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**AGREEMENT AUTHORIZING AN OPTIONAL SECTOR PLAN
IN ESCAMBIA COUNTY, FLORIDA**

THIS AGREEMENT is entered into by and between the FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (herein "Department"), and ESCAMBIA COUNTY, a political subdivision of the State of Florida (herein "the Local Government").

WITNESSETH:

WHEREAS, the Department of Community Affairs is the state land planning agency under Chapter 163, Part II, Florida Statutes (2007); and

WHEREAS, Section 163.3245, Florida Statutes (2007), provides that, as a demonstration project, the requirements for developments of regional impact in Section 380.06, Florida Statutes, may be addressed for up to five local governments or combinations of local governments which adopt an optional sector plan into their comprehensive plans and otherwise meet the requirements set forth in the statute; and

WHEREAS, an optional sector plan may not be authorized in an area of critical state concern; and

WHEREAS, Section 163.3245 further provides that preparation of an optional sector plan is authorized by agreement between the Department, as the state land planning agency, and the applicable local government; and

WHEREAS, the Local Government has requested that the Department enter into an agreement with it to authorize preparation of optional sector plan for the area described in this Agreement; and

WHEREAS, the optional sector plan area identified herein is not in an area of critical state concern; and

WHEREAS, a scoping meeting was held by the West Florida Regional Planning Council to assist the Department and Escambia County in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of plan amendments for an optional sector plan; and

Date: 4/7/2008
Verified By: *[Signature]*

WHEREAS, the West Florida Regional Planning Council recommends that a sustainable sector plan within the Escambia County's jurisdiction is appropriate; and

WHEREAS, Escambia County has conducted a public workshop to review and explain to the public the optional sector planning process and the terms and conditions of this Agreement; and

WHEREAS, the Department has determined that Escambia County meets the criteria set forth in Section 163.3245, Florida Statutes, and should be authorized to adopt an optional sector plan as provided in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and undertakings contained herein, the receipt and sufficiency of which are hereby acknowledged, the Department and the Escambia County agree as follows:

1. **RECITALS**. The above Recitals are incorporated herein and form a material part of this Agreement.
2. **GEOGRAPHIC AREA**. The geographic area to be subject to the optional sector plan is that area depicted on the map attached hereto as **Exhibit A**.
3. **PLANNING ISSUES & AVAILABLE RESOURCES**. The Planning Issues and Available Resources to be emphasized in the development of the sector plan are attached hereto as **Exhibit B**.
4. **SUPPORTING APPLICATION MATERIALS**. The materials, including data and analysis, which support or are related to the planning issues for development of the optional sector plan are identified in **Exhibit C**, and including the Scoping Document.
5. **PROCEDURES FOR PUBLIC PARTICIPATION**. The procedures for public participation in the sector planning process are identified and attached as **Exhibit D**.
6. **REQUIREMENTS FOR INTERGOVERNMENTAL COORDINATION**. The requirements to address intergovernmental coordination of extrajurisdictional impacts are identified in **Exhibit E**.
7. **MONITORING REPORTS**. The Local Government shall submit a monitoring report to the Department and the applicable regional planning council annually on

the anniversary of the effective date of comprehensive plan amendments incorporating the detailed specific area plan(s) as described in Section 163.3245, Florida Statutes, into the Local Government's comprehensive plan. The reports shall meet the criteria in Section 163.3245(4), Florida Statutes.

8. **DRAFTING OF AGREEMENT**. The parties shall be deemed to have participated generally in the drafting of this Agreement. Accordingly, this Agreement shall be construed neutrally without regard to the party or parties responsible for its preparation; any terms, conditions, uncertainty, or ambiguity shall not be construed against any of the parties as a result of the drafting of this Agreement

9. **CERTIFICATION OF UNDERSTANDING AND VOLUNTARY EXECUTION**. The parties and/or their authorized representatives each certify that they have read and understand the terms and conditions of this agreement and that it is voluntarily executed for the purposes set forth herein.

10. **ENTIRE AGREEMENT**: This Agreement evidences the entire agreement and understanding of the parties and may be supplemented or modified only by a written instrument signed by each party hereto.

(INTENTIONALLY LEFT BLANK)

11. EFFECTIVE DATE AND TERM OF AGREEMENT. The effective date of this Agreement is the date the last party signs this Agreement. This Agreement shall remain in full force and effect until the effective date of amendments to the Local Government's comprehensive plan incorporating the specific area plan(s) as described in Section 163.3245, Florida Statutes.

IN WITNESSS WHEREOF, the parties by their fully authorized undersigned representatives, have executed this Agreement on the dates and year below written.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: 
D.M. "Mike" Whitehead, Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

Date BCC Approved

4-3-2008

Date Executed

4-3-2008

By: 
Deputy Clerk

This document approved as to form
and legal sufficiency

By: 

Title County Attorney

Date 4-3-08



FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AN AGENCY OF THE
STATE OF FLORIDA

By: 
Thomas G. Pelham, Secretary

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By: 
Assistant General Council