall be on the basis of merit and efficiency. Where these factors are considered by the Executive Director as equal between employees, the action shall favor the employee with the greatest seniority.

Section 7: Hours and Location of Work and Leaves of Absence

- 7.1 Hours and Location of Work – Eight hours shall constitute a normal work day and forty hours a normal work week. The Executive Director shall prescribe the actual hours of employment for all Council employees.

No employee by right of employment is entitled to work remotely. The opportunity to work remotely is an optional Council benefit that may be granted to or withdrawn from an employee at the sole discretion of the Executive Director to ensure the optimal operation of the Council and its staff. The employee's primary work location is understood to be the Council's corporate office.

- 7.2 Overtime – The Executive Director authorizes overtime of SFRPC regular employees. The Grant Administrator authorizes overtime for Grant Contract Employees.
- 7.3 Holidays – The intent of the Council is to provide a schedule of holidays that is consistent with other government agencies in the State and Region. When two or more counties in the region observe a holiday, the Council is approved to observe the holiday. The following are holidays for which compensatory time off shall be granted for necessary work done on these days, except where payment is provided for under Section 7.2. These holidays are:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Memorial Day (last Monday in May)
Juneteenth (June 19)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November and the following Friday)
Christmas Day (December 25)
Personal, floating Day

When a holiday falls on a Saturday, the preceding Friday shall be a holiday. When a holiday falls on a Sunday, the following Monday shall be a holiday. Any employee wishing a holiday for another recognized religious holiday may exchange appropriate holiday days listed above with days for preferred religious holidays on a one for one basis. In this case, no overtime pay is allowed for work performed on the regular holiday and the Executive Director must approve of the exchange.

Temporary employees will receive the same paid holidays as classified employees.

- 7.4 Absence Without Leave – Any absence from duty that is not authorized by a specific grant of leave under the provisions of this Policy shall be an absence without leave. Such absence shall be without pay and is grounds for disciplinary action.
- 7.5 Leaves of Absence with Pay (General) – Except in emergencies, request for and approval of leave with pay shall occur prior to the beginning of the leave period. No payment shall be made unless the leave is properly approved.

Deductions from accumulated paid leave shall be made on a work hour or work day basis and no leave charge shall be made for holidays, non-work days, or non-work part days occurring at the beginning or during a period of leave with pay. No charge will be made for holidays or non-work days at the end of a leave with pay if the employee returns to work on the first working day thereafter or on the first work day after expiration of any extension of leave either with or without pay. The Executive Director

or designee shall maintain records of vacation leave and overtime for each employee. Such records shall be maintained in a form and manner capable of audit.

Except for the following exception, temporary employees are not entitled to benefits listed within this personnel policy. Temporary employees shall be entitled to prorated holiday leave based upon the number of hours worked during the pay period in which the holiday occurs.

7.6 Vacation Leave – Each full-time regular or probationary employee shall earn annual vacation with pay at the following rates:

Service Requirement	Accumulation Rate
First through third year of continuous employment	3 1/2 hours per payroll period
After three years employment	6 1/2 hours per payroll period

Changes in the rate of accumulation shall be made effective at the beginning of the payroll period following completion of the third year of continuous employment.

Vacation and sick leave for part-time employees shall be pro-rated according to the following schedule:

Hours Worked per Pay Period	Accumulation Rate
Less than 25	0
25 or more	2

Any new employee, upon starting probationary employment with the Council, may be given credit for up to three years of prior full-time equivalent work experience that is considered as qualifying for Council employment, in determining the accumulation rate at which the employee begins. Accumulation at this rate begins with the employee's first payroll period and the rate increases as though the employee has been on the Council staff for whatever time period, he/she is initially credited with. The credit for previous work experience will be determined by the Executive Director.

Vacation leave accrual shall begin at the beginning of the payroll period nearest following the date of initial employment. Time in layoff, suspension, or leave without pay status, unless otherwise stated in this personnel policy, shall not be used in determining vacation leave accrual. An eligible employee being paid for less than the full payroll period will have vacation accrual prorated for that payroll period.

The Executive Director may determine the time and establish schedules governing the use of vacation leave so as to least interrupt the work program of the Council. Insofar as possible, vacation leave shall be taken within the year earned.

Vacation leave may be accumulated to a total of 240 working hours. However, an employee who is about to lose vacation leave due to the limit on accrual, may within the month following accumulation of the 240th hour apply for leave to prevent the loss of vacation leave. Approval of leave is at the

discretion of the Executive Director or designee.

Employees who have an accrued annual leave balance in excess of 160 hours as of the end of the first pay period, which begins in the fiscal year, shall have all hours beyond 160 cashed out provided the employee has used at least 80 hours of annual leave during the preceding calendar year. No annual leave hours in excess of 160 shall be carried over into the next fiscal year without the approval of the Executive Director.

Any regular employee who is separated from the Council staff in good standing shall be paid for the number of working hours of unused vacation leave accumulated to the employee's account up to 160 hours.

Effective October 1, 2024, and each subsequent fiscal year start date thereafter, the Executive Director's annual leave account will be credited with two hundred forty (240) hours. No annual leave hours may be carried over from September 30, the last day of the fiscal year. .

7.7 Sick Leave – Sick leave shall be earned by each full-time regular and probationary employee at the rate of four working hours per full payroll period during the first three years of continuous employment and at the rate of five working hours per payroll period thereafter until 800 working hours are accumulated. Thereafter, sick leave may be accumulated only in the amount needed to remain at the maximum of 800 working hours. Changes in the rate of accumulation shall be made effective at the beginning of the payroll period following the completion of three years of service. Credit for prior service in determining the accrual rate for sick leave will be allowed under the same conditions and procedures as is provided for vacation leave under Section 7.6. Sick leave accrual begins at the beginning of the pay period nearest following the initial date of employment. Time of layoff, suspension, or leave without pay, unless otherwise provided in this Policy, shall not be counted in determining sick leave accrual.

Use of sick leave must be approved by the employee's immediate supervisor and reported to the Executive Director or his/her designee. Approved uses of sick leave include:

- personal illness or injury
- medical or dental appointment
- illness of spouse, parent, or child requiring the employee's presence
- exposure to a contagious disease
- quarantine
- bereavement

The Executive Director may provide up to three days sick leave with pay if an employee has a death in the immediate family. Absences in addition to the three workdays sick leave may be charged to vacation leave upon approval by the Executive Director.

All employees whose sick leave accrual balance exceeds 500 hours at the end of September of each year will be eligible to participate in the Sick Leave Conversion Plan. Only those hours beyond 500 total

hours of accrued sick leave are eligible for conversion. Accrued sick leave may be converted to vacation leave at a ratio of two (2) sick leave hours to one (1) vacation leave hour for accrued sick leave up to 800 hours at a maximum conversion of forty (40) hours vacation leave credited once annually the first period in January.

There shall be no reimbursement for sick leave outstanding at the time of a classified employee's dismissal or resignation, when all sick leave expires. The Executive Director may require a physician's statement to accompany three or more days of sick leave.

7.8 Sick Leave Donation Program – The Sick Leave Donation Program is a voluntary program that allows employees of the South Florida Regional Planning Council to voluntarily donate their sick leave to a qualified Council employee who is unable to work because of extended serious illness or injury, who has exhausted all accrued annual leave, compensatory leave, sick leave, and personal days; and who is not eligible for worker's compensation.

a) Employees who are qualified recipients for donated sick leave are those who meet all of the following conditions:

- 1) Have completed their initial probationary period and are permanent status employees.
- 2) Are unable to work because of extended serious illness or injury, which require hospitalization or extensive medical care (e.g., cancer, heart attack, etc.).
- 3) Have exhausted all accrued annual leave, compensatory leave, sick leave, and personal days.
- 4) Are not eligible for workers' compensation benefits.
- 5) Have not previously been disciplined for abuse of sick leave.
- 6) Who formally apply to the Executive Director to be qualified for consideration under the Sick Leave Donation Program by completing the Sick Leave Donation Program Form.

b) A sick leave donor is an employee who donates sick leave to a qualified recipient provided that the sick leave donor:

- 1) Has completed his/her probationary period.
- 2) Has a sick leave balance of at least 120 hours after subtracting the sick leave amount to be donated.
- 3) The sick leave amount to be donated does not exceed a total of 80 hours in a calendar year.

c) Sick leave donations to a qualified recipient will be made on an hour for hour basis upon approval

of the Executive Director. Once sick leave has been donated and used by the recipient, it cannot be returned to the donor. In the event of excess donations received but not used due to early recovery, resignation, retirement or death, all donations received but not utilized shall be returned to the donating employee(s) based on the proportion of hours that an employee donated in relation to the total hours donated by all employees (e.g. an employee who donates 50 hours of 450 hours total donated shall be credited with 50/450ths of the hours not utilized). Such returned leave shall be reflected in the appropriate leave balance as soon as possible.

- d) The Sick Leave Donation Program does not supplant any established Personnel Policies and Procedures.
- e) Request for approval to solicit donations of sick leave within the Council shall be submitted in writing to the Executive Director.
 - 1) The request for approval must be accompanied by acceptable medical substantiation from a licensed physician. This must include the diagnosis by the physician(s), a description of the reason the employee is unable to perform the duties of his/her position, and the physician's prognosis and expectation of a date by which the employee can return to work.
 - 2) In reviewing such requests, consideration shall be given to the qualified recipient's previous leave history, as well as the nature of the prolonged serious illness or injury.
- f) Benefits for a qualified recipient's authorized usage of donated sick leave hours shall continue for the duration of the available paid leave. However, there shall be no accrual of sick or annual leave to the recipient during this period. In the event a designated holiday occurs during the period of authorized leave, the employee shall receive 8.0 hours of holiday pay and shall not be charged with sick leave. Under no circumstances shall payment to the employee exceed the normal payment to the employee for their normal work schedule.
- g) Donated sick leave to a qualified recipient may be terminated under any of the following conditions/circumstances:
 - 1) An employee shall be subject to discipline including possible termination if the employee claims or receives unemployment compensation or accepts other employment during the approved leave.
 - 2) If the Executive Director determines that an employee has abused, falsified information, or was otherwise not eligible for leave, the employee shall be required to repay any leave previously approved and shall be subject to disciplinary action including possible termination.
 - 3) An employee who is on approved donated sick leave and whose medical condition improves sufficiently to return to work, shall immediately notify his/her immediate supervisor.

7.9 Armed Forces Leave – All regular employees who are members of a reserve component of the armed

forces of the State of Florida or the United States shall be granted leave of absence without pay not to exceed 30 calendar days in one year when ordered to active duty for such training as is necessary to their participation in a reserve program. During such leave, employees shall accrue sick and vacation leave.

7.10 Military Leave of Absence Without Pay – All employees are entitled to military leave of absence without pay for service in the armed forces of the State of Florida or the United States and reinstatement at the expiration of such leave. Such leave shall be authorized only in cases where the employee has been officially called to active duty and shall be authorized only for as long as the employee is required by the government to be in the service.

7.11 Other Leaves of Absence with Pay

a) Court Duty – Employees subpoenaed as witnesses or called and selected for jury duty shall receive their regular compensation and other benefits during that period.

b) Administrative Leave – The Executive Director, subject to the budget, may provide administrative leave with pay for the purposes of attendance at professional meetings or comparable activities. Such meetings must be directly related to the work of the Council and are expected to contribute to the background and understanding of the Council staff. Travel expenses incurred during such leave may be borne by the Council, subject to compliance with its travel regulations.

The Executive Director may provide administrative leave in the event of a natural disaster or for a state or national period of mourning.

c) Leave Other Than The Foregoing – Leave of absence with pay for other than the above purposes requires the approval of the Chair.

7.12 Sick Leave Without Pay – A probationary or regular employee may apply for and the Executive Director may grant a leave of absence without pay for a period of disability due to sickness or injury.

7.13 Parental Leave – Upon application, regular employees can take up to 120 calendar days parental leave due to the birth of a child or to an adoption governed by Chapter 63, Florida Statutes. During this period, an employee is eligible to use a combination of available sick leave and vacation leave as agreed to by the Executive Director in advance. When available leave is used, the employee must take the remainder of time requested without pay.

7.14 Family Leave – Employees may use a total of up to 104 hours (13 workdays) of sick leave each year to:

- provide primary care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- provide care for a family member as a result of medical, dental, or optical examination or treatment; or
- make arrangements necessitated by the death of a family member or attend the funeral of a

family member.

A covered full-time employee may use 40 hours (5 workdays) of sick leave each leave year for these purposes. An additional 64 hours (8 workdays) of sick leave may be used each year if the employee maintains a balance of at least 80 hours of sick leave in his/her or her account. Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week. Only the first 40 hours of sick leave (or a proportional amount) may be advanced for an employee on a part-time schedule or uncommon tour of duty.

"Family member" is defined as:

- spouse, and parents thereof;
- children, including adopted children, and spouses thereof;
- parents;
- grandparents;
- brothers and sisters, and spouses thereof;
- and any individual related by blood or affinity whose close relationship with the employee is the equivalent of a family relationship.

7.15 Other Leave Without Pay – Regular employees may be allowed to be absent without pay based on an application, specifying the reason for the request, approved by the Executive Director, and when such leave is for more than 45 calendar days, under the following conditions:

- a) Such leave shall be granted only when it will not result in undue prejudice to the interests of the Council beyond any benefits to be realized. A leave of absence for travel or study intended to prepare an employee to render more effective service may be considered to involve compensating benefits.
- b) Such a leave primarily in the interest of the employee will be considered in the case of an employee who has proven to be of exceptional value to the Council, and whose service it is desirable to retain even at some sacrifice.

7.16 Cancellation of Leaves of Absence – Any leave without pay that is granted is subject to the condition that it may be cancelled in the light of changed conditions. Such cancellation will be by written notice from the Executive Director specifying a reasonable date of leave termination.

7.17 Unauthorized Absence – Any unapproved absence from duty of two or more days is deemed to be serious misconduct and grounds for immediate dismissal.

Section 8: Service Ratings and Employee Training

- 8.1 Service Ratings – Standards of performance established as a basis for implementation of the Classification and Pay Plan shall have reference to the quality and quantity of work done, the manner in which the service is performed, and such other characteristics as will measure the value of the employee to the Council.
- 8.2 Employee Training and Development – The Executive Director is authorized to undertake in-service training programs to meet employee needs and goals as discovered through the service ratings process and through employee-supervisor discussions. Selected employees may be assisted in taking courses in vocational or higher education institutions.
- Application must be made to the Executive Director who may authorize partial payment of course expenses or released time if the value of the employee, the likelihood of benefit to the Council, and budgetary conditions indicate such action is in the best interest of the Council.
- 8.3 Intern Programs – The Executive Director may establish intern training programs. Salaries of such interns shall be established by the Executive Director in accordance with the provisions of the Classification and Pay Plan.

Section 9: Grievances

- 9.1 Right of Employees – Employees have the right to present grievances including complaints of discrimination on the basis of race, color, religion, sex, national origin, political affiliation, age, marital status, or physical handicap; as individuals, as a group, or through their designated representatives. The right to present grievances shall be free from restraint, interference, discrimination, or reprisal. However, no matter appealed under Section 6.4 shall be subsequently eligible for consideration under this Section as a grievance. Any matter involving demotion, suspension, or dismissal shall not be subject for action under this Section.
- 9.2 Supervisory Responsibility – Supervisors at all levels shall receive and act promptly and fairly upon employee grievances.
- 9.3 Grievance Procedure – Any grievances shall first be referred to the employee’s supervisor, and if not resolved with mutual satisfaction by the supervisor within ten days, the matter shall be referred to the Executive Director. The Executive Director shall interview all concerned parties to determine the facts and make a determination and final settlement of the grievance. This final settlement is subject to the right of appeal using the process provided under Section 6.4.

Section 10: Employee Insurance

- 10.1 Coverage – The Council shall provide an insurance program for all full-time employees 30 calendar days from the date of their employment. The extent of the program is determined by the Council and

includes medical, surgical, hospitalization, major medical, loss of income, disability coverage, and group life.

- 10.2 Cost of Insurance – The Council shall pay only the cost of individual participation in any insurance program. Extra cost for dependent or family coverage shall be paid by the employee.
- 10.3 Worker’s Compensation – The Council shall pay for coverage of eligible employees by Worker’s Compensation Insurance.
- 10.4 Unemployment Compensation – The Council shall pay unemployment compensation as required by Chapter 443, Florida Statutes.

Section 11: Retirement

The Council shall pay all employer costs for the South Florida Regional Planning Council Pension Trust for employees hired prior to April 1986 and to the Florida Retirement System for all employees hired after April 1986. Employees who are part of the Florida Retirement System will also contribute 3% percent of their salary toward the FRS. This is a requirement of the Florida Retirement System.

Section 12: Professional Dues

The Council shall not pay dues for individual memberships in professional or other organizations for employees in the Classified Service.

Section 13: Unclassified Service

- 13.1 The Unclassified Service of the Council shall consist of the Executive Director and such other positions as the Council may designate upon the recommendation of the Chair.
- 13.2 The salaries, benefits, and terms of employment for persons in the Unclassified Service shall be established by contract between the Council and each person in the Unclassified Service. Salaries will be reviewed annually and adjusted effective October 1.

Section 14: Staff Political Activity

- 14.1 Since the Council may be funded in part by Federal funds, all Council employees are subject to Section 12(a) of the Hatch Act, which prohibits:
 - a) Use of official authority or influence for the purpose of interfering with an election or nomination

for office, or affecting the result thereof.

- b) Directly or indirectly coercing, attempting to coerce, commanding or advising any other official or employee to pay, lend, or contribute any part of his/her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purpose.

14.2 All Council employees shall also be governed by the provisions of Section 110.233, Florida Statutes, regarding political activity, political pressure, discrimination, and influence or coercion.

Section 15: Employment Outside of Council Service

15.1 Outside Employment – No regular or probationary employee shall engage in any other employment, or in any private business, or in the conduct of a profession within the geographic area of the Council without the written approval of the Executive Director. Employment outside the geographic area of the Council must be conducted during other than working hours and must be approved by the Executive Director. Outside employment must not be conducted in a manner or to an extent that affects or is deemed likely by the Executive Director to affect the employee’s service or usefulness to the Council. Generally, activity as a guest or occasional lecturer at a recognized college or university will be deemed in the interest of the Council.

15.2 Use of Office Facilities – No employee shall use Council office space, supplies, or equipment in connection with outside employment.

15.3 Receipt of Honoraria – Council staff who, in the fulfillment of their professional duties for the Council, become eligible for the payment of an honorarium for their services, may receive the honorarium on behalf of the Council as long as the payment is made directly to the Council and deposited into the general fund.

Section 16: Affirmative Action Program

16.1 Affirmative Action Policy – It is the policy of the South Florida Regional Planning Council that any person who may seek to become employed by the Council shall be granted an equal opportunity toward employment by the Council without regard to race, color, political or religious affiliation, sex, national origin, age, marital status or physical ability that would allow performance of normal duties. In recruiting, hiring, placement, training, and promotion, all persons shall be judged solely by their qualifications when hired and by their merit when employed.

16.2 Responsibility – The overall responsibility for the implementation of the Affirmative Action Program rests with the Executive Director. The authority for the orderly development of the Program rests with the Personnel Officer, acting as the Equal Employment Opportunity (EEO) Officer.

16.3 Program Communication – In order to ensure the effective implementation of the Affirmative Action

Program, it is important that attention is given to the communication of the Program, to both current and prospective employees of the Council. The following are the on-going, specific steps that will be taken by the EEO officer.

- a) A copy of the Personnel Policies of the Council, including the Affirmative Action Program, Classification and Compensation Plans will be given to, and discussed with, each employee or future employee of the Council.
- b) A copy of the Program will be kept in the Council Library for immediate reference by all interested parties.
- c) Orientation and training sessions for all supervisors will be scheduled to discuss the implementation of the Program.
- d) The Program and any problems surfacing there from, will be discussed in depth at meetings of the staff.
- e) As a grantor of federal funds, the Council will ensure that such grants contain equal employment opportunity clauses, and will evaluate potential grantees to determine compliance.
- f) The policy of the Council with regard to Equal Employment Opportunity will be reiterated to all sources of applicants and referrals, and shall be made aware to all job applicants.
- g) An affirmation of equal employment opportunity shall appear on the Council's employment application forms and in all recruiting literature or advertisement of vacancies.

16.4 Career Development – The Council provides on-the-job training through supervised work activities and counseling to new employees and to employees assuming new duties. Despite the fact that the Council is not large enough to have formal staff training courses, continued training to both upgrade skills and maintain state-of-the-art knowledge is encouraged and assisted as much as possible.

OBJECTIVE: Working within the constraints imposed by the Council budget and work program, every effort will be made to enhance the career development of the employees.

SPECIFIC ACTIONS:

1. To make available learning opportunities leading to more responsible positions by:
 - a) Providing briefing and training sessions for supervisors to improve professional development.
 - b) Making management development opportunities available.

- c) Training employees for any special equipment operation that may be required.
- d) Making available educational leave to attend courses for the purpose of enhancing on-the-job skills and to pay one-half of the tuition fees.
- e) Maintaining an inventory of promotable employees to assure that female and minority group personnel are not discriminated against in promotion.

Responsibility: Executive Director or designee

Target Date: On-going

2. To analyze the Council's organization and staff at regular intervals to determine job classifications and categories where minorities and women are under-utilized and where corrective action is needed. The following factors will be evaluated:

- a) Effectiveness of current recruitment efforts.
- b) Job-relatedness of minimum qualifications for all staff positions.
- c) Applicant flow data by classification to determine at which step in the selection process women and minority groups are being screened out.
- d) Promotional system to identify obstacles to upward mobility of qualified individuals.
- e) Wage and salary structure as it relates to equitable compensation for minorities and women.
- f) Assessment of whether or not minority classes are disproportionately affected by terminations, layoffs, and disciplinary actions.

Responsibility: Executive Director or designee

Target Date: Semi-Annually

16.5 Recruitment – Active recruitment efforts are initiated on the basis of position availability. The primary sources of applicants are the affirmative action file, which contains resumes and applications which normally flow into the office and responses to job-specific advertising published in the local newspapers, announcements circulated to the state universities and the Florida State Employment Service, as well as various local civic groups. The size of the Council and its funding constraints prohibit elaborate recruitment campaigns. However, there is often a need for national advertisement in trade journals to ensure adequate application flow for the professional positions.

OBJECTIVE: To provide equal employment opportunity to all potential applicants, especially women

and minority group members, through proportional representation, which approximates the Council area's labor market at all prescribed levels of employment.

SPECIFIC ACTIONS:

1. To conduct an analysis of present minority and female staff at all prescribed levels within the Council. This analysis will be used to identify areas of under-utilization and concentration. Vacancies and new positions will be projected and recruitment will be geared toward filling these positions with women and members of minority groups.

Responsibility: Executive Director or designee

Target Date: Quarterly

2. To maintain a file to be known as the Affirmative Action File. This file will consist of applications of all female and minority group applicants who were qualified, but not selected. The Executive Director shall give priority consideration to the hiring of applicants from this file in subsequent hiring.

Responsibility: Executive Director or designee

Target Date: On-going

3. To prepare a list of organizations having effective contact with minority groups, aging, and female personnel, and establish working relationships with these organizations in the recruitment of personnel.

Responsibility: Executive Director or designee

Target Date: On-going

4. To contact schools and universities to ensure exposure to minority groups and females when recruitment is necessitated. Special efforts shall be made to reach minority group students on campuses by working with campus placement offices and minority and women's student organizations.

Responsibility: Executive Director or designee

Target Date: On-going

5. To ensure that all placement advertising is clear, concise and includes only job-related information.

Responsibility: Executive Director or designee

Target Date: On-going

Section 17: Sexual Harassment Policy

It is the policy of the South Florida Regional Planning Council that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. No employee - either male or female - should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with our work effectiveness. Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited. This includes: repeated offensive sexual flirtations; advances or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his/her appearance; the display of sexually suggestive objects or pictures; or any offensive or abusive physical contact.

In addition, no one should imply or threaten that an applicant or employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development or any other condition of employment.

Any grievance relating to this policy should be addressed through Sections 9.3, Grievance, or 6.4, Appeal, of the Council's Personnel Policy. Any questions regarding either this policy or a specific situation should be addressed to the Executive Director.

Section 18: Drug Free Workplace Policy

The Council certifies that it will provide the following drug-free workplace program:

- 18.1 The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, and actions will be taken against employees for violations of such prohibition.

- 18.2 Drug-free awareness program will be offered to employees to inform them about:
 - a) The dangers of drug abuse in the workplace;
 - b) The Council's policy of maintaining a drug-free workplace;
 - c) Available drug counseling, rehabilitation, and employee assistance programs; and
 - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

18.3 It is a condition of employment that employees shall:

- a) Abide by the terms of this statement; and
- b) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction. 18.4 Within 30 calendar days after receiving notice under subparagraph (18.3) of a conviction, one of the following actions will be taken with respect to an employee who is convicted of a drug abuse violation occurring in the workplace.

18.4 Within 30 calendar days after receiving notice under subparagraph (18.3) of a conviction, one of the following actions will be taken with respect to an employee who is convicted of a drug abuse violation occurring in the workplace:

- a) Appropriate personnel action against such employee, up to and including termination; or
- b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Section 19: Performance Incentive Program

STATEMENT OF POLICY

Successful SFRPC employees demonstrate the core SFRPC values of service excellence, teamwork, self-management, professional integrity, and professional/technical excellence. The SFRPC recognizes the need to encourage, incentivize and reward SFRPC employees for superior work performance that advances or makes significant, notable contributions to the SFRPC's mission objectives. In order for the SFRPC to have the ability to give incentive payments to employees, section 215.425(3), Florida Statutes, has specified requirements that must be satisfied, which this Policy is intended to satisfy.

POLICY GUIDELINES

The following guidelines apply to any bonus payment that the SFRPC elects to provide:

Performance Evaluation

1. The major factor in determining an employee's eligibility for payment under the Performance Incentive Program shall be that the employee clearly is significantly surpassing performance expectations and goals and is characterized by high achievement.
2. Payments to SFRPC employees under the Performance Incentive Program shall be determined by a thorough and complete review and analysis of the performance records of all SFRPC employees as

documented in a positive written annual employee evaluation.

Eligibility

1. All SFRPC employees are eligible to be considered for a performance incentive payment under the Performance Incentive Program.
2. To be eligible for consideration for a performance incentive payment for a specific evaluation period, an employee must:
 - a. Be employed by the SFRPC in a full-time regular position;
 - b. Have been employed continuously for a period of one (1) year up through the date of the performance evaluation;
 - c. Must not have been on leave without pay consecutively for more than six months during the evaluation period;
 - d. Must have received no disciplinary action during the evaluation period through the date the performance incentive payments are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action; and
 - e. Have received a positive written evaluation of performance during the evaluation period.

Implementation

1. The SFRPC hereby authorizes the Executive Director to implement the provisions of this Policy and the Executive Director is hereby the delegated authority to take any and all actions otherwise necessary to administer the Performance Incentive Program, provided however, that all provisions of the Performance Incentive Program, as implemented, must be consistent with the provisions of controlling Florida Law and this Policy.
2. The SFRPC shall take all actions necessary to administer the Performance Incentive Program in a manner consistent with the provisions of Florida Law and this Policy.
3. Any annual Performance Incentive Program implemented under the authority of this Policy must have budgetary approval by the SFRPC. Approval will be deemed granted if dollars used to fund the payments have been previously budgeted and approved by the SFRPC for salaries.

Statutory Compliance

1. Any and all activities under the Performance Incentive Program implemented under the authority of this Policy must comply with the provisions of Section 215.425(3), Florida Statutes, in every respect

and, thus, must:

- a. Base the award of a payment to a SFRPC employee on work performance;
 - b. Ensure that the performance standards and evaluation process by which a payment may be awarded be only as set forth in this Policy;
 - c. Ensure that all employees are notified of the provisions of this Policy prior to the beginning of each evaluation period relating to which a payment will be based; and,
 - d. Ensure that all SFRPC employees are considered for payment on an equal basis.
2. The Executive Director shall ensure that the compliance of the Performance Incentive Program with controlling state law is an element of each year's audit report as presented to the SFRPC.



MEMORANDUM

AGENDA ITEM # V.A

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBER

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.



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
█	█	300,000.00	300,000.00	240	7.0	2,709.36	272,831.12	08/01/24	0	08/01/24	09/01/24	01/08/04	09/01/39	performing
█	█	301,586.50	301,586.50	120	0.0	350.00	161,715.88	08/01/24	0	08/01/24	09/01/24	07/19/06	03/01/29	performing
█	█	125,000.00	125,000.00	84	5.0	500.00	119,582.53	08/01/24	0	08/29/24	09/01/24	11/24/08	12/31/15	performing
█	█	200,000.00	200,000.00	84	5.0	1,472.32	52,622.93	08/01/24	0	08/01/24	09/01/24	02/02/09	08/01/28	performing
█	█	189,043.88	189,043.88	144	0.0	500.00	93,000.00	08/25/24	0	08/06/24	09/25/24	07/26/99	12/01/16	Default Final Judgment
█	█	300,000.00	300,000.00	0	5.0	2,250.00	150,344.80	08/12/24	0	08/15/24	09/12/24	07/31/09	03/31/39	performing
█	█	150,000.00	150,000.00	84	6.0	0.00	144,598.41	12/01/15	3165	10/22/20	01/01/16	07/12/13	08/01/20	In Litigation - Refer to RLF Status Report
█	█	235,000.00	235,000.00	240	5.0	2,000.00	150,433.46	08/01/24	0	08/09/24	09/01/24	04/16/14	05/01/26	performing
█	█	149,500.00	149,500.00	120	5.0	1,590.98	38,448.72	08/01/24	0	08/06/24	09/01/24	12/15/15	12/15//25	performing
█	█	75,000.00	75,000.00	1	0.0	0.00	74,994.72	04/01/19	1949	04/12/19	05/01/19	11/17/16	09/30/19	Default - collateral workout
█	█	75,000.00	75,000.00	1	0.0	0.00	75,000.00	04/01/19	1949	04/12/19	05/01/19	12/14/16	09/30/19	Default - collateral workout
█	█	332,972.82	332,972.82	111	6.5	2,000.00	321,849.33	08/01/24	0	08/01/24	09/01/24	09/28/17	08/01/28	performing
█	█	300,000.55	300,000.55	120	7.0	3,577.27	169,047.42	08/01/24	0	08/01/24	09/01/24	10/24/18	11/01/28	performing
█	█	254,999.57	254,999.57	84	0.0	0.00	187,832.65	10/15/23	290	10/12/23	11/15/23	10/25/18	10/25/25	In Legal

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
█	██████████	84,506.66	84,506.66	84	0.0	0.00	71,412.80	08/01/22	730	08/01/22	09/01/22	01/03/19	01/03/26	Default Final Judgment
█	██████████	248,684.03	248,684.03	84	0.0	375.00	15,896.57	08/01/24	0	08/01/24	09/01/24	03/05/19	04/01/26	performing
█	██████████	549,223.30	549,223.30	84	0.0	375.00	480,594.60	08/01/24	0	08/01/24	09/01/24	03/05/19	04/01/26	performing
█	██████████	173,904.64	173,904.64	84	5.0	1,750.00	115,662.28	08/01/24	0	08/01/24	09/01/24	03/28/19	03/28/26	performing
█	██████████	99,885.78	99,885.78	60	7.0	1,500.00	40,904.97	08/01/24	0	08/01/24	09/01/24	03/28/19	04/01/24	performing
█	██████████	200,000.00	200,000.00	84	0.0	0.00	196,815.27	08/01/22	730	08/01/22	09/01/22	03/12/20	04/01/27	Default Final Judgment
█	██████████	400,000.00	400,000.00	84	0.0	0.00	389,882.46	10/15/23	290	10/12/23	11/15/23	09/23/19	09/23/26	In Legal
█	██████████	200,000.00	200,000.00	120	4.5	2,322.17	134,813.06	08/01/24	0	08/01/24	09/01/24	04/22/21	04/01/31	performing
█	██████████	130,000.00	130,000.00	120	4.5	1,347.30	91,941.90	08/01/24	0	08/01/24	09/01/24	03/22/21	03/01/31	performing
█	██████████	100,000.00	100,000.00	60	0.0	100.00	84,527.84	08/01/24	0	08/01/24	09/01/24	10/06/22	10/01/27	Modification
█	██████████	349,497.00	98,668.75	60	0.0	352.00	91,204.75	08/01/24	0	08/01/24	09/01/24	02/23/23	03/01/28	performing
█	██████████	331,700.00	80,271.75	60	0.0	301.00	78,164.75	08/01/24	0	08/01/24	09/01/24	02/23/23	03/01/28	performing
█	██████████	331,700.00	85,566.75	60	0.0	321.00	83,319.75	08/01/24	0	08/01/24	09/01/24	02/23/23	03/01/28	performing
Totals		6,187,204.73	5,438,814.98			25,693.40	3,887,442.97							

LIST OF COMMITTED TRADITIONAL RLF FUNDS
August 31, 2024

Loan #	Company Name	Committed	Commitment Date	Disbursed	Disbursement Date	Disbursed	Disbursement Date	Disbursed	Disbursement Date	Disbursed	Disbursement Date	Remaining Commitment
█	█	336,600	11/15/2021	13,668	3/2/2023	4,943.75	5/23/2023	32,390	8/1/2023	29,770	10/3/2023	\$ 255,828.25
█	█	331,700	11/15/2021	13,668	3/2/2023	4,943.75	5/23/2023	32,390	8/1/2023	29,270	10/3/2023	\$ 251,428.25
█	█	331,700	11/15/2021	13,668	3/2/2023	4,943.75	5/23/2023	30,390	8/1/2023	36,565	10/3/2023	\$ 246,133.25
TOTAL		\$1,000,000		\$ 41,004		\$ 14,831.25		\$95,170.00		\$ 95,605.00		\$ 753,389.75

Cash Available to Lend												
Bank Balance as of	8/31/2024											\$ 1,288,411.84
Committed Funds												
Unfunded Loan Commitments	\$ 753,390											
Administrative Fees	10,919.25											
Total Committed Funds												\$ 764,309.00
Total Uncommitted Funds												\$ 524,102.84

Portfolio Analysis

Funds: (30400)
Status: All
City: All
County: All
Loan Officer: All
Loan# From 2 to 53005

Cutoff Date: 8/31/2024
Run Date: 09/13/2024
Run Time: 11:02:56 am
Page 1 of 1

	Number	Balance	Percent%
All Outstanding Loans			
Current Accounts	20	2,746,906.66	70.66%
Past due 1-30 days	0	0.00	0.00%
Past due 31-60 days	0	0.00	0.00%
Past due 61-90 days	0	0.00	0.00%
Past due 91-120 days	0	0.00	0.00%
Past due 121-150 days	0	0.00	0.00%
Past due 151-180 days	0	0.00	0.00%
Greater than 180 days	7	1,140,536.31	29.34%
Total Portfolio	27	3,887,442.97	100.00%

Contaminated Portfolio 7 1,140,536.31 29.34%

Loans identified as being delinquent by 30 or more days and having a balance greater than zero as of the cutoff date.

Delinquent Loans 2 149,994.72 3.86%

Loans identified by delinquent status in Loan Master, and having a balance greater than zero as of the cutoff date.

Default Loans 3 412,826.48 10.62%

Loans identified by default status in Loan Master, and having a balance greater than zero as of the cutoff date.

Write-off Loans 0 0.00 0.00%

Loans identified by write-off status in Loan Master, and having a balance greater than zero as of the cutoff date.

Kerry L. Ezrol
KEzrol@GorenCherof.com



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

September 5, 2024

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 and #1042) 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

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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' requests for a continuance. The seventh 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.

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 was set for hearing on May 4, 2022 at 9:30 am. On February 9, 2022, Plaintiff filed a reply to Defendants' affirmative defenses. On February 15, 2022, Defendants filed amended affirmative defenses. On February 22, 2022, Plaintiff filed a reply to the amended affirmative defenses.

On March 25, 2022, SFRPC responded to Dawson's request for a settlement offer, renewed the prior settlement dated November 30, 2020, and left it open for ninety (90) days. As of June 23, 2022, the settlement offer expired. On August 22, 2022, the SFRPC settlement offer was once again offered to Ms. Dawson with an expiration date of December 1, 2022. The settlement offer expired.

On May 4, 2022, the Court entered an Order for Uniform Case Management to be held August 22, 2022. On May 4, 2022, Judge Bidwell granted SFRPC's Motion to Dismiss Dawson's Counterclaim as to all counts. However, the Judge provided Dawson twenty (20) days to amend her complaint.

On May 23, 2022, Defendant served pre-suit notice on the Council and the Florida Department of Financial Services. On May 24, 2022, Defendant filed a Third Amended Counterclaim which was later deemed abandoned by the Clerk's office. On May 31, 2022, without permission of the Court, Defendant filed a Fourth Amended Counterclaim. On June 3, 2022, SFRPC filed a Motion to Dismiss Dawson's Third and Fourth Amended Counterclaims with Prejudice. A hearing on the SFRPC's Motion to Dismiss was scheduled for Friday, December 2, 2022. On June 30, 2022, Dawson filed an emergency motion with the Court asking the Court to require SFRPC to release its mortgage cross collateralized against 2748 NW 8th St. Fort Lauderdale. On July 6, 2022, SFRPC

filed a response to the Emergency Motion. On July 7, 2022, Dawson filed a Notice of Production from Non-party for Old Republic National Title Insurance Company and Alfred Andreu. On July 7, 2022, SFRPC filed a request for copies of records for Alfred Andreu and Old Republic National Title Insurance Company. On July 8, 2022, Ms. Dawson submitted a Public Records request to SFRPC. SFRPC has responded to Ms. Dawson. Ms. Dawson had until July 13, 2022 to send SFRPC the requested deposit of \$600.00 in order for SFRPC to start retrieving and reviewing documents. As of today's date, Ms. Dawson has not paid the deposit.

On August 22, 2022, the Court held a Case Management Conference. Ms. Dawson and her Co-counsel were not present. On October 10, 2022, another mandatory Case Management Conference was held. Ms. Dawson informed the court that she would be filing a motion for leave to amend based on new information from Benworth Capital. Copies have been requested through a filing, as of today's date, nothing has been received.

On November 29, 2022, the Defendant filed a Motion to Join Indispensable Parties and a Motion for Leave to Amend Complaint to Add Parties. On November 30, 2022, the Defendant filed a Notice of Filing Proposed Fifth Amended Counter Claim as Exhibit for Motion for Leave to Amend Complaint to Add Alfred F. Andreu P.A., Benworth Capital Partners LLC, and Old Republic National Title Insurance Company. Shortly before the hearing on the SFRPC's Motion to Dismiss on December 2, 2022, Ms. Dawson called our office and the Judge's office informing she was in the hospital. The hearing did not proceed and the Court scheduled another Case Management Conference on December 8, 2022. On December 7, 2022, SFRPC filed its Response in Objection to Defendants Motions to Join Indispensable Parties and for Leave to Amend Counterclaim. On December 8, 2022, pursuant to the Court's direction at the Case Management Conference, a Notice of Hearing was filed, scheduling the pending motions for December 20, 2022. On December 9, 2022, SFRPC filed its Response to Defendant's Motion for Disqualification. On December 18, 2022, Dawson filed a Motion to Withdraw Counter Plaintiff's Third Amended Counter Claims dated May 24, 2022.

At the December 20, 2022 Special Set Hearing, the Court again requested that the matter be scheduled for a Case Management Conference on January 30, 2023. The Court denied Defendants Motion to Join Benworth as an indispensable party and denied Defendants Motion to amend complaint to add Benworth and Old Republic Title Co. The Court also directed both parties to prepare and submit proposed orders for the Court to review for determination on SFRPC's Motion to Dismiss Dawson's Fourth Amended Counterclaim. On December 21, 2022, SFRPC filed its Proposed Order granting SFRPC's Motion. On January 29, 2023, the Court entered an Order denying Ms. Dawson's Motion to Join Indispensable Parties and Motion to Amend Complaint. At the January 30, 2023 Case Management Conference, the Judge informed the Parties that he is working on his order on SFRPC's Motion to Dismiss Dawson's Fourth Counterclaim with prejudice.

SFRPC served Ms. Dawson its First Set of Interrogatories, Request for Production and Request for Admissions. Ms. Dawson responded and we are currently reviewing her responses. Also, we are drafting SFRPC's motion for summary judgment. On May 29, 2023, the Court entered its Order regarding SFRPC's Motion to Dismiss Dawson's Fourth Amended Counterclaim as follows: Granting in part with prejudice as to Count 1, Breach of Contract; Count 2, Detrimental Reliance; Count 3, Promissory Estoppel; Count 9, Unjust Enrichment; Count 10, Equitable Estoppel; and Count 11, Modification and Count 12, Retaliation; and denying in part as to Count 4, Negligent Supervision; Count 5, Negligence Retention; Count 6, Negligence; Count 7, Fraudulent Inducement; Count 8, Fraudulent Misrepresentation; and Count 13, Slander of Title. SFRPC's answer to the remaining counts of the Fourth Amended counterclaim is due within 20 days. On May 30, 2023, the Court entered a Uniform Case Management Order which is scheduled for August 21, 2023. On June 16, 2023, we filed SPRPC's Answer and Affirmative Defenses. On August 10, 2023, we filed SFRPC's Motion for Final Summary Judgment . On August 20, 2023, Dawson filed a Motion to Transfer and Consolidate and a Motion to Strike Counter Defendant's Affirmative Defenses to Fourth Amended Counterclaim and Memorandum of Law. Ms. Dawson is seeking to consolidate the Equity Partners 102 case (below) with this case. SFRPC's Hearing for its Motion for Final Summary Judgment is scheduled for February 9, 2024. Also, Dawson's Hearing is scheduled for September 29, 2023. On August 25, 2023, we filed SFRPC's Response and Amended Response in Objection to Dawson's Motion to Strike Affirmative Defenses. On August 25, 2023, we filed SFRPC's Response in Objection to Ms. Dawson's Motion to Transfer and Consolidate cases.

On September 27, 2023, Dawson filed their Response to SFRPC's Response in Objection to the Motion to Transfer and Consolidate. At the September 29th hearing, the Judge scheduled a Case Management Conference for October 31st. An Order denying Dawson's Motion to Strike SFRPC's Affirmative Defenses and to Consolidate the Cases was entered by the Court. Dawson has 10 days to file a reply. On October 10, 2023, Dawson filed a Motion for Clarification as to how the Court can Reconcile its' Ruling on May 29, 2023 and September 29, 2023. Ms. Dawson was unable to attend the October 31, 2023 Hearing and it is rescheduled for November 13, 2023. At the November 13, 2023 Hearing, the case was set for non-jury trial with a trial period commencing November 4, 2024 to November 21, 2024. Calendar Call is scheduled for October 25, 2024.

On November 29, 2023, SFRPC filed its Motion to Dispense with Mediation as the case has been previously mediated on October 29, 2020. The hearing is scheduled for January 16, 2024. Also, SFRPC's Motion for Final Summary Judgment was scheduled to be heard by the court on February 9, 2024. On January 11, 2024, Dawson filed a Response to SFRPC's Motion to Dispense with Mediation requesting the Court follow its Uniform Trial Order. On January 19, 2024, the Court granted SFRPC's Motion to Dispense with Mediation. On February 4, 2024, Dawson filed a Response to SFRPC Motion for Summary Judgment. On February 7, 2024, Defendant filed an Emergency Motion for Continuance of the Summary Judgment Motion as she had a family

emergency. On February 8, 2024, SFRPC filed its Response in Objection to Defendants' Emergency Motion. Defendant filed their response to SFRPC's Objection later that same day. The Court entered an Order Granting the Emergency Motion, resetting the hearing for March 8, 2024 and advising Ms. Dawson to make all necessary arrangements to appear for the hearing, and to have alternative counsel available should she be unavailable. As of today, the Judge is still reviewing SFRPC's MSJ and has not entered an order. On March 15, 2024, SFRPC filed a Motion to Stay the Requirements in the Trial Order and the hearing was scheduled for April 25, 2024. On April 20, 2024, Dawson filed a Response to SFRPC's Motion to Stay Requirements in Trial Order. At the April 25, 2024 hearing, the Court granted SFRPC's Motion to Stay until June 10, 2024. The Court also entered an UMC Order, with a Case Management Conference scheduled for June 10, 2024. On June 27, 2024, the court entered a judicial sua sponte order providing that the deadlines on the Trial Order remain stayed until the Court enters a ruling on SFRPC's Motion for Summary Judgment. On August 2, 2024, the Court entered a Uniform Case Management Order and scheduled a Case Management Conference for September 30, 2024. On August 7, 2024, the Court entered the Order Granting SFRPC's Motion for Summary Judgment in part and denying it in part. The Court granted Summary Judgment on all of Dawson's counterclaims against SFRPC. Also, the Court granted Summary Judgment as to Dawson's affirmative defenses asserting waiver, bad faith, and unclean hands. However, the Court denied SFRPC's Motion for Summary Judgment as to SFRPC's Complaint and Dawson's Affirmative Defenses asserting promissory estoppel, modification, and equitable estoppel. On August 12, 2024, SFRPC filed a Motion for Protective Order and the hearing is scheduled for September 18, 2024. On August 22, 2024, Defendant filed a Motion for Reconsideration and/or Rehearing Upon Order on Motion for Final Summary Judgment Granting in Part and Denying in Part Entered August 7, 2024.

2. SFRPC adv. Equity Partners 102, LLC
(Our File No. 9940633)

Equity Partners 102 foreclosure complaint was filed with the Court on July 13, 2023. On July 24, 2023, SFRPC filed an Answer and did not assert affirmative defenses. Equity Partners seeks to foreclose its first mortgage against Ms. Dawson's real property located at 2748 NW 8th St. Fort Lauderdale, FL. We will monitor the case in the event that surplus funds become available. On September 5, 2023, a hearing on Plaintiff Equity Partners' Motion for Order to Show Cause was scheduled. The Court deferred ruling on the entry of the foreclosure judgment. On September 20, 2023, SFRPC filed its motion for extension of time and a hearing is scheduled for October 9, 2023. On October 9, 2023, the Court entered an Agreed Order Granting Plaintiff's Motion to Dismiss Defendant's Counterclaim, and gave the defendant until October 30th to file an amended counterclaim as to all counts. SFRPC's Motion for an extension of time was denied as it was moot because there will be an amended counterclaim filed at a later date. On October 23, 2023, the Court entered its Order regarding Plaintiff's Motion to strike Defendant's Affirmative Defenses as follows: Count 5 and Count 11 are not stricken and therefore denied; Count 1, 3, 4, 6, 7, 8, 9 and 10 are stricken without prejudice with leave to amend; and Count 2 is stricken as

Isabel Cosio Carballo, Executive Director

Page 7 of 7

September 5, 2024

this matter does not apply to Florida Statute 559.715. There is a UMC scheduled for May 15, 2024. On April 25, 2024, Plaintiff filed its Motion for Summary Final Judgment, Affidavit in Support of MSFJ, Affidavit of Attorney Fees and Costs, and Affidavit of Reasonable Attorney Fees. The Plaintiff's hearing for their Motion for Summary Final Judgment is scheduled for October 10, 2024.

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)
Jeffrey Tart (via e-mail)
Kathe Lerch (via e-mail)



SFRPC'S Brownfields Cleanup Revolving Loan Fund Claude Pepper Park North Miami, FL

The South Florida Regional Planning Council (SFRPC), in collaboration with Redwood CP Dev LLC (Redwood), the U.S. Environmental Protection Agency (EPA), and Stantec, has been working to remediate and enhance the area surrounding and including Claude Pepper Park in North Miami, Florida. Funded in part by the SFRPC's Brownfields Cleanup Revolving Loan Fund (BCRLF), this exciting project will provide much-needed affordable housing and commercial opportunities for residents in the South Florida area.

BACKGROUND

Claude Pepper Park is located at 1255 NW 145th Street in the City of North Miami. The site includes 15 acres of existing park facilities and 13.6 acres of new residential development. Plans include the renovation of the park and fields, upgrades to all courts, the addition of a new water park to the project, a new concession building, and a trail for walking and jogging along with new, and native landscaping. A new outdoor amphitheater for cultural programs and the expansion of the Joe Celestin Community Center are proposed to include additional programs and classrooms for learning and recreation and a banquet hall that will create access of the community center into a communal engagement.



The mixed-use development will be adjacent and fully integrated into the park and will include six residential buildings containing 1,583 living units and 179,784 square feet of commercial space. This comprises a total of 3,841,637 gross square feet. This development will include an Independent Living Facility (ILF) with a bowling alley and entertainment center; workforce housing; large-scale retail on visually desirable corner lots; small shops and dining in the interior corridors; and an outdoor park for events connecting the Joe Celestin Center to the development and surrounding community.



The 212-unit independent living facility will be built in the first phase of the residential development. Redwood's workforce commitment is to provide 25% of the project at 140% area median income (AMI) and 20% at 120% AMI. Additionally, 5% of the project will be available to families earning 80% AMI. The remaining 50% will be at market rate which will be spread across the six new mixed-use buildings.

PROPOSED DEVELOPMENT IMPACT

According to a September 2022 Economic Impact Study prepared by Miami Economic Associates, Inc., the construction of the project is expected to create more than 8,600 full-time and part-time jobs, including 5,000+ on-site construction jobs. The remaining jobs will either be in businesses that support the construction industry such as building supply and trucking companies or in establishments in which the direct and indirect workers spend their earnings. More than \$460 million in salaries will be created during the construction period. After the project is completed, approximately 700 people are expected to be employed full-time on-site earning \$25.8 million in salaries annually. The project is also expected to



generate more than \$21 million in off-site economic benefits for the City of North Miami and surrounding areas.

The City of North Miami is expected to collect approximately \$7.37 million in building permit fees and development impact fees. Once completed, the project will generate \$4.6 million annually in ad valorem taxes for the City of North Miami; new revenue for the City since the land is currently vacant. It should be noted as well, as the mixed-use portion of the commercial project appreciates over time, additional ad valorem revenue will be generated for the City of North Miami.

\$3.5 MILLION AWARD FROM THE EPA

In June 2024, the EPA announced the recipients of more than \$300 million in Brownfield Grants through the Biden Administration's Investing in America Agenda to rehabilitate and revitalize communities. In addition to the \$3,200,000 in EPA funds already awarded, the SFRPC was selected to receive an additional \$3,500,000 through the Bipartisan Infrastructure Law (BIL) because of our high-performing Revolving Loan Fund Programs. These funds will replenish the program's significantly depleted funds and allow new projects to move forward.

To learn more about the SFRPC Brownfields Cleanup Revolving Loan Fund or how to get involved, please contact Senior Loan Officer, Jeffrey Tart at 954.924.3653 or jtart@sfrpc.com.

Join us in celebrating yet another workforce housing

Success Story



Ribbon Cutting Ceremony

September 17th

9am - 11am

905 39th St, West Palm Beach, FL, 33407



Please RSVP by September 13th to sbrooks@cpsfl.org
Light refreshments will be provided
Parking on-site



AFFORDABLE HOUSING INITIATIVE

SFRPC AND COMMUNITY PARTNERS OF SOUTH FLORIDA PALM BEACH COUNTY, FL



905 39TH STREET, WEST PALM BEACH, FL

Property features:

- 2,183 Sq. Ft
- Impact Windows
- 3 Bedroom
- 2 Bathroom

- 954-924-3653
- jtart@sfrpc.com
- sfrpc.org

The SFRPC and Community Partners of South Florida celebrate a ribbon cutting for affordable workforce housing built at 905 39th Street in West Palm Beach.

The SFRPC is supporting the development of much needed affordable housing with loans to non-profit organizations engaged in affordable housing development. The SFRPC has been able to address the affordable housing crisis in South Florida by providing construction funding needed to build single-family homes.



SFRPC

South Florida Regional Planning Council
Proudly serving South Florida since 1974



SFRPC RLF / CLEAN CITIES WEBINAR

*Small Business Grants & Capital Assistance Webinar
Providing Resources to Small Businesses*

Don't pass up opportunities



RANDY DESHAZO
Deputy Director, SFRPC



JEFF TART
*Senior Loan Officer,
SFRPC*



MARIE GILL
*Executive Director, MBDA
Programs - FL, PR, USVI*



ALISHA LOPEZ
*Director, SE FL Clean Cities
Coalition*



LISA MOONEY
*SVP, Sr. Business
Development Officer
Centennial Bank*



DANIEL SIKSAY
*Chief of Staff, East
Tennessee Clean Fuels*

More Information

THE DETAILS



THURSDAY, OCTOBER 10, 2024



11.00 AM - 12.00 PM

**CLICK HERE TO REGISTER
OR SCAN THE QR CODE**





MEMORANDUM

AGENDA ITEM # V.B

DATE: SEPTEMBER 30, 2024

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 375 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.

In November 2023, the EDA completed their RLF Risk Analysis and conveyed the South Florida Regional Planning Council earned a current annual risk rating of an "A" for the fiscal year ending 9/30/2023.

To date, loan administration has approved thirty-six (36) new CARES ACT RLF loans totaling \$7,785,000 and saved and/or created 250 related jobs.



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 - SEPTEMBER 2024**

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
█	█	25,000.00	25,000.00	60	3.5000	12	454.79	454.79	5,776.62	09/01/24	0	09/03/24	10/01/24	10/20/20	11/01/25	performing
█	█	300,000.00	300,000.00	120	3.5000	12	2,966.58	2,966.58	197,151.27	09/01/24	0	09/03/24	10/01/24	11/20/20	11/01/30	performing
█	█	500,000.00	515,000.00	120	3.5000	12	4,934.78	4,934.78	396,963.02	09/01/24	0	09/03/24	10/01/24	01/13/21	01/01/31	performing
█	█	210,000.00	210,000.00	120	3.5000	12	2,076.60	2,076.60	141,788.87	09/01/24	0	09/03/24	10/01/24	12/31/20	01/01/31	performing
█	█	500,000.00	500,000.00	120	3.5000	12	4,944.29	4,944.29	337,702.74	09/01/24	0	09/03/24	10/01/24	12/28/20	01/01/31	performing
█	█	150,000.00	150,000.00	120	3.5000	12	1,483.29	1,483.29	103,731.71	09/01/24	0	09/03/24	10/01/24	02/24/21	02/01/31	performing
█	█	100,000.00	100,000.00	60	3.5000	12	1,594.07	200.00	76,630.13	08/15/24	0	08/29/24	09/15/24	02/02/21	02/01/26	performing
█	█	306,041.60	306,041.60	120	3.7760	12	2,173.69	2,173.69	261,719.91	07/05/24	29	07/05/24	08/05/24	05/14/21	04/01/31	performing
█	█	394,000.00	394,000.00	240	3.5000	12	4,000.00	4,000.00	334,049.68	09/01/24	0	09/03/24	10/01/24	05/13/21	05/01/31	performing
█	█	500,000.00	500,000.00	180	3.5000	12	3,493.33	3,493.33	427,125.09	09/01/24	0	09/03/24	10/01/24	06/15/21	07/01/36	performing
█	█	150,000.00	150,000.00	120	3.5000	12	1,441.59	1,441.59	115,008.24	09/01/24	0	09/03/24	10/01/24	08/12/21	08/01/31	performing
█	█	295,000.00	295,000.00	120	3.5000	12	3,258.10	3,258.10	255,092.18	09/01/24	0	09/03/24	10/01/24	08/09/21	08/01/31	performing
█	█	175,000.00	175,000.00	120	3.5000	12	1,730.50	1,730.50	127,262.53	09/01/24	0	09/03/24	10/01/24	08/24/21	08/01/31	performing
█	█	500,000.00	500,000.00	120	3.5000	12	2,899.80	2,899.80	443,381.94	09/01/24	0	09/03/24	10/01/24	08/25/21	08/01/31	performing
█	█	250,000.00	250,000.00	120	3.5000	12	2,390.96	2,390.96	195,803.46	09/01/24	0	09/03/24	10/01/24	10/15/21	10/01/31	performing
█	█	500,000.00	500,000.00	180	4.5000	12	3,824.97	3,824.97	433,961.74	09/01/24	0	09/03/24	10/01/24	01/13/21	10/01/31	performing
█	█	128,000.00	128,000.00	60	4.0000	12	2,357.31	2,357.31	67,494.88	09/01/24	0	09/03/24	10/01/24	02/15/22	02/01/27	performing
█	█	200,000.00	200,000.00	120	4.5000	12	2,072.77	2,072.77	162,676.26	09/01/24	0	09/03/24	10/01/24	06/09/22	06/01/32	performing
█	█	462,136.20	399,629.60	36	5.0000	12	1,831.64	1,831.64	399,629.59	09/01/24	0	09/03/24	10/01/24	10/20/22	11/01/25	performing
█	█	250,000.00	250,000.00	180	6.0000	12	2,109.64	2,109.64	238,162.28	09/01/24	0	09/03/24	10/01/24	06/22/23	07/01/38	performing
Totals		5,895,177.80	5,847,671.20				52,038.70	50,644.63	4,721,112.14							

Portfolio Analysis

Funds: (37000)
Status: All
City: All
County: All
Loan Officer: All
Loan# From 2 to 53005

Cutoff Date: 9/3/2024
Run Date: 09/13/2024
Run Time: 11:01:57 am
Page 1 of 1

	Number	Balance	Percent%
All Outstanding Loans			
Current Accounts	19	4,459,392.23	94.46%
Past due 1-30 days	1	261,719.91	5.54%
Past due 31-60 days	0	0.00	0.00%
Past due 61-90 days	0	0.00	0.00%
Past due 91-120 days	0	0.00	0.00%
Past due 121-150 days	0	0.00	0.00%
Past due 151-180 days	0	0.00	0.00%
Greater than 180 days	0	0.00	0.00%
Total Portfolio	20	4,721,112.14	100.00%

Contaminated Portfolio 0 0.00 0.00%

Loans identified as being delinquent by 30 or more days and having a balance greater than zero as of the cutoff date.

Delinquent Loans 0 0.00 0.00%

Loans identified by delinquent status in Loan Master, and having a balance greater than zero as of the cutoff date.

Default Loans 0 0.00 0.00%

Loans identified by default status in Loan Master, and having a balance greater than zero as of the cutoff date.

Write-off Loans 0 0.00 0.00%

Loans identified by write-off status in Loan Master, and having a balance greater than zero as of the cutoff date.

CARES ACT RLF FUNDING UPDATE

AS OF: 9/01/2024

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
25	\$365,000.00	Monroe	Key West
26	\$200,000.00	Broward	Plantation
27	\$75,000.00	Broward	Fort Lauderdale
28	\$200,000.00	Broward	Fort Lauderdale
29	\$100,000.00	Broward	Plantation
30	\$50,000.00	Broward	Lauderhill
31	\$400,000.00	Palm Beach	Riviera Beach
32	\$100,000.00	Miami- Dade	Miami
33	\$50,000.00	Broward	Sunrise
34	\$250,000.00	Broward	Sunrise
35	\$500,000.00	Palm Beach	Riviera Beach
36	\$115,000.00	Miami- Dade	Miami

TOTAL FUNDED: \$7,785,000.00



SFRPC

South Florida Regional Planning Council
Proudly serving South Florida since 1974

SEPTEMBER 2024 HIGHLIGHTS

SAVE THE DATE! SFRPC AND TCRPC HOSTING JOINT CONFERENCE IN NOVEMBER 2024: PREPARING FOR THE SILVER TSUNAMI

For more information, please contact sfadmin@sfrpc.com

SAVE THE DATE
TREASURE COAST & SOUTH FLORIDA REGIONAL PLANNING COUNCILS
ANNUAL CONFERENCE
PREPARING FOR THE SILVER TSUNAMI
FRIDAY, NOVEMBER 15, 2024
9:00 A.M. - 4:00 P.M.
FLORIDA ATLANTIC UNIVERSITY, BOCA RATON

Southeast Florida's senior population is booming, mirroring national and worldwide trends. Referred to as the "Silver Tsunami," residents 65 years of age and older are projected to number more than 2.13 million in the seven county region by 2050 - an increase of 65% since 2021. Of these residents, 520,000 will be 85 years of age or older - an increase of 39% by 2050.

Join us as we explore the land use, transportation, healthcare, and economic implications of this generational wave. Southeast Florida's communities already struggle to support the needs of the region's elders. As the general population and workforce continues to age and live longer, Southeast Florida's competitiveness will depend on how we plan for and support seniors, employers, and society. The Silver Tsunami has begun and the wave is accelerating!

More information coming soon.

Treasure Coast | 772-221-4060 | lgulick@tcrpc.org
South Florida | 954-924-3653 | sfadmin@sfrpc.com

The South Florida and Treasure Coast Regional Planning Councils is hosting its annual conference on November 15th at Florida Atlantic University in Boca Raton. The topic of this year's conference will be "Preparing for the Silver Tsunami."

Southeast Florida's senior population is booming, mirroring national and worldwide trends. Referred to as the "Silver Tsunami," residents 65 years of age and older are projected to number more than 2.13 million in the seven-county region by 2050 – an increase of 65% since 2021. Of these residents, 520,000 will be 85 years of age or older – an increase of 39% by 2050.

This joint conference will explore the land use, transportation, healthcare, and economic implications of this generational wave.

FOLLOW UP ON SUCCESSFUL MAY 31ST MENTAL HEALTH CONFERENCE

For more information, please contact eagolli@sfrpc.com



The SFRPC is taking steps to address the housing crisis facing individuals with mental illness in South Florida. Following a successful regional conference hosted by the SFRPC on May 31st at Nova Southeastern University, SFRPC staff convened a follow-up meeting on August 28th to discuss potential solutions.

The May conference, led by Senator René García, brought together elected officials, experts, and community stakeholders to explore strategies for creating stable living environments for individuals struggling with mental

illness. One of the key outcomes of the event was the identification of a pressing need to address housing gaps for extremely low-income individuals with mental health problems in the region.

In the subsequent meeting, participants discussed the feasibility of launching a pilot program focused on securing funding for extremely low-income housing. This initiative aims to provide housing assistance to individuals who are currently underserved by existing funding streams. By addressing this critical need, the SFRPC hopes to improve the lives of individuals with mental illness and contribute to a more equitable and inclusive community.

INTERGOVERNMENTAL COORDINATION ON TRANSPORTATION-RELATED ISSUES

For more information, please contact cmiskis@sfrpc.com

2055 Florida Transportation Plan **FDOT**

Join Us!

2055 Florida Transportation Plan Regional Workshop
Southeast Florida Region (South) | September 24, 2024

Keynote Speaker
• Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

Attend the Regional Workshop
Tuesday, September 24, 2024
2:00 PM - 4:00 PM EDT

Discussion Topics
• 2055 FTP Overview and FTP Vision and Goals
• What will impact the region's transportation system over the next 30 years?
• What actions are needed to achieve the goals for the future transportation system?

Building Our Transportation Future Together

Join FDOT and local transportation industry leaders to collaborate on the 2055 Florida Transportation Plan update! More details on the Regional Workshop will be provided on the FloridaFTP.com website as information is available.

Parking:
Miami-Dade Cultural Parking Garage, 50NW 2nd Avenue, Miami, FL 33128
There is a pedestrian bridge on the 2nd floor of the garage that directly leads to main branch library. There is 55 validated parking (based on availability) so carpooling is encouraged.
Metro and Metro-mover stops: Government Center
Tri-Rail: Miami Central station

FloridaFTP.com

Public Participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.



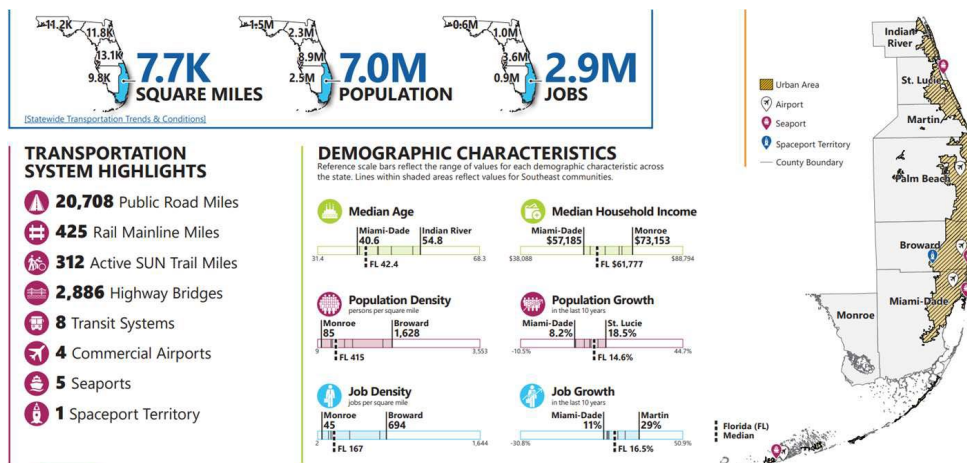
FDOT 2055 FLORIDA TRANSPORTATION PLAN WORKSHOP ON SEPTEMBER 24TH

SFRPC Executive Director Isabel Cosio Carballo and TCRPC Executive Director Tom Lanahan teamed up on September 24th for a presentation on Southeast Florida Trends and Issues as part of the Florida Department of Transportation's Kick Off Workshop on the 2055 Florida Transportation Plan in downtown Miami. More than one hundred transportation industry leaders, planners, and members of the public met to discuss and collaborate on the 2055 Florida Transportation Plan (FTP) update.



The FTP is a comprehensive statewide blueprint guiding Florida's 30-year transportation future. Updated every five years, the FTP is a collaborative effort of state, regional, and local transportation partners in the public and private sectors. The FTP lays the foundation for investments in FDOT's Work Program and will be a plan in which Florida's communities can see themselves and use to develop their transportation plans and strategies. The development of the 2055 FTP update began in May 2024 and will continue over 18 months with adoption in December 2025.

The Florida FTP Steering Committee is a group of 16 key partners and stakeholders, in collaboration with FDOT, that is providing input to the guide the development of the goals, objectives, and policies for the 2055 Florida Transportation. Partners include Councilmember and Monroe County Commissioner Michele Lincoln and David Dech, Executive Director of the South Florida Regional Transportation Authority. A complete list of the Steering Committee can be found here: <https://www.floridaftp.com/steering-committee>



MIAMI-DADE TPO ADOPTS ITS 2055 LONG RANGE TRANSPORTATION PLAN



On September 17th, South Florida Regional Planning Council staff advised the adoption of the Miami-Dade 2050 Long Range Transportation Plan (LTRP) by the Miami-Dade Transportation Planning Organization (TPO) Board.

The LTRP is a comprehensive strategy that outlines improvements for transit, highways, freight, and non-motorized transportation. It focuses on enhancing mobility, safety, security, resiliency, and integrating emerging technologies, while also assessing the cost-effectiveness of the County's current and future transportation infrastructure needs.

This public document aims to provide clarity and transparency in the transportation planning process. It presents the current trends in Miami-Dade County, aligns with the goals of the 2050 LRTP, and addresses the identified needs of the traveling public.

BROWARD MPO PRESENTS ROUTE TO 2050, ALSO KNOWN AS THE 2050 METROPOLITAN TRANSPORTATION PLAN



ROUTE TO 2050
A JOURNEY OF INNOVATION, COMMUNITY, AND MOBILITY

You're invited to a new Summit that will focus on future transportation technologies as noted in the Route to 2050 Metropolitan Transportation Plan (MTP) powered by the Broward MPO. Be part of the discussion about how new technologies will support identified focus areas and what partnerships are needed to make this plan a reality.

Thursday, September 12, 2024 | 9:00 a.m. - 11:30 a.m. | Museum of Discovery & Science

GENERAL CHAIR
Tom Hudson
SVP, Director of Sales & Client Communications
954-991-1981

GENERAL CHAIR
Laura Chase
President & CEO
Executive Director
Florida Mobility TV 40
954-991-1981

In addition, a special panel of community leaders and partners will discuss the future of transportation in Broward County.

Register Now!
BrowardMPO.org/MTPSummit

NO COST TO ATTEND

For complaints, questions, or concerns about civil rights or nondiscrimination, or for special requests under the Americans with Disabilities Act, please contact Call Center at (954) 476-6052 or email@browardmtpo.org.

On September 12th Council Staff attended the Broward Metropolitan Planning Organization (MPO) Summit the Museum of Discovery & Science to focus on future transportation technologies noted in the Route to 2050 Metropolitan Transportation Plan (MTP). By 2050, Broward County is projected to be home to more than two million people, a 20% increase from today. The long-range plan is a planning and investment strategy for the next 25 years, envisioning how Broward residents will drive, ride, walk and bike across the County.



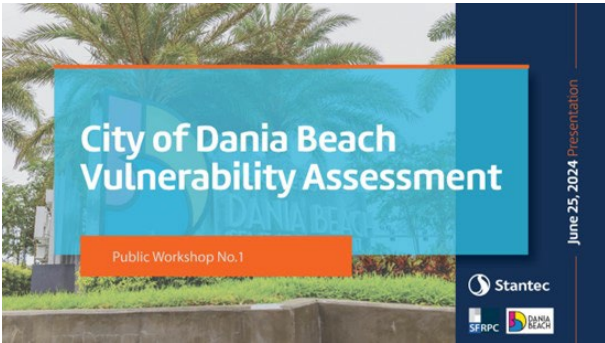
MEETING WITH MIAMI-DADE TPO EXECUTIVE DIRECTOR

On August 28th, the Miami-Dade Transportation Planning Organization (TPO) Executive Director, Aileen Bouclé, AICP, met with SFRPC Executive Director, Isabel Cosio Carballo, MPA, and Council staff to discuss and provide an update on the SMART M.A.P. 2050 Long Range Transportation Plan (LRTP) and other initiatives to address mobility in Miami-Dade County and the region. The TPO guides the transportation planning process in Miami -Dade County.

REGIONAL RESILIENCY

For more information, please contact cmiskis@sfrpc.com

DANIA BEACH VULNERABILITY ASSESSMENT UPDATE



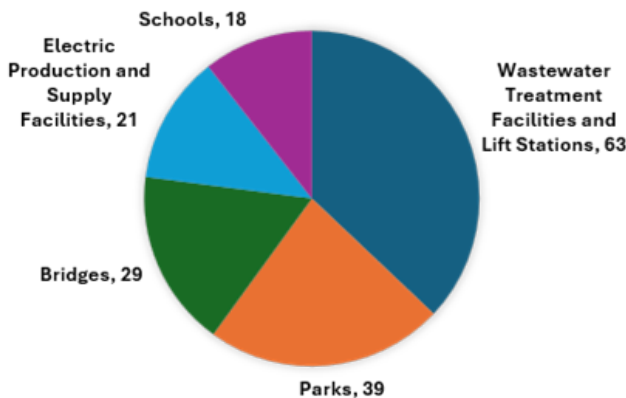
The SFRPC is assisting the City of Dania Beach with a vulnerability assessment for the Dania Beach Vulnerability Assessment Project. Key tasks include the collection of background data, exposure analysis, sensitivity analysis, the identification of focus areas, community outreach, development of the final Vulnerability Assessment Report with supporting maps and tables, and Peril of Flood Compliance.

Since the June 25th Public Workshop presentation to the City's Green Advisory Board, the team has continued its efforts of reviewing deliverables and ensuring all tasks have been completed ahead of the project completion in Fall 2024. Currently, the team is finalizing the Vulnerability Assessment Report, Maps, and Tables based on results from the exposure and sensitivity analyses. The team is also working on incorporating strategy and principles recommendations into a revised draft of the City's Coastal Element.

COMPREHENSIVE STATEWIDE FLOOD VULNERABILITY AND SEA LEVEL RISE DATA SET UPDATE



The SFRPC recently completed the South Florida Regional Planning Council Resilience Project (Project) which involved the review, identification and verification of regionally significant assets to be included in the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set for Broward, Miami-Dade, and Monroe Counties.



251 new regionally significant assets were identified in our region and 15 localities coordinated with the SFRPC to provide this information. The results reflect the growing trend of flooding and sea level rise preparedness in our region with the topmost frequent asset being "Wastewater Treatment Facilities and Lift Stations" (total number was 63).

All assets were also mapped using GIS and provided to FDEP for inclusion in the State Critical Asset Database. The Council provided recommendations to the FDEP in its final report to

continue collaborating with local and private partners in South Florida so that the State Critical Asset Database reflects the growth of resilient infrastructure in the region and clarifies policy language that was confusing to some municipalities.

SOUTHEAST FLORIDA CLEAN CITIES COALITION

For more information, please contact alopez@sfrpc.com

CLEAN CITIES DIRECTOR ALISHA LOPEZ HONORED WITH THE BENJAMIN WATSON INSPIRATIONAL AWARD



On September 12th the South Florida Regional Planning Council’s Clean Cities Director, Alisha Lopez, was awarded the Benjamin Watson Leadership Award at the 2024 U.S. Department of Energy’s Clean Cities and Communities National Training Workshop.

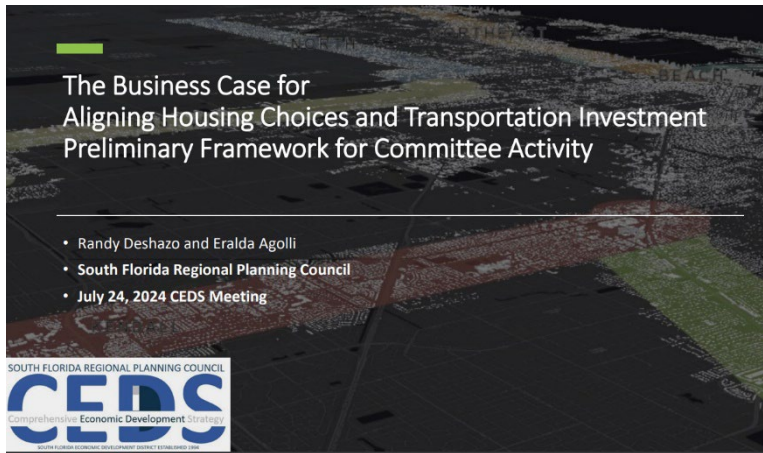
The Benjamin Watson Leadership Award is an award presented by the Clean Cities and Communities Director’s Council each year to the Director who provides inspiration and motivation to other directors and strives to create a fun, engaging, and unified team spirit within our program.

The award is named after Benjamin Watson, a founding member and long-time coordinator of Kansas City Regional Clean Cities, whose engaging personality and spirit left an indelible stamp on the Clean Cities program and established the true character of the organization. Miss Lopez was nominated and voted in by her fellow directors at the training. Congratulations to Alisha Lopez for winning this prestigious award!

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

For more information, please contact eagolli@sfrpc.com

EMPLOYMENT OPPORTUNITIES THROUGH IMPROVED TRANSPORTATION AND HOUSING OPPORTUNITIES



Under the leadership of Chair Steve Geller, the South Florida Regional Planning Council's (SFRPC) Comprehensive Economic Development Strategy (CEDs) Steering Committee is taking a proactive approach to bridge the gap between transportation and housing opportunities in South Florida.

A new business case study, expected to be completed by mid-2025, will explore how strategic financial planning, improved

transportation, and land use policies can address the challenges faced by both workers and employers in our region. This study will serve as a roadmap for creating a more accessible and equitable South Florida.

To further this work, the CEDs Steering Committee has established three subcommittees comprised of business leaders and prominent public officials, focusing on Public Transportation Improvements, Land Use, and Financing Tools and Mechanisms for Transit-Oriented Development (TOD) projects. Educational meetings with representatives from successful national projects like the City of Dallas TOD District, Denver TOD Fund, and Atlanta Beltline took place in September 2024.

By strengthening collaboration among public, private, academic, and non-profit leaders, the CEDs is committed to advance economic development, equitable access to opportunity, and prosperity in South Florida.

[\[CLICK HERE FOR MORE INFORMATION\]](#)

SOUTH FLORIDA MILITARY INSTALLATION RESILIENCE REVIEW (MIRR) IMPLEMENTATION ACTIVITIES UNDERWAY

For more information, please contact cmiskis@sfrpc.com



The SFRPC has completed the South Florida Military Installation Resilience Review (MIRR) Phase I Assessment and Outreach activities and continues to convene installation, county, municipal, and private sector partners to prioritize and develop Phase II implementation projects.

In August 2024, SFRPC staff distributed an Implementation Task Matrix to all partners, describing the different kinds of projects that had been discussed as well as key partners involved. Partners were asked to provide updates and feedback on progress that they may have made since the May discussion, in addition to any resilience needs or projects.

The SFRPC was awarded supplemental funding from the Office of Local Defense Community Cooperation (OLDCC) for a supplemental funding to support initial Phase II implementation efforts over the next few months to assist the Installations and surrounding communities in creating the working partnerships needed to address resilience threats through collaborative efforts and funding proposals.

Follow up meetings have been scheduled or are being scheduled with the Naval Air Station Key West, Homestead Air Reserve Base, U.S. Army Garrison – Miami / SOUTHCOM, and the U.S. Naval Surface Warfare Center, Carderock Division 91, South Florida Ocean Measurement Facility.

SFRPC STAFF BRIEFS FLORIDA DEFENSE ALLIANCE ON THE SOUTH FLORIDA MIRR



The Florida Defense Alliance invited SFRPC staff, along with other RPCs currently conducting MIRRs, to update them on their respective studies. Held on September 10th, at this meeting the Florida Defense Alliance discussed proposed actions to assist in preserving, protecting, and enhancing Florida’s military installations and missions and improving quality of life for military families.

The agenda included conversation on the challenge of childcare availability and affordability; a discussion of “What’s Next” for MIRRs in South Florida, Tampa, Emerald Coast, Central Florida / Avon Park, and East Central Florida; a report on the top challenges facing the military across the state. The Florida Defense Alliance serves as an overall advisory body for defense-related activity of FloridaCommerce and is a grassroots consortium of defense related organizations who serve to protect, promote and enhance the military value of Florida’s installations and missions. The South Florida Defense Alliance was, and continues to be, a key partner of the Council in the development and implementation of the South Florida MIRR.

SFRPC STAFF ATTENDS MEETING OF THE FLORIDA DEFENSE SUPPORT COMMISSION IN DORAL

The Florida Defense Support Commission, formerly the Florida Defense Support Task Force, met in Doral on September 19th. After its meeting, the Commission toured U.S. Army Garrison – Miami and SOUTHCOM.

The mission of the Commission is to make recommendations to preserve and protect military installations to support the state’s position in research and development related to or arising out of military missions and contracting and to improve the state’s military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.



The meeting featured a welcome and opening comments by Lieutenant Governor Jeanette Nuñez and featured a presentation by Captain Beth Regoli, Commander of Naval Air Station Key West. Executive Director Isabel Cosio Carballo attended the meeting and met with Commission member Monroe County Mayor Pro-Tem Jim Scholl, and NASKW Commander Captain Beth Regoli and her staff to discuss resilience implementation activities pursuant to the completion of the South Florida MIRR. Additional meetings with NASKW, Monroe County, and the City of Key West are expected to occur in October. The Commission meeting can be viewed here: <https://thefloridachannel.org/videos/9-19-24-florida-defense-support-commission/>

REVOLVING LOAN FUND PROJECT AND AFFORDABLE HOUSING INITIATIVE UPDATES

For more information, please contact jtart@sfrpc.com

RLF AND CLEAN CITIES JOINT WEBINAR FOR SMALL BUSINESSES



The SFRPC RLF and Clean Cities teams will be hosting a joint webinar on October 10th regarding small business grants and capital assistance. Experts from the region will provide resources to local small businesses.

WEST PALM BEACH AFFORDABLE WORKFORCE HOUSING RIBBON CUTTING



On September 17th the SFRPC and Community Partners of South Florida celebrated a ribbon cutting for an affordable workforce housing unit built at 905 39th Street in West Palm Beach. The unit is 2,183 square feet and includes 3 bedrooms, 2 bathrooms, and impact windows.

The SFRPC is supporting the development of much needed affordable housing with loans to non-profit organizations engaged in affordable housing development. The SFRPC has been able to address the affordable housing crisis in

South Florida by providing construction funding needed to build single-family homes.



BROWNFIELDS CLEANUP RLF PROJECT UPDATE – CLAUDE PEPPER PARK IN NORTH MIAMI



The SFRPC, in collaboration with Redwood CP Dev LLC (Redwood), the U.S. Environmental Protection Agency (EPA), and Stantec, has been working to remediate and enhance the area surrounding and including Claude Pepper Park in North Miami, Florida. Funded in part by the SFRPC's Brownfields Cleanup Revolving Loan Fund (BCRLF), this exciting project will provide much-needed affordable housing and commercial opportunities for residents in the South Florida area.

BACKGROUND

Claude Pepper Park is located at 1255 NW 145th Street in the City of North Miami. The site includes 15 acres of existing park facilities and 13.6 acres of new residential development. Plans include the renovation of the park and fields, upgrades to all courts, the addition of a new water park to the project, a new concession building, and a trail for walking and jogging along with new, and native landscaping. A new outdoor amphitheater for

cultural programs and the expansion of the Joe Celestin Community Center are proposed to include additional programs and classrooms for learning and recreation and a banquet hall that will create access of the community center into a communal engagement.



The mixed-use development will be adjacent and fully integrated into the park and will include six residential buildings containing 1,583 living units and 179,784 square feet of commercial space. This comprises a total of 3,841,637 gross square feet. This development will include an Independent Living Facility (ILF) with a bowling alley and entertainment center; workforce housing; large-scale retail on visually desirable corner lots; small shops and dining in the interior corridors; and an outdoor park for events connecting the Joe Celestin Center to the development and surrounding community.



The 212-unit independent living facility will be built in the first phase of the residential development. Redwood's workforce commitment is to provide 25% of the project at 140% area median income (AMI) and 20% at 120% AMI. Additionally, 5% of the project will be available to families earning 80% AMI. The remaining 50% will be at market rate which will be spread across the six new mixed-use buildings.

PROPOSED DEVELOPMENT IMPACT

According to a September 2022 Economic Impact Study prepared by Miami Economic Associates, Inc., the construction of the project is expected to create more than 8,600 full-time and part-time jobs, including 5,000+ on-site construction jobs. The remaining jobs will either be in businesses that support the construction industry such as building supply and trucking companies or in establishments in which the direct and indirect workers spend their earnings. More than \$460 million in salaries will be created during the construction period. After the project is completed, approximately 700 people are expected to be employed full-time on-site earning \$25.8 million in salaries annually. The project is also expected to generate more than \$21 million in off-site economic benefits for the City of North Miami and surrounding areas. The City of North Miami is expected to collect approximately \$7.37 million in building permit fees and development impact fees. Once completed, the project will generate \$4.6 million annually in ad valorem taxes for the City of North Miami; new revenue for the City since the land is currently vacant. It should be noted as well, as the mixed-use portion of the commercial project appreciates over time, additional ad valorem revenue will be generated for the City of North Miami.

§3.5 MILLION AWARD FROM THE EPA

In June 2024, the EPA announced the recipients of more than \$300 million in Brownfield Grants through the Biden Administration’s Investing in America Agenda to rehabilitate and revitalize communities. In addition to the \$3,200,000 in EPA funds already awarded, the SFRPC was selected to receive an additional \$3,500,000 through the Bipartisan Infrastructure Law (BIL) because of our high-performing Revolving Loan Fund Programs. These funds will replenish the program’s significantly depleted funds and allow new projects to move forward.

U.S. DEPARTMENT OF ENERGY GRANT OPPORTUNITY

For more information, please contact mknowles@sfrpc.com



Office of
**STATE AND COMMUNITY
ENERGY PROGRAMS**

The [Energy Efficiency Conservation Block Grant](#) (EECBG) is a formula grant that allocates funding based on local governments’ population for energy efficiency projects including but not limited to climate action

plans, electric vehicle charging stations, electric vehicles, energy efficient appliances for government buildings, energy audits for residents, and vouchers for e-bikes. The program is extremely flexible to accommodate a wide variety of projects and local needs. Applications are open until October 31, 2024, and 28 municipalities in our region are eligible for funding. If any local government is interested in collaborating on a project such as a sustainability, climate action, or greenhouse gas emission plan they can contact us for further discussion. Below is a list of eligible local governments based on the Department of Energy’s most recent publication.

EECBG Formula Grant Eligible Local Governments in South Florida Region

#	Entity Name	Level of Government	Allocation
1	Miami-Dade	County	\$1,134,700.00
2	Coral Gables	City	\$77,040.00
3	Coconut Creek	City	\$116,970.00
4	Coral Springs	City	\$172,940.00
5	Culter Bay	City	\$76,430.00
6	Town of Davie	City	\$155,750.00
7	Doral	City	\$140,950.00
8	Fort Lauderdale	City	\$233,060.00
9	Hallandale Beach	City	\$76,390.00
10	Hialeah	City	\$241,570.00
11	Hollywood	City	\$191,390.00
12	Homestead	City	\$132,180.00
13	Lauderdale Lakes	City	\$76,160.00
14	Lauderhill	City	\$126,660.00
15	Margate	City	\$116,820.00
16	Miami	City	\$447,720.00
17	Miami Beach	City	\$144,110.00
18	Miami Gardens	City	\$155,250.00
19	Miramar	City	\$173,180.00
20	North Lauderdale	City	\$76,420.00
21	North Miami	City	\$118,710.00
22	North Miami Beach	City	\$76,420.00
23	Pembroke Pines	City	\$199,350.00
24	Plantation	City	\$144,340.00
25	Pompano Beach	City	\$164,630.00
26	Sunrise	City	\$149,460.00
27	Tamarac	City	\$125,590.00
28	Weston	City	\$127,090.00



MEMORANDUM

AGENDA ITEM #VII.A

DATE: SEPTEMBER 30, 2024

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.sfrregionalcouncil.org

2023/2024 ATTENDANCE RECORD

COUNCILMEMBERS	9/18/23 **	9/18/23	11/13/23	01/22/24	2/26/24	3/18/24	5/20/24	7/15/24
BAILEY, Mario <i>Immediate Past Chair</i> Governor's Appointee, MDC	*	*	A	A	VP	P	VP	VP
CAPLAN, Franklin Councilmember Village of Key Biscayne		P	P	P	P	P	P	P
CATES, Craig Monroe County Commission		VP	VP	VP	*	VP	VP	A
CORRADINO, Joseph Mayor, Village of Pinecrest		VP	*	VP	P	P	*	*
FURR, Beam Broward County Commission	P	P	P	P	*	VP	*	P
GARCIA, René, 2nd Vice Chair Miami-Dade Co. Commission	VP	VP	*	VP	VP	P	*	*
GELLER, Steve, Chair Broward County Commission	P	P	P	VP	P	P	P	P
GILBERT, III, Oliver G. Miami-Dade Co. Commission		A	A	A	A	*	A	*
GOLDBERG, Cary, Treasurer Governor's Appointee, Broward		VP	VP	VP	VP	VP	VP	*
HORLAND, Denise, Secretary Commissioner, Plantation		P	P	P	P	VP	P	VP
KAUFMAN, Samuel Commissioner, Key West	VP	VP	VP	VP	VP	VP	*	VP
LINCOLN, Michelle <i>1st Vice Chair</i> Monroe County Commission	P	P	P	VP	P	P	P	VP
McGHEE, Kionne L. Miami-Dade Co. Commission		A	A	A	A	VP	A	A
ROSS, Greg Mayor, Cooper City	VP	VP	VP	VP	VP	VP	*	VP
UDINE, Michael Broward County Commission		VP	*	VP	VP	VP	VP	VP

2023/2024 ATTENDANCE RECORD

EX-OFFICIO MEMBERS	9/18/23 **	9/18/23	11/13/23	1/22/24	2/26/24	3/18/24	5/20/24	7/15/24
DAVILA, Sirena Florida Dept. of Environmental Protection	-	D/VP	D/VP	D/VP	D/VP	D/VP	D/VP	D/VP
HUYNH, Dat Florida Dept. of Transportation, Dist. 6		VP	D/VP	D/VP	D/VP	VP	VP	D/VP
VILABOY, Armando L. South Florida Water Management District		*	VP	VP	VP	P	VP	VP
WALIA, Kent Florida Dept. of Transportation, Dist. 4	-	-	-	D/P	D/P	VP	VP	VP

A majority of the meetings were physical/virtual meetings

P = Present

VP = Virtually Present

A = Absent

D = Designee Present

* = Excused Absence

- = Not Yet Appointed

MDC = MIAMI-DADE COUNTY

MC = MONROE COUNTY

MDTPO =Miami-Dade Transportation Organization

** Joint Meeting*

** Exec. Committee/Workshop only



MEMORANDUM

AGENDA ITEM #VII.B

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: CORRESPONDENCE AND ARTICLES

Recommendation

Information only



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954.924.3653 Phone, 954.924-3654 FAX
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MIAMI-DADE COUNTY

Will American Dream Miami lose part of its mega-mall site? Big project now in court

BY DOUGLAS HANKS

UPDATED SEPTEMBER 20, 2024 3:25 PM |  2



A rendering of the indoor amusement park for American Dream Miami, a retail theme park planned in Miami-Dade County with a goal of attracting 30 million visitors a year. *Triple Five*

After years of delays, the American Dream Miami mega-mall project now faces a potentially catastrophic setback: the loss of a big chunk of its development site.

A recent lawsuit filed earlier this month reveals the developer behind [the project](#), Triple Five, is fighting to retain control of a third of its 175-acre development site outside Hialeah.

The dispute dates back to 2014, when Graham Companies, a top local developer out of Miami Lakes, agreed to sell Triple Five a 63-acre parcel for the project at an undisclosed price.

That land deal never closed, according to the recent lawsuit, but Triple Five had retained control of the real estate without objection from Graham executives by paying \$11 million in extension fees to maintain the agreement.

Now facing a cutoff date for those extensions after 10 years, Triple Five is asking a judge to intervene to keep the contract alive.

[READ MORE: America's largest mall has been stalled for years. Could Miami-Dade help revive it?](#)

A Triple Five entity sued Graham in Miami-Dade Circuit Court on Sept. 6, warning of a “contested and difficult divorce” if it can’t get another extension on its land deal without the financial penalties Triple Five claims Graham is demanding.

If a judge sides with Graham, Triple Five may no longer have the full development site needed for the 6-million-square-foot mall complex. The suit states Graham considered the purchase deal terminated on Sept. 6.

AMERICAN DREAM MIAMI ALLIANCE IS NOW HEADING TO COURT

At issue are conditions Graham placed on the sales deal that require Triple Five to complete multiple pre-development steps before it can purchase the land.

The provisions appear designed to protect Graham from giving up land near its other valuable holdings that would then sit vacant under a new owner. The requirements aren’t detailed in the suit, but Triple Five mentions road construction and sewage connections as actions it hasn’t completed but is pursuing.

With the pre-development work uncompleted, Triple Five is unable to purchase the 63-acre site under the terms of the 2014 deal.

The previously undisclosed dispute involves two development powerhouses who united a decade ago to try and bring Miami-Dade [what would be the largest mall in America](#). Triple Five, the family-owned Mall of America owner out of Canada, and Graham, the family-owned developer behind the creation of Miami Lakes, won county approval in 2018 for a pair of projects where Florida's Turnpike meets Interstate 75.



A rendering of the American Dream Miami by Triple Five. The American Dream Miami mega-mall received the initial go-ahead from Miami-Dade commissioners in May 2018 but development has stalled after that. *Triple Five*

The best known portion was for American Dream Miami, a retail theme park so large it has room for an indoor ski slope and a submarine lake. Next door, Graham planned a mix of residential and commercial buildings aimed at

capturing spillover activity from American Dream, which projected 30 million visitors a year.

READ MORE: [This mall will be so ginormous that it comes with its own suburb](#)

While once allied, the partnership between the two developers has slid into friction.

LATEST FROM US WEEKLY

Prince William Supports Homelessness Charities During Solo Royal Trip

SEPTEMBER 21, 2024 7:48 AM

Prince Harry Pays Tribute to First Responders at Star-Studded Concert

SEPTEMBER 21, 2024 6:50 AM

Paris Hilton Says She'd Consider 'Remix' With Lindsay Lohan After Feud

SEPTEMBER 21, 2024 3:18 AM

Bindi Irwin Says She Was 'in So Much Pain' During 'Invisible' Health Struggle

SEPTEMBER 21, 2024 12:50 AM

“We are very disappointed with the lawsuit but confident about the outcome,” Stuart Wylie, president and CEO of Graham, said in a statement. In its own statement, Triple Five said it “is hopeful that the matter will be resolved amicably.”

Both projects remain years behind schedule, with Graham initially [planning to start construction in 2018](#) and Triple Five planning to have American Dream open by 2025 and employing 5,000 people by next year.

In crafting the lawsuit, Triple Five claimed to share private conversations with Graham suggesting the mixed-use complex of new homes and places to shop may wind up being a warehouse complex.

“Graham has done nothing to advance its retail, business park, and apartment project,” Triple Five said in the lawsuit filed by its Miami-Dade subsidiary,

International Atlantic. “Graham has told the Purchaser it would like to switch to industrial use.”

A Graham lawyer, Scott Hiaasen of Coffey Burlington, denied the allegation.

“The Graham Companies are not part of the development of the mall,” Hiaasen, a former Miami Herald reporter, said in a statement. “Their plans for their own property have not changed, and the allegations to the contrary in the lawsuit are false.”

Graham has not filed its response to the lawsuit, leaving Triple Five’s rendition of the facts the only source of information for the behind-the-scenes dispute.

TRIPLE FIVE AND GRAHAM COMPANIES JOINED FORCES FOR A MEGA-MALL. NOW THEY’RE FIGHTING

The suit says Triple Five is out of regular extension options but claims the original contract entitles the developer to more time because of delays from the 2020 COVID crisis that upended the economy and development schedules.

[READ MORE: Vote delayed on potential subsidy boost for stalled American Dream Miami mega-mall](#)

Triple Five also argues that Graham cited COVID in winning regulatory extensions from Miami-Dade County for its project and that the agreement on the 63-acre parcel should grant Triple Five the same leeway in its purchase deal.

An email quoted in the lawsuit suggests Graham is open to allowing the deal to stay alive, but only if Triple Five agrees to a price matching real estate values that have soared over the last 10 years – as well as prove it’s still on track to start construction.

“You continued to insist that we close on the sale of the property at the current price,” an unnamed Graham lawyer wrote in an email to a Triple Five counterpart on April 4, according to the suit. “We told you the same thing we have said for quite a while. We are willing to discuss an extension provided that ... there was a good chance that you would be able to satisfy the conditions to

closing within a reasonable period [and] the purchase price would become the market value of the property [and] additional option extension fees would be required.”



An artist's rendering of a ski slope planned for a corner of American Dream Miami, a stalled project in Northwest Miami-Dade County.

The court fight lands in the middle of Triple Five's [effort to secure subsidies](#) from Miami-Dade to revive the project. County commissioners this week delayed a vote on legislation lifting a subsidy ban that rival malls lobbied to impose on American Dream as part of the county's 2018 approval of the project.

Triple Five has already lobbied Florida to fund an interchange near the mega-mall site that would need to be constructed for the project to go forward. The company wants millions of dollars in county funds to subsidize other infrastructure that Triple Five would otherwise have to pay for as part of its 2018 agreement.

Triple Five cites the subsidy push as an example of pre-development work that is helping Graham, too. Because the American Dream site is next door to the Graham site, the roads and other infrastructure Triple Five needs would benefit both projects, according to the lawsuit.

“The Purchaser is in the process of securing hundreds of millions of dollars of governmental funding for highway, road, and water and sewer infrastructure ... which will substantially enhance the use and value of the Graham Development Property,” the lawsuit said.

Graham’s “attitude is to take the money and run,” the lawsuit said, “leaving the Purchaser with nothing but losses after years of investments and work.”

This story was originally published September 20, 2024, 2:10 PM.

Weekly Rewind

A weekly recap of the top stories affecting South Floridians, in your inbox every Saturday.

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DOUGLAS HANKS

MIAMI HERALD

   305-376-3605

Doug Hanks covers Miami-Dade government for the Herald. He’s worked at the paper for nearly 20 years, covering real estate, tourism and the economy before joining the Metro desk in 2014.

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The YIMBY push for multifamily housing hits a 'nope' from homeowners

Multifamily zoning advocates say opponents are resisting changes that will yield broader societal benefits.



An American flag flies above the construction site of a multifamily housing development on June 2, 2023, in Los Angeles. (Mario Tama/Getty Images/TNS)

By **TRIBUNE NEWS SERVICE** | Tribune News Service

PUBLISHED: September 20, 2024 at 3:00 p.m.

By Robbie Sequeira | Stateline.org

When Minneapolis, then Oregon, then other local and state governments began stripping away exclusive single-family-home zoning over the past five years to allow the construction of multifamily housing, many development advocates predicted the start of a pro-YIMBY revolution.

But the “yes-in-my-backyard” movement has stumbled even before it’s really gotten started.

In court challenges around the country, opponents have cited spikes in traffic, strains to infrastructure, displacement of low-income residents, hits on property values and changes to neighborhood character. Multifamily zoning advocates, however, counter that opponents are resisting changes that will yield broader societal benefits.

The debates are challenging elected leaders, planning specialists, homebuilders and advocates, pitting long-established homeowners against a system desperate to get a handle on the nation’s growing crisis of housing affordability and homelessness.

“People want to maintain their neighborhood character, but it should be about ensuring quality of life for everyone,” said Natali Fani-Gonzalez, a Democratic member of the Montgomery County Council in Maryland who has endorsed changes to zoning laws. “You’re part of a community ... you don’t own it. We need to evolve with society.”

‘I dread the possibility’

The most recent ruling arrived this month, when the Montana Supreme Court [issued a decision](#) paving the way for a pair of state laws to take effect over the objections of homeowners.

In 2023, Montana lawmakers were lauded for a bipartisan effort [dubbed](#) the “Montana Miracle,” a collection of measures that overrode local zoning ordinances to encourage more multifamily homes and accessory dwelling units, or ADUs — smaller secondary cottages or in-law apartments within or on a lot of a single-family home. The laws, championed by Republican Gov. Greg Gianforte, were supposed to go into effect Jan. 1, 2024.

But in December, a [consortium of single-family homeowners](#) from across the state called Montanans Against Irresponsible Densification, or MAID, filed a complaint. The group argued that the state had unconstitutionally taken away homeowners’ property rights and would wrest local control from cities and counties. The lawsuit warned, in part, that the laws meant new construction could begin down the block without notice.

“I dread the possibility of waking up one morning and finding that one of my neighbors has sold her property to a developer who is then erecting a multi-unit building or a duplex, or an accessory dwelling unit right next to our nice and carefully maintained single-family dwelling,” wrote Glenn Monahan, a Bozeman resident and managing partner of MAID, in an affidavit filed with the initial lawsuit and quoted in the [court’s ruling](#).

“If such development aimed at increasing density in my neighborhood happens, I believe it will seriously and adversely affect the economic value of my property,” Monahan wrote. “More important than economic value is the moral, aesthetic neighborhood values that my wife and I share with the neighbors ...”

Representatives for MAID did not return calls for comment.

Wealthier and whiter

Berkeley, California, first established a residential zone exclusively for single-family homes in 1916 — just as racist covenants banning home sales to non-whites were gaining steam nationally and [other workarounds](#) to preserve neighborhood segregation were being tested.

Today, around 75% of residential land in the United States is [zoned exclusively](#) for single-family homes. These neighborhoods are typically wealthier and whiter, [according to a 2023 research report by the Urban Institute](#).



In an aerial view, construction at a multifamily housing development is seen on Aug. 30, 2023, in Los Angeles. According to data from the California Association of Realtors, housing affordability dropped to a 16-year low in California in the second quarter of this year amid high-interest rates. According to the figures, just 16 percent of people in the state are able to afford to purchase an existing median-priced single-family home. (Mario Tama/Getty Images/TNS)

Minneapolis is credited as the first major U.S. city to [enact](#) substantial changes to increase density when it abolished single-family-only zoning citywide in 2019, allowing up to three dwelling units on any residential lot.

That same year, the Oregon legislature [passed a law](#) with two so-called upzoning provisions: allowing duplexes in single-family zoning areas of cities with at least 10,000 residents, and allowing townhouses, triplexes and fourplexes in cities of at least 25,000 residents.

Upzoning encompasses a range of policy tools — such as building more “missing middle” housing in the range between single-family homes and apartment buildings, focusing on transit-oriented development, lifting parking requirements, and increasing floor-to-area ratios. But researchers and planners told Stateline that it can take years for these policy changes to address current housing needs or undo the harms of restrictive zoning.

“The largest challenge is that zoning reform takes a really long time to implement. From the start of reform to actually seeing effects, it takes about 10 years,” said Stephen Menendian, assistant director and director of research at the University of California, Berkeley’s Othering & Belonging Institute.

“Even the Minneapolis reforms, which happened at warp speed, will take another four years to fully assess the effects,” Menendian said. “It’s been less a revolution and more of a slow shift.”

[UC Berkeley’s Zoning Reform Tracker](#), last updated in November, provides an overview of municipal zoning reform efforts across the U.S., documenting 148 initiatives in 101 municipalities over a span of 17 years.

Other local governments have passed ordinances taking aim at single-family-only zoning in various ways, including [Austin, Texas](#); the city of Alexandria and [Arlington County](#) in Virginia; Sacramento, California; and [Portland, Oregon](#). Many have been challenged in court.

In Minneapolis, the 2040 plan, as the city’s long-term planning blueprint is known, was held up after its passage in 2019 by years of environmental lawsuits and back-and-forth rulings, delaying implementation.

Finally, state lawmakers in May [passed a bill](#) exempting comprehensive housing plans from environmental review, a measure aimed squarely at preserving the 2040 plan.

Even then, a county judge issued an injunction, forcing the city to halt parts of the plan and revise it.

Talking it out

Diana Drogaris, outreach coordinator for the National Zoning Atlas, a research organization that works to demystify zoning laws across the U.S., thinks city leaders are improving their communication with residents during public hearings and input sessions. However, she notes that leaders must balance transparency with managing valid fears of zoning changes.

“A zoning change is going to have an effect on the public. It will affect the store they go to, their commutes, what type of resources are available,” Drogaris said. “And I think community leaders are getting better at having these conversations.

“The public doesn’t need to know every nook and cranny of these outdated codes,” she said, “but enough to understand how that one zoning change is going to change how that land is being used in their community.”

Menendian argues that misconceptions on both sides — among housing advocates and concerned community members — fuel much of the anger. “There’s a lot of misnomers about zoning reform,” he said.

Homeowner groups also are expected to challenge a [recent series](#) of upzoning changes in Austin, approved at the end of 2023 and this spring. In 2022, a group of citizens successfully sued the city over a handful of ordinances designed to streamline housing development.

When a lawsuit is filed, work toward new housing developments may stop. California enacted a law in 2021 allowing property owners to split their lots and build two new homes in certain cities. In April, a Los Angeles judge [ruled](#) the law unconstitutional. In June, the state [filed](#) its notice of appeal.

Meanwhile, in Northern Virginia just outside the District of Columbia, the city of [Alexandria](#) and [Arlington County](#), which also passed zoning changes last year, are facing their own legal challenges. The full impact of Alexandria’s zoning overhaul — even if it clears its legal challenges — may not do much to affect housing outcomes. According to the [city manager’s estimates](#), allowing up to four units in zones that are currently limited to single-family dwellings would only create a net new 178 units over 10 years.

‘Absolutely ... some sort of backlash’

This fall, both [Montgomery County, Maryland](#), and [Berkeley, California](#), will be considering upzoning proposals, following a summer filled with contentious public hearings.

Fani-Gonzalez, the Montgomery County councilmember, said that modernizing the county’s zoning, in conjunction with other policies such as [rent stabilization](#), will help keep residents in their homes while creating new housing to accommodate the growth associated with being just outside Washington, D.C.

“We need more housing, but we cannot get stuck with building cookie-cutter houses that only certain folks can actually afford,” said Fani-Gonzalez.

In California, the city of Berkeley's proposal to end exclusionary zoning in its neighborhoods is part of a broader effort to undo its racist legacy. The Berkeley City Council took its first steps in examining that legacy [by denouncing the racist history of single-family zoning in 2021](#), a largely ceremonial move that gained steam when the city council asked the city for a report on missing-middle housing.

The city's latest upzoning plan was [scaled back](#) this summer after a five-hour public hearing.

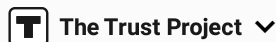
Lori Droste, a Berkeley councilmember from 2014 to 2022, told Stateline that she had been advocating for major upzoning changes since 2016 but struggled to get the votes. What changed, she said, was linking the need for zoning changes to the national consciousness raised by 2020 protests around systemic racism and racial injustice.

"Zoning reform is going to take time. It's probably going to take 20 years before anyone notices real changes. But if we don't start now, the housing crisis will only get worse," she said.

When asked by Stateline if she expects any legal action if the upzoning proposal is successful, Droste responded, "I imagine there will be. I'm not in the city attorney's office, but absolutely there's going to be some sort of backlash."

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2024 > September > 20

COUNTY COMMISSION APPROVES 86 EARLY EVACUATION UNITS FOR TAVERNIER PROJECT

By **Jim McCarthy** - September 19, 2024



A rendering of the workforce housing units behind the proposed Publix at property located at MM 92.5, oceanside, in Tavernier. VESTCOR/Contributed

A supermarket and housing project in Tavernier took another step forward as county commissioners said “yes” to handing out early evacuation workforce housing building permits to developers during a Sept. 11 meeting in Key Largo.

Specifically, the Blackstone-Tavernier 925 LLC group is planning to construct a 49,000-square-foot Publix supermarket and liquor store at the CEMEX property at MM 92.5, oceanside. Behind the Publix, developers are working with the Jacksonville-based Vestcor Companies to build 86 units of workforce housing.

A proposal to the county by the development group’s attorney, Bart Smith, requested 86 of the 300 permits for early evacuation workforce housing without needing to participate in the county’s “1-1 exchange program.” In 2021, county commissioners approved the program in a bid to give developers the opportunity to swap affordable allocations they already received for early evacuation units. That way, the county would have affordable housing allocations to dole out for future takings claims. Per county officials, no one has participated in the program.



Early evacuations units were given to Monroe County and other municipalities by then-Gov. Rick Scott following Hurricane Irma, the category 4 storm that wiped out mobile homes and residences of working class and retired residents in 2017.

"When these quasi-affordable housing units were destroyed, the lots were sold. New homes were built, but those homes are so expensive they're not affordable housing any more," Smith told commissioners.

The early evacuation units, of which the county received 300, were specifically designed for multifamily complexes with more than one unit on the property. Those who occupy the units are required to make 70% of their income in Monroe County.

"My goal is that there aren't buses from Homestead bringing employees into Monroe County. That means their paycheck is leaving Monroe County and being spent in Homestead," said county commissioner Michelle Coldiron, who voted in favor of the 86 units to developers. "I'd rather all residents who work here also live in the community."



In addition, tenants of these units must evacuate within 48 hours of a storm. Essential personnel, such as first responders, who may occupy units wouldn't be forced to evacuate. Per county requirements, the workforce housing complex must have an onsite manager trained in evacuation to ensure everyone leaves in a timely manner.

Before the vote of approval, a number of residents and those representing community groups voiced their opposition to the request. Dottie Moses, president of the Island of Key Largo Federation of Homeowners Association, acknowledged the group objects to using 86 early evacuation units without an exchange of an equal number of affordable housing units. Moses said the exchange program mitigates concerns of future takings claims.

"You say you want to restore faith in the community. We'd like that as well," Moses said. "But when you change the rules of the game as we go along, that doesn't help your cause

for restoring faith in our local government.”



The developers, in working with Vestcor Companies, are planning to build 58 two-bed, two-bath, 16 three-bed, two bath and 12 one-bed, one-bath units. Smith told the county planning commission at an Aug. 28 meeting that they believe hospital employees from Baptist Health South Florida’s Mariners Hospital could occupy the units. Mariners Hospital is roughly 1 mile from the proposed workforce housing site.

Developers previously secured the county commission’s approval to construct a nonresidential structure beyond the 10,000-square-foot limit for the Publix supermarket and liquor store last February. FloridaCommerce **originally shot down** the ordinance **but later approved it**. The **Tavernier Community Association has since filed an appeal** to FloridaCommerce’s reversal to approve the county ordinance.

With approval secured for the early evacuation units, the developers will now look to get a major conditional use approval before proceeding with the project. That matter is taken up by the county planning commission.

JIM MCCARTHY

Jim McCarthy is one of the many who escaped the snow and frigid temperatures in Western New York. A former crime & court reporter and city editor for two Western New York newspapers, Jim has been honing his craft since he graduated from St. Bonaventure University in 2014. In his 5-plus years in the Keys, Jim has enjoyed connecting with the community. Jim is past president of the Key Largo Sunset Rotary Club. When he's not working, he's busy chasing his son, Lucas, around the house and enjoying time with family.






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MIAMI-DADE COUNTY

Miami-Dade commissioners ‘kick the can’ on incinerator site, won’t decide until November

BY DOUGLAS HANKS AND ASHLEY MIZNAZI |  2
UPDATED SEPTEMBER 18, 2024 2:30 PM



Miramar residents and members of environmental groups show support for a speaker urging Miami-Dade commissioners not to build an incinerator at the Airport West site near Miramar. The meeting took place on Tuesday, Sept. 17, 2024. CARL JUSTE cjuste@miamiherald.com

In the fight over whether to put Miami-Dade’s new incinerator in Doral or near Miramar, a third option gained new life on Tuesday: Medley.

A private owner of a [former quarry](#) in Medley hopes to strike a deal for Miami-Dade to build a \$1.5 billion incinerator on his land, with the potential of the county

swapping property near Miramar that is Mayor Daniella Levine Cava's pick for the new trash-burning facility, a site commonly called Airport West.

"It's a pretty simple, tenth-grade real estate transaction," the land owner, Lowell Dunn II, told commissioners near the end of a day filled with public debate over whether to build the incinerator in Doral or on the mayor's preferred site, an abandoned county airfield less than a mile from Miramar in Broward County. "We want it. ... Let's get going."

[READ MORE: Where will Miami-Dade build a new garbage incinerator? Showdown vote set for Tuesday](#)

The Medley option helped derail a final vote by the County Commission that was expected Tuesday, with commissioners choosing to delay the matter until a meeting on Nov. 6. A decision on where to rebuild the county's trash-burning power plant has been anxiously awaited after the existing facility [caught fire](#) at its longtime site in Doral nearly two years ago. Four options have been on the table: the existing site in Doral, [a property offered by developer David Martin](#) outside of Hialeah Gardens, the defunct airfield known as Airport West and Dunn's site in Medley.

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While the Levine Cava administration had previously dismissed the Medley site as too costly to acquire and develop, Commission Chair Oliver Gilbert on Tuesday secured another 60 days to consider a deal with Dunn.

The land owner told commissioners he's interested in turning the county-owned Airport West site into a rock quarry and would be open to swapping his Medley site south of Northwest 106th Street so the county could use it for the incinerator. Dunn said he would be willing to trade the Medley site for other county land, too.

Medley is an industrial hub with a city leadership that has already said it welcomes Miami-Dade building an incinerator there. That's far from the reaction in Doral, which had been fighting to move the incinerator for years before the fire, and in Miramar, which rented five buses to send more than 100 residents in green "Not in Our Backyard" T-shirts to Tuesday's meeting in opposition of the Airport West site.

"We cannot afford to compromise on air and water quality in the city that we call home," said Kerri-Ann Nesbeth, who described herself as a third-generation Miramar resident. "I urge you all to keep looking for alternative solutions."



Miami-Dade County Mayor Daniella Levine Cava listens as Pembroke Pines Mayor Angelo Castillo states his opposition to the incinerator being built at Airport West site near Miramar on Tuesday, Sept. 17, 2024, at Miami-Dade commission meeting in Miami. Carl Juste cjuste@miamiherald.com

Once the Opa-Locka West Airport, the 416-acre airfield the administration now calls Airport West sits off North Okeechobee Road and north of Northwest 186th Street. That's about 3 miles outside of the county's Urban Development Boundary (UDB), which serves as a buffer between suburban construction and the county's wetlands, agricultural belt and other sensitive areas.

Environmental groups, including the Tropical Audubon Society and the Everglades Foundation, have opposed Levine Cava's plan to build the incinerator at Airport West and instead urged Miami-Dade to pursue waste reduction through recycling, composting and other measures that they insisted could eliminate the need to burn garbage.

"Make your grandchildren and children proud," said Kaatje Bernabei, a Miami resident wearing a Sierra Club Miami T-shirt, told commissioners. "Look for another solution."



The Miami-Dade County Commission chamber is packed ahead of a vote on where to build the next incinerator on Tuesday, Sept. 17, 2024. Carl Juste cjuste@miamiherald.com

She was one of about 100 people who spoke on the issue during two hours of public comment, one of the strongest turnouts for a commission meeting in 2024.

Miami-Dade had been burning roughly half of the county’s garbage at the Doral facility since its construction in the early ‘80s. Without the incinerator since the February 2023 fire, Miami-Dade has been shipping garbage north by truck and by train to various landfills, including one in Central Florida.

“The simple truth is: We need a solution,” Levine Cava told commissioners ahead of the late afternoon vote. “Choosing not to choose would only kick the can farther down the road.”

With Doral residents demanding an end to wafting garbage smells and smokestack exhaust, Levine Cava insisted clean-burning technology from a modern facility would all but eliminate those gripes.



At a meeting of the Miami-Dade County Commission on Tuesday, Sept. 17, 2024, Miramar residents opposed Mayor Daniella Levine Cava’s plan to build a modern incinerator on a county

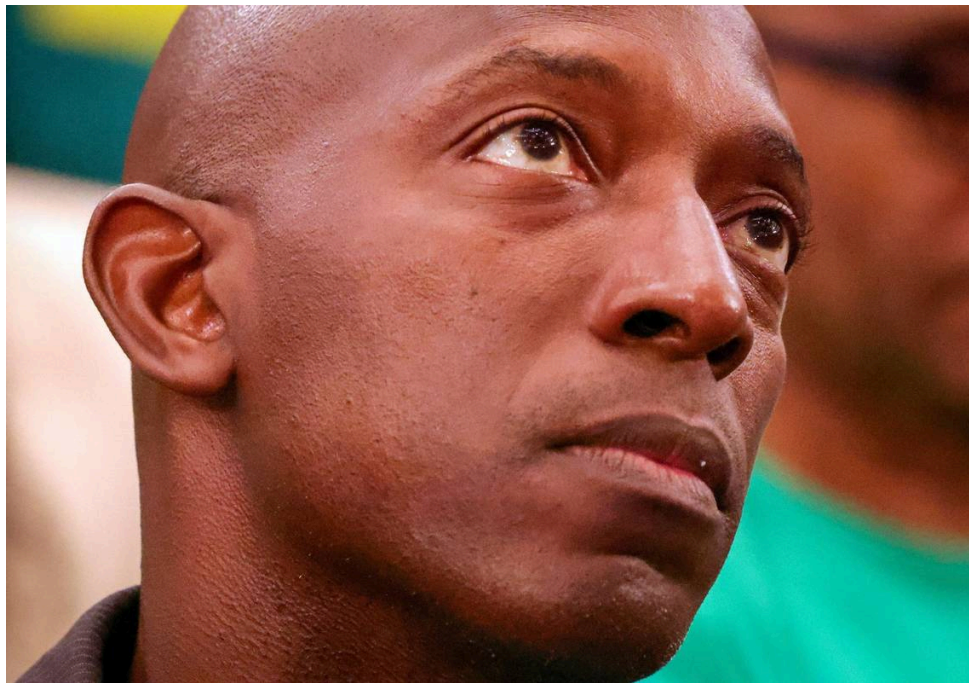
airfield near Miramar. Carl Juste cjuste@miamiherald.com

She's visited modern incinerators in Japan, and Miami-Dade commissioners saw them on a recent trip to Europe. The mayor predicted a future Miami-Dade incinerator would be a non-issue for residents, citing examples of an incinerator in Copenhagen [that put a public grass ski slope on its roof](#) and one [in Japan](#) with a heated pool atop.

"I've dedicated my life and career to doing what is best for our people and for the planet," Levine Cava said. "I take that responsibility extremely seriously."

Earlier this month, her office released a consultant report that ticked off multiple problems with the Medley site, including that part of it is a filled-in quarry lake with "geotechnical challenges" that could make construction costly.

While Medley is open to an incinerator, the memo said the city also wants yearly fees tied to garbage shipments that would cost as much as \$15 million. The memo also noted the Medley site is near residential neighborhoods in not just Doral and Medley, but also in Hialeah and Hialeah Gardens.



Miramar Mayor Wayne Messam watches as numerous speakers bused in from his city state their opposition to the incinerator being built near Miramar. The meeting was held on Tuesday, Sept. 17, 2024, in Miami. Carl Juste cjuste@miamiherald.com

The current incinerator site sits within a tenth of a mile of Doral homes, and Levine Cava's pitch for the Airport West site included the fact that it's farther away from residential properties than any location under county consideration. The Airport West site is about a half-mile from Miramar's Sunset Lakes neighborhood.

Wearing aqua "For Clean and Pure Air" T-shirts at Tuesday's meeting, Doral residents pleaded with commissioners to move the trash-burning facility away from their neighborhoods.

“The choice you face today is easy,” Doral resident Edwin Vale said. With environmental groups opposing the Airport West site, Vale invoked the children who live and play so close to the existing incinerator. “Should we protect raccoons and frogs over kids?”

Raul Gastesi, a Doral city lawyer, said Miami-Dade leaders should side with Doral over Miramar. “Please remember who your constituents are,” he said. “They are the residents of Miami-Dade County.”



Doral Mayor Christi Fraga addresses Miami-Dade commissioners on Tuesday, Sept. 17, 2024. Carl Juste cjuste@miamiherald.com

After Miami-Dade commissioners voted to defer a final decision until their Nov. 6 meeting, Miramar Mayor Wayne Messam declined to say whether he’s more inclined to have a new rock quarry near his city or a modern incinerator.

Instead, Messam said he predicts Dunn would be more likely to negotiate for taking over other county parcels, potentially leaving the Airport West site vacant.

“I’m encouraged by the fact that there is flexibility that would avoid mass incineration at the Airport West site,” Messam said.

The delay could put Doral in a challenging position, given the Medley site is only 2 miles north from the existing site. County commissioners have already passed a resolution calling for Doral to contribute property-tax dollars toward the cost of building an incinerator elsewhere, with the idea that the city will enjoy a windfall in real estate values from homes that were built up around the existing site.

Doral was open to a deal when the decision seemed to be between keeping the current incinerator site or moving it as far north as possible to the Airport West location, about 8 miles from Doral. Commissioners want \$200 million or more over decades from Doral. Now that moving the incinerator only two miles is on the table ,

Doral may not be so willing to approve big subsidies for the project, Mayor Christi Fraga said.

“I think it’s unfair,” she said after the vote. “It’s asking Doral to write a blank check.”



Edwin Vale, 35, carries his 4-year-old daughter, as his wife Ana Vale, 34, center, kisses her daughter’s hand while standing with their 15-year-old and 7-year-old son, prior to giving comments opposing the incinerator returning to Doral on Tuesday, Sept. 17, 2024, at Miami-Dade Commission meeting in Miami. Carl Juste cjuste@miamiherald.com

Part of the deferral vote included a requirement that the Levine Cava administration negotiate a subsidy deal with Doral that could be considered in the final incinerator vote. That could give county commissioners who are inclined to keep the incinerator in Doral the opportunity to point to a weak subsidy offer as justification. “I think there are seven votes to put this back in Doral if the financial contribution is not right,” Gilbert said near the end of the meeting.

During the next 60 days, Fraga needs to win approval from Doral council members for a long-term tax contribution to Miami-Dade — without knowing what location the city would be subsidizing.

“I think if the vote today was for Airport West, we could have had a better start,” she said.



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New artificial reef projects are underway in the Florida Keys

WLRN Public Media | By [Julia Cooper](#)

Published September 18, 2024 at 1:20 PM EDT



Greg McFall / NOAA

A diver surveys marine life in the Florida Keys National Marine Sanctuary.

Two more artificial reef projects are underway in the Florida Keys, the Florida Fish and Wildlife Conservation Commission announced Tuesday.

It means Monroe County’s Artificial Reefs Program – fueled by an extra 5 million dollars from FWC that was approved in June – is now working on three different projects.

The [first Monroe County project](#) has been underway since last year. The initiative aims to repurpose 37 cement power poles into artificial reefs that will be placed about 16 miles offshore from Key West. It would be the first artificial reef deployment in 15 years, with the most recent artificial reef being a sunken naval transport ship that was put in place in 2009.

The two latest projects are focused on creating a network of sites to support fish populations. The second project will be located 5 to 15 miles offshore in the Gulf. The network will be placed in the Florida Keys National Marine Sanctuary.

“This would be to provide fish habitat and create migration pathways for fish that are migrating between nearshore and offshore reefs,” said Jessica McCawley, the FWC Director of Marine Fisheries Management.

READ MORE: ['We have a serious problem': Are mahi fleeing Florida to beat the heat?](#)

McCawley said project coordinators also hope it will create “additional fishing and diving opportunities that could draw people away from all the pressure on the natural reefs.”

Staff are currently conducting site surveys and drafting permit applications, according to an FWC presentation.

The third project is still in the planning stages, according to McCawley. It will specifically target five different habitat deficits in the Lower Keys including shallow nearshore hardbottom in the Florida Bay; the southern Gulf of Mexico; nearshore patch reefs, offshore and deep reefs in the Atlantic.

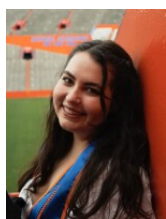
The goal is to support life history migrations, otherwise known as ontogenetic

“We’re really excited about all of these projects,” McCawley said.\

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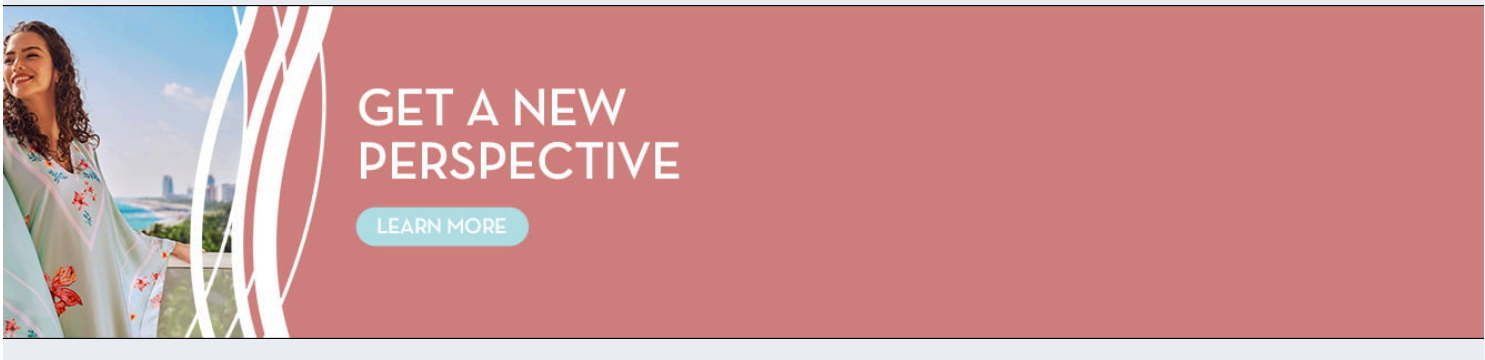
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Julia Cooper

Julia Cooper reports on all things Florida Keys and South Dade for WLRN.

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MIAMI-DADE COUNTY

Vote delayed on potential subsidy boost for stalled American Dream Miami mega-mall

BY DOUGLAS HANKS AND JOANNE HANER | 13

UPDATED SEPTEMBER 17, 2024 9:22 AM



A drawing of what the American Dream Miami is supposed to look like if it gets built in Miami-Dade County. Developer Triple Five wants to lift a 2018 ban on county subsidies for the project. Triple Five

As the developers behind the American Dream Miami mega-mall try to [revive the stalled \\$4 billion project](#), Miami-Dade County might use property taxes to cover some costs.

Legislation that was set for a final vote Tuesday by the County Commission would water down a subsidy ban imposed on the retail theme park six years ago. This week, the sponsor of the item, Commissioner Juan Carlos Bermudez, put in a request to delay the vote until an unspecified date.

“I just need more time and information to help make the proper decision,” Bermudez said in a text message Tuesday before the board’s meeting. While commissioners can reject Bermudez’s deferral request for his legislation, that’s rare.

The looser rules under the proposed legislation would allow Miami-Dade to divert property taxes to cover about \$60 million in local road construction and other infrastructure costs that otherwise would be the developers’ responsibility. The legislation wouldn’t authorize any subsidies for the project, but lifts restrictions on spending county dollars to help get it built.

READ MORE: [America’s largest mall has been stalled for years. Could Miami-Dade help revive it?](#)

Approved by a committee of the County Commission in July, the proposal revives a fight over public dollars for what would be the largest mall in America, built on vacant land where Interstate 75 meets the Florida Turnpike north of Hialeah.

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“Why should the county fund a private developer’s infrastructure obligations?” Jeffrey Bercow, a lawyer and lobbyist for a group of existing South Florida malls, asked commissioners at the July 8 hearing where the subsidy legislation won preliminary support.

The company behind Minnesota’s Mall of America, developer Triple Five, won county approval to build the six-million-square-foot complex in 2018. That included a provision making public infrastructure needed for the project, including an estimated \$60 million in new county roads, the responsibility of the developer.

TRIPLE FIVE WANTS TO LIFT 2018 BAN ON MIAMI-DADE SUBSIDIES FOR MEGA-MALL

Also in 2018, the rival malls that Bercow represents successfully lobbied commissioners to impose a ban on using county dollars to subsidize the project. The South Florida Taxpayers Alliance, a group backed by the owners behind the Dolphin Mall, Bayside Marketplace and other shopping hubs, claimed Triple Five was bound to seek property-tax subsidies to make the ambitious project profitable, citing government [financial support in Minnesota](#) and in a similar and slightly smaller [American Dream mall](#) already open in New Jersey.

No commissioner in office during Miami-Dade’s 2018 approval remains on the board, and Triple Five hopes the new commission will rollback those subsidy restrictions and consider the use of county dollars to boost the creation of a shopping destination like no other in Florida. Plans for American Dream Miami

include an indoor ski slope, an artificial lake deep enough to allow submarine rides and tons of sand to create a beach inside the 175-acre complex.

Keon Hardemon, a Miami-Dade commissioner elected in 2020 and reelected in August, said it didn't make sense to have a past commission decree that future commissioners couldn't consider subsidies for only one project in the county.

"We at least deserve to have the conversation," Hardemon said at the July 8 committee meeting, noting the commission could ultimately decide to reject any subsidy request for American Dream. "I've never appreciated somebody trying to keep me safe from myself."

Under Triple Five's plan, public dollars wouldn't go to the company but to public roads that, in 2018, the developer agreed to get built before it could start construction.

With the current ban on the use of any county dollars to pay for those roads, Triple Five would be left to pay what it estimates as a \$60 million local roads tab if it can't secure state infrastructure dollars or persuade Miami-Dade to change the rules.

"Let's be really clear here," Triple Five lobbyist and lawyer Miguel Díaz de la Portilla told the Policy committee on July 8. This "item is not asking for any subsidies of any private entity."

Because the public dollars would go to public roads, Bermudez said it's wrong to consider the legislation he's sponsoring as putting Miami-Dade on track to subsidize American Dream.

"This is not about any subsidies for anybody," Bermudez, whose district includes the American Dream site, said at the July 8 meeting. "I'm not asking at all for that."

WILL THE COUNTY HELP BUILD ROADS AROUND THE AMERICAN DREAM MIAMI PROJECT SITE?

At the center of the fight sit four roads that for now exist only on blueprints, which would connect the American Dream site to major highways on either side of the site. That includes a potential six-lane road linking Northwest 102nd Avenue with Northwest 170th Street and another connecting 170th with Florida's Turnpike.

For Bermudez, the roads could help ease congestion around the site even if American Dream never materializes. "What really matters to me is getting these roads built," he said.

Even if the subsidy legislation passes a final commission vote, Triple Five would still need to come back to the commission for an actual request for public dollars.

By now, the project is years behind schedule. In 2015, Triple Five agreed to have the mall open and employing at least 5,000 people by 2025, but the developer hasn't yet begun the permitting process to start construction.

Carladenise Edwards, chief administrative officer under Miami-Dade Mayor Daniella Levine Cava, told commissioners at the July 8 meeting that the administration

wanted Triple Five to lay out how the project is going to get built before opening up the subsidy discussion.

“One of the things we would like to do is ensure we understand what the path forward is, what the trajectory is,” Edwards told the committee members. “So that we actually know what transportation needs are there ... and how much of that we should subsidize.”

In a statement Friday, Triple Five said the county subsidy ban is holding up talks with Florida transportation administrators on state funding for roads the project needs.

“To our understanding, the County cannot currently take advantage of possible state interest in building significant freeway infrastructure that alleviates traffic congestion in the northwest part of the county without a lifting of current restrictions,” the statement said. “Should the restrictions stay in place, the unintended consequence would be a missed opportunity for Miami-Dade County to take advantage of apparent state interest in new infrastructure to relieve traffic congestion.”

A spokesperson for Florida’s Department of Transportation was not immediately available for comment on the statement.

At the July 8 meeting, Edwards said she wasn’t aware of the 2018 legislation preventing Triple Five from negotiating with Florida or Miami-Dade for funding that would help the project.

“This does not preclude us from having conversations,” Edwards said of the 2018 restrictions on county funding. “And it does not preclude them from asking for what is needed from the state or the feds or others related to transportation.”

The Bermudez legislation would remove the 2018 restrictions and make it possible to use county property taxes to subsidize the American Dream project, as well as make it easier for Triple Five to pay for road costs with development fees required by the county.

Those are known as [impact fees](#), and they can approach \$100 million for a project as large as American Dream. Impact fees are cash payments that are separate from property taxes and are paid only once by developers. Builders of new developments pay impact fees to fund new government expenses that come with growth in the area, including new road maintenance costs, transit expansion, extra police patrols and other costs.

The Bermudez legislation loosens the rules on how Triple Five could use the impact fees to pay for its road obligations – a financial arrangement that’s more common for local developments. A spokesperson for Triple Five said the language would move the road projects into a category allowing for the project’s impact fees to be used for those infrastructure costs.

ON THE TABLE: PROPERTY-TAX SUBSIDIES FOR A STALLED MEGA-MALL PROJECT

Additionally, the proposed legislation would allow Triple Five to access tax increment financing, a term for when a portion of future property taxes is used to pay for expenses associated with a project or improving an area. The idea is the extra investment will spur more construction in the area, generating enough extra tax dollars to make it worth losing the initial diverted tax money.

Charles Marohn Jr. is the president of Strong Towns, a Minnesota-based advocacy group that focuses on local governments' financial and planning policies. He said tax increment financing often gets put in place when local governments fear losing out on a development project without considering whether it makes more sense financially just to say no and see if the developer will build it anyway or sell the property to someone eager to develop the land without subsidies.

“What would happen if they didn’t develop the land? Would it go vacant?” Marohn said. “The reality is if somebody comes along and builds it to 80% of what they were going to do, [but] with no subsidies, then the county is going to make a lot more money.”

At the July 8 meeting, Commissioner Raquel Regalado won approval of language that changed Bermudez’s legislation from completely lifting the 2018 subsidy ban to only eliminating some restrictions. If adopted, the revised legislation would allow Miami-Dade to use both impact fees and tax-increment financing to fund the roads that American Dream is responsible for getting built.

Regalado said Miami-Dade should at least consider using property taxes that would be generated from the future mall’s construction to create new roads around the site.

“It really is a conversation about infrastructure,” Regalado said in an interview after the July 8 hearing. “Everyone in that area is going to benefit from this route infrastructure.”

This story was originally published September 13, 2024, 1:14 PM.

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Doug Hanks covers Miami-Dade government for the Herald. He’s worked at the paper for nearly 20 years, covering real estate, tourism and the economy before joining the Metro desk in 2014.

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Florida muddies water on rule to protect coral

WLRN Public Media | By [Jenny Staletovich](#)

Published September 6, 2024 at 7:00 AM EDT



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Safer Cleaner Ships

Royal Caribbean's Serenade of the Seas docked at Key West in October 2021.

Three years after Gov. Ron DeSantis vetoed a move to limit cruise ships from crossing shallow waters to enter the Port of Key West near increasingly imperiled reefs, state environmental regulators are poised to deal another blow by ignoring their own recommendation to set stricter limits on the plumes of sediment that can smother coral.

Despite a 2021 recommendation by the Florida Department of Environmental Protection to increase limits on turbidity, [draft rules](#) remain unchanged. A [public meeting](#) on the rules is scheduled for Sept. 10.

“DEP is apparently throwing out their report and keeping the limit as it is, although they know clearly that it is a threat to an ecosystem that is the last of its kind in the country,” said Arlo Haskell, who co-founded [Safer Cleaner Ships](#) in 2020 to fight increasing cruise traffic.

The move comes at a time when the DeSantis administration is facing increasing criticism over its uneven environmental record. While it is spending billions of dollars to restore the Everglades and cobble together undeveloped land into a wildlife corridor, plans leaked by a DEP worker last month would have erected golf courses and pickleball courts on protected state parks. The DeSantis administration has also boasted spending about [\\$114 million to protect reefs](#) as the cruise industry surges to pre-pandemic highs.

Under the Clean Water Act, Florida is required to update its broad rules on water quality every three years to ensure the latest science is being followed. The rules cover everything from hazardous chemicals to toxic algae and are then finalized by the Environmental Protection Agency.



Andy Newman / Florida Keys New Bureau

Cruise ships docked in Key West before the city limited the number of ships to one per day at a privately-owned pier.

But Florida has repeatedly fallen behind. The state conducted its last review in 2015, after neglecting revisions for nearly 25 years. EPA finally approved those changes in 2017. A new review was initiated in 2019 and included workshops that covered the stricter rules on turbidity. But the update stalled again amid the COVID-19 pandemic and criticism that the rules failed to address growing threats from toxic algae and chemicals hazardous to humans.

As the pandemic dragged on, Key West residents enjoying an island absent the massive ships began again rallying in the decades-long battle to limit cruise traffic.

Voters approved banning big ships — which can dump up to 100,000 visitors a month on the six square-mile island — and capping the number of visitors a day to 1,500 in 2020. But [DeSantis overturned](#) the local referendums. That led the city commission to take matters into its own hands and ban cruise ships at two city-owned piers, leaving only one privately-owned dock to accommodate ships. Earlier this year, [FDEP approved](#) a 25-year lease expansion at the dock to continue to allow bigger ships. In 2021, owner Mark Walsh [donated nearly \\$1 million](#) to a DeSantis political committee.

While the “one ship” policy cut cruise ship dockings in half, large ships continue to churn up ocean bottom as they lumber into port.

Monitoring started by the city near the dock over the last year and conducted by College of the Florida Keys found existing EPA limits on turbidity were exceeded 20 percent of the time.

“So one out of five dockings is above the federal lawful limit for turbidity,” Haskell said. “And that’s consistent with historical documentation, which the Florida Department of Environmental Protection found in the 90s and around 2000.”

It’s also consistent with that 2021 report prepared by FDEP to better protect coastal waters around reefs and inshore hard bottom areas inhabited by algae, sponges, stony corals and other sea life where fish, queen conches and other critters come to feed. The report concluded that existing limits failed to protect the areas, especially reefs that have been hammered by disease and rising ocean temperatures.

READ MORE: [A 'catastrophe' in the Lower Keys: Summer heatwave wipes out iconic elkhorn coral](#)

In addition to ship traffic, the limits were also intended to protect areas during port dredging. Dredging at Port Miami nearly a decade ago [smothered nearly 300 acres](#) around reefs.

Despite five requests since Aug. 20, DEP officials did not respond to emails or questions. In response to an email Wednesday, a spokeswoman said she was looking into the matter, but had not responded by deadline.

“This has been a well-known problem for a really long time, that cruise ships caused these dramatic spikes in turbidity and deterioration in water quality,” said Haskell, of Safer Cleaner Ships. “The people of South Florida that care about protecting corals deserve an explanation from DEP about why they’ve abandoned this recommendation that they put forward not very long ago.”

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South Florida leaders want to head off 'silver tsunami' aging crisis



(Joe Cavaretta/South Florida Sun Sentinel)

South Florida leaders are urging a state planning council to tackle the impending “silver tsunami” at a wider conference this fall. Local leaders say more attention is needed for the first generation that will retire without a pension, and face unique transportation and healthcare problems as they age. In this file photo, senior volunteers from John Knox Village fill food kits. (Joe Cavaretta/South Florida Sun Sentinel file)



By **LISA J. HURIASH** | lhuriash@sunsentinel.com | South Florida Sun Sentinel

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South Florida leaders are urging a state planning council to tackle the impending “silver tsunami” as concerns grow for retirees’ well-being as they age.

At a recent meeting of the South Florida Regional Planning Council, chairman Steve Geller, who is also a Broward County commissioner, said he would push for aging issues to be discussed at a broader conference this fall where experts could guide policy suggestions. The conference will include Palm Beach, St. Lucie, Monroe, Broward, Miami-Dade, Martin and Indian River counties, which is about one-quarter of the state’s population.

Geller said more attention is needed to deal with the anticipated wave of older Americans who are facing retirement without a pension like their parents relied on, and face unique transportation and healthcare problems as they age. The median personal income for people age 65 and older is \$29,740, according to the federal Administration for Community Living.

“I don’t think we are prepared for it,” Geller said after the meeting.



Among the issues he is asking the Treasure Coast Regional Planning Council to consider as part of the silver tsunami discussion:

– **Create a pension supplemental plan.** Americans have traditionally relied on pension plans, as well as Social Security benefits and savings to pay their bills in retirement. But the U.S. Bureau of Labor Statistics [in a 2022 study](#) released last year found only 15% of private industry workers had access to a defined benefit plan, compared with 86% of state and local government workers.

AD



Those retiring without pensions or adequate savings will be “woefully underprepared” and “some people will never be able to retire,” Geller predicted.

Many states have created plans for workers who don't get one through their employers, such as CalSavers in California and the Minnesota Secure Choice Retirement Program where workers can opt to make tax-deferred contributions.

— **Create changes in building codes** to encourage dedicated senior housing. Geller said he'd like to consider [“granny flats”](#) to allow housing additions so multiple generations can live together “to encourage senior-friendly housing.”

More than 12 million renters across the United States are “severely” cost-burdened as of 2022, which is the latest data available, or paying more than half their income for rent and utilities, according to a January study by the Harvard Joint Center for Housing Studies.

Fort Lauderdale, Pompano Beach and Miami constitute [one study cluster](#) with nearly [35% of renters](#) considered “severely” cost-burdened.

In addition, there are an estimated 869 seniors ages 55-64 and another 417 seniors older than 65 in Broward who are homeless, according to a recent presentation by county officials dealing with [upcoming homeless laws](#).

Broward County said it is aggressively encouraging construction — [and helping fund](#) — affordable housing for seniors. Projects in the works now include: Ekos Pembroke Park, 150 units in Pembroke Park; Hollywood Vista, 118 units in Hollywood; Paramount Place, 110 units in Hollywood; Boulevard Gardens, 92 units in the unincorporated county; and Pantry Lofts, 90 units in Fort Lauderdale, [Ralph Stone](#), Broward County's director of the Housing Finance Division, told the South Florida Sun Sentinel on Tuesday.

– **Meeting the transportation needs** of an aging population including new signage, changing paratransit to add low floors and improved audio and visual announcements, more community shuttles and vans, and “safe transitioning” for seniors to stop driving.

The [Robert Wood Johnson Foundation](#) reported last year that about 5% of nonelderly adults did not get needed health care in the past 12 months because of difficulty finding transportation.

Geller also said there could be a consideration to create crosswalks that give seniors more time to get across the street.

– **Tackle health care issues** for older Americans. The costs of long-term care average more than \$100 per day nationwide for a four-hour daily home health aide. Yet “the majority of older adults will need these services, and those with very low incomes, who are most likely to require them, have the fewest resources to pay for them,” according to a November study by the Harvard Joint Center for Housing Studies. About [85% of seniors](#) age 75 and older in Miami-Dade and Broward who live alone cannot afford daily home care on top of housing and other necessities, according to the report.

Along with silver tsunami issues, Geller offered two other options for consideration for the October planning agenda: financing water quality infrastructure, which would be his priority, and workforce training for “technology-displaced” workers.

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Commercial Real Estate

Kimco plans apartments at Hollywood shopping center




Image: MSA Architects

Kimco Realty Corp. has proposed apartments at Oakwood Plaza in Hollywood.

MSA ARCHITECTS



By **Brian Bandell** – Real Estate Editor, South Florida Business Journal
Jul 9, 2024

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Kimco Realty Corp. (NYSE: KIM) filed plans for its first apartment building at Oakwood Plaza in Hollywood, a retail center that's being transformed into a mixed-use development.

The city's Technical Advisory Committee will consider the plans by Oakwood Plaza LP, an affiliate of New Hyde Park, New York-based Kimco, for the 2.42-acre property at 2609 N. 26th Ave. on July 15. The vacant property is along a lake and across the southern entrance to the shopping plaza along Oakwood Boulevard. It's just north of the city's Oakwood Hills Park.

Trending: [Beachfront restaurant in Broward files for bankruptcy](#)

The developer is seeking approval for an eight-story building with 282 apartments, 334 parking spaces, a pool and a courtyard.

The apartments would range from 448 to 1,350 square feet, with an average size of 835 square feet. There would be 30 studio apartments, 150 one-bedroom units, 94 two-bedroom units, and eight three-bedroom units.

Kimco Director of Development Brandon Reynolds couldn't be reached for comment. He's working with Miami-based MSA Architects and planning firm Kimley-Horn on the project.

In 2021, Kimco [filed plans to rezone](#) the 112.5-acre Oakwood Plaza, on the east side of Interstate 95, from mostly retail and some office into a mixed-use project. It was ultimately approved for 1.2 million square feet of retail, 1.89 million square feet of office, 3,800 residential units and 625 hotel rooms. No major redevelopment has taken place, but that could soon change.

In May, Kimco [filed plans to replace](#) the Regal Cinemas at Oakwood Plaza with a big-box retail store, potentially Dick's House of Sport.