

9J-2.021 Preapplication Conferences and Conceptual Agency Review Process.

(1)(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. The regional planning agency shall make available to the developer information about the DRI process and the use of preapplication conferences to encourage cooperation and mutually beneficial solutions to problems, identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. The information shall include copies of the Strategic Regional Policy Plans and other appropriate material indicating issues of regional significance in the region, or containing regional policies. It shall include material describing planning, permitting or review requirements of state, regional or local agencies that has been obtained by the regional planning agency. Such information shall be made available before or during the preapplication conference.

(b) The regional planning agency shall arrange a preapplication conference pursuant to subsection 380.06(7), Florida Statutes. Reviewing agencies shall make reasonable efforts to attend these conferences and shall participate when requested to do so pursuant to subsection 380.06(7), Florida Statutes. The preapplication conference shall be used to specify information requirements, including the required number of Applications for Development Approval and the method of their distribution to reviewing agencies; to agree to the deletion of questions from the Application for Development Approval; and to clarify concerns of reviewing agencies. In addition to meetings, preapplication conference activities may consist of telephone calls, written correspondence or reports, or other means of communication that can be used effectively to fulfill the intent of subsection 380.06(7), Florida Statutes.

(c) Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in conference proceedings and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. If, based upon the preapplication information, any agency attending the preapplication conference is aware of a particular concern regarding informational needs related to the proposed development, that concern should be presented and discussed at the preapplication conference. Such concerns and information shall be provided for initial project planning and coordination and shall not constitute a binding agency commitment to a course of action on an Application for Development Approval or permit review.

(d) In order to increase the effectiveness of agency participation and to more closely fulfill the intent of the preapplication conference, the applicant shall provide the participants in the preapplication conference with the information identified in Form RPM-BSP-PREAPP INFO-1 at least ten (10) working days before the scheduled preapplication conference, or a longer period if so stipulated by the regional planning agency. At a minimum, this information shall include an identification of the project location relative to any existing urban service areas and regional activity centers, whether a local comprehensive plan amendment will be required, the type and magnitude of land uses, preliminary site and environmental information, preliminary phasing and build out dates of the project, and specific methodology proposals. If this information is not made available within the allotted time prior to the preapplication conference, the conference will be rescheduled.

(e) As a part of the preapplication conference, the regional planning agency shall state the objectives to be achieved in the proceedings, help distinguish between DRI application and state or regional permit reviews, provide information about any local government review procedures that may apply, provide opportunities for the developer and affected agencies to obtain and comment on information of significance to the project, provide information about state land planning agency rules, the State Comprehensive Plan, and the Strategic Regional Policy Plan and seek to promote expeditious and well-coordinated processing of DRI applications.

(f) Within 35 days following the preapplication conference, the regional planning agency shall document the findings and agreements made by the participants, including a summary of all assumptions and methodologies agreed upon at the conference. This documentation shall be provided to all participants at the preapplication conference and regional and state agencies involved in the DRI review, who shall have a time period specified by the regional planning agency, but not less than 14 days, to comment, agree, or disagree in writing with the summary. After agreement has been reached regarding assumptions and methodologies, reviewing agencies may not subsequently object to the assumptions and methodologies, unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. If agreement cannot be reached, then the regional planning

agency may designate an assumption or methodology to be used, but reviewing agencies are not bound by such assumption or methodology in their reviews.

(g) Pursuant to paragraph 380.06(7)(b), Florida Statutes, each regional planning agency shall establish by rule a preapplication procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval where those questions are found to be unnecessary for DRI review. Elimination of questions shall be consistent with the stated legislative intent contained in subsection 380.06(7), Florida Statutes, and shall not preclude consideration of, recommendations regarding, or appeal on those issue areas. Any reference to State Comprehensive Plan goals and policies in the application is intended to provide guidance to the applicant as to general applicability of, and consistency with, the State Comprehensive Plan. Such references are not exclusionary or limiting in any way. The elimination of questions in the application for development approval does not eliminate the applicability of any State Comprehensive Plan goal or policy to the proposed development. Consistency of the proposed plan of development with a local comprehensive plan should be a factor taken into consideration when agreeing to the elimination of certain questions from the application for development approval.

(2) As part of the preapplication conference, the developer may, in addition to regular DRI review, elect to proceed in conceptual agency review, pursuant to subsection 380.06(9), Florida Statutes, with the state or regional agencies that will require construction or operation permits for the development. The developer may select the state or regional permitting agencies which will participate in conceptual agency review.

(3) If the Application for Development Approval is not submitted within one (1) year of the date of the preapplication conference, the regional planning agency, the local government with jurisdiction, or the applicant may request that another preapplication conference be held.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(7), (9), (23) FS. History—New 5-4-83, Formerly 9B-16.21, Amended 11-20-90, 2-21-01.