

***II.***  
***Florida Quality Development (FQD) Program***

## **FLORIDA QUALITY DEVELOPMENT (FQD)PROGRAM**

The Florida Quality Development (FQD)program was established in 1985 pursuant to Section 380.061, Florida Statutes (F.S.); Rule 9J-28, Florida Administrative Code (F.A.C.), was promulgated in 1990 to guide the program's implementation (see attached).

The intent of the FQD program is to provide an expeditious review process for developments of regional impact (DRI)developers who commit to: preserve natural and cultural resources; include design and planning features which enhance the quality of life; provide for all onsite infrastructure; and provide that all onsite and offsite infrastructure be constructed and available when needed (see 9J-28.009, F.A.C.

There is an extensive list of requirements that must be in order to achieve FQD designation. These are listed in Section 380.061(3)(a), F.S.Dependent upon the characteristic of the specific project, meeting any of these special requirements can be considered a distinct disadvantage of the FQD process. However, for projects whose development characteristics are reasonably compatible with the FQD requirements without sacrificing the economic viability of their project, the potential advantages to be gained include: more expeditious review of completed application, a more cooperative regulatory atmosphere, increased substantial deviation thresholds, and state certification as a FQD.

### **AGENCY ROLES**

#### **Department of Community Affairs (DCA)**

In the FQD program, the DCA plays a much more active role than in the DRI process. The Department attempts to facilitate the FQD preparation, review and approval process by providing coordination assistance and setting forth FQD-related requirements to the affected parties. The DCA formally participates in the preapplication conference and issues determinations regarding application completeness and FQD designation. The Department also issues the development order.

#### **Regional Planning Council (RPC)**

The RPC plays essentially the same role in an FQD review as it does in a DRI review. The RPC participates in the preapplication conference and project review coordination, and issues an assessment report on regional impacts including related recommendations. However, there are a few important differences. Although the RPC may submit application completeness or sufficiency comments to the DCA and the local government, application completeness is formally determined by the latter two agencies. The RPC also does not issue a formal determination regarding approval or denial of the project as an FQD, although its position will be clearly stated in the regional assessment report.

#### **Local Government**

In the FQD process, the local government exercises final control regarding FQD designation. The successful FQD project must receive application completeness and FQD designation approval from the local government. A developer may appeal an adverse local government ruling to the FQD review board. However, in order for the review board to rule in favor of the developer by approving FQD designation, of the affirmative votes must be issued by the local government's board representative. The makeup of the FQD review board is described later in this document.

## **FQD Review Process**

### **1. Preapplication Conference**

The applicant contacts DCA to request to hold a preapplication conference. DCA coordinates scheduling the meeting with the RPC.

Pre-application conference is held to review the application that is to be submitted by the applicant. Also, state, regional, and local government agencies will specifically identify particular questions within the application that require detailed answers.

The applicant is encouraged to hold necessary subsequent pre-application meetings to address any outstanding issues prior to the submission of the application for development designation (ADD).

### **2. Filing of the FQD Application for Development Designation**

Application should be submitted to the following agencies for review:

- Department of Community Affairs
- Regional Planning Council
- Appropriate Local Government
- Other agencies that participated in the pre-application conference

The application for development designation shall be made on Form RPM-BSP-ADA-1, Development of Regional Impact Application for Development Approval, as incorporated by reference in 9J-2.017(1)(a), Florida Administrative Code, and in addition those items specified in Rule 9J-28-008, "General Requirements," and 9J-2-28.009, "Requirements for Designation as a Florida Quality Development."

### **3. Completeness Review**

DCA, RPC, local government, and the other agencies review the ADD for completeness within 30 days after receipt of the ADD.

If DCA and the local government find the ADD complete, the finding shall be transmitted to the RPC and other review agencies within five days of such determination. The RPC shall then prepare a regional assessment report on the proposed FQD. This report shall be comparable to regional assessment reports prepared for DRIs. Within 50 days of the completeness determination the RPC shall transmit a full copy of the Council's action regarding the project indicating a recommendation for approval of designation, a recommendation for approval of designation with conditions, or a recommendation for denial of designation including the reasons for recommending denial.

If the ADD is found to be incomplete, the 30-day completeness time frame is tolled until the applicant submits complete information.

### **4. FQD Designation/Non-designation**

DCA and the local government shall notify the developer whether the project is designated for not designated as an FQD.

- a. If the proposed development is designated as an FQD, a development order will be issued by the Secretary of the DCA within forty-five days after the designation decision made by DCA and the local government.

- b. If the project is not designated the applicant has the option to convert to a DRI.

The applicant submits a letter to DCA and the local government stating his intent to seek authorization to convert to a DRI.

The applicant must request in writing, that the RPC consider accepting its completeness review approval in place of sufficiency review approval in order to convert from an FQD to DRI ADA approval. No additional pre-application meeting is required when transferring from FQD review status to DRI status.

If sufficiency approval is granted based on the application meeting certain conditions as requested by the RPC, then the applicant must submit this additionally requested information in order to be transferred into sufficiency status as a DRI.

If sufficiency is approved by the RPC then the development is subject to all applicable procedures under Section 380.06, F.S.

- c. If the proposed development did not receive FQD designation the applicant has the option to appeal the non-designation decision which may have been made by either DCA or the local government to a FQD review board. The review board consists of the secretary of DCA, the secretary of the Department of Environmental Protection and a member designated by the secretary, the secretary of the Department of Transportation, the executive director of the Florida Game and Fresh Water Fish Commission, the executive director of the appropriate water management district, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of the development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall sit on the board. An affirmative vote of at least five members of the chief executive officer of the local government, shall be necessary to designate the development by the board.

If the applicant chooses to appeal the non-designation of the proposed project they must do so within forty-five (45) days of the non-designation decision.