

## **1.6 RELEVANT CHANGES IN GROWTH MANAGEMENT LAWS [163.3191(2)(f)]**

### **OVERVIEW**

Chapter 163.3191(2)(f), F.S. requires that the EAR contain an evaluation and assessment of relevant changes to the state comprehensive plan (187.201, F.S.), Chapter 163, F.S, Rule 9J-5, F.A.C. and the Strategic Regional Policy Plan (SRPP) since the adoption of the most recent EAR-based amendments.

This analysis was conducted utilizing all of the changes that have occurred to these documents since 1998, when Volusia County adopted its most recent EAR-based amendments. When an inconsistency is identified, such as a requirement not currently addressed in the County's Comprehensive Plan, the appropriate element is identified for update.

### **STATE COMPREHENSIVE PLAN**

The State Comprehensive Plan was amended in 1999 (Chapter 99-378) to broaden the goal for downtown revitalization to include urban areas in general. The term Urban was added to the subject heading of Goal (16) that was formerly entitled Downtown Revitalization. The new title was amended to read Urban and Downtown Revitalization. The goal statement was modified to add "In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop developing and redeveloping downtowns to the state's ability to use..."

The following Policies 4 through 12 were added to the amended Goal (16) to address the broadened goal statement:

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage the private sector development.
11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.

12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

These new State Comprehensive Plan policies that serve to broaden the Urban and Downtown Revitalization Goal were already addressed in the County's Comprehensive Plan so that an amendment is not needed. These include existing adopted provisions that emphasize urban revitalization, redevelopment, and the promotion of mass transit for urban centers.

The State Comprehensive Plan was also amended in 2002 (Chapter 2002-387) to repeal the education goals and policies 187.201(1) of the State Comprehensive Plan. No amendment to the County's Comprehensive Plan is necessary to address this change.

### **STRATEGIC REGIONAL POLICY PLAN**

Chapter 186, F.S. governs the adoption and revision of Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. Volusia County falls within the East Central Florida Regional Planning Council that adopted its SRPP in 1998. The SRPP has not been amended since its adoption. The County's Comprehensive Plan is consistent with the SRPP.

### **CHANGES TO CHAPTER 163, F.S. AND RULE 9J-5**

An analysis of all of the changes to Chapter 163, F.S. and Administrative Rule 9J-5 that have occurred since the adoption of Volusia County's most recent EAR based amendments (1998) is provided on the following pages. The information is provided in the same suggested tabular format provided by DCA on its Website. The changes are summarized by year including appropriate citations. Each change is classified by relevance to the County's Comprehensive Plan. If the change is procedural, optional, or not applicable (NA) no change is needed. If the change is relevant, the Plan was reviewed to determine whether the requirement was addressed or not. In those instances in which an amendment is needed, the elements that should be amended are identified in the column on the right side of the table. Any needed amendments identified in this table will be addressed as part of the EAR-based amendments.

**Table 1.6A:** Changes to Chapter 163, F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<b>1998:</b> [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5]					
78	Exempted <b>brownfield area</b> amendments from the <b>twice-a-year limitation</b> .	163.3187(1)(g)		No brownfield area amendments have been submitted to the County.	None – procedural change.
79	Required that the <b>Capital Improvements Element</b> set forth standards for the <b>management of debt</b> .	163.3177(3)(a)4.		Addressed as a Policy in the CIE.	None
80	Required inclusion of at least <b>two planning periods</b> – at least 5 years and at least 10 years.	163.3177(5)(a)			None – procedural change.
81	Allowed <b>multiple individual plan amendments</b> to be considered together as one amendment cycle.	163.3184(3)(d)			None – procedural change.
82	Defined <b>optional sector plan</b> and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245		Not utilized.	None – optional plan provision.
83	Established the requirements for a <b>public school facilities element</b> .	163.3177(12)		Not utilized.	None – optional plan provision.
84	Established the minimum requirements for imposing <b>school concurrency</b> .	163.3180(12), (now Section (13))		Not utilized.	None – optional plan provision.
85	Required DCA adopt <b>minimum criteria</b> for the compliance determination of a <b>public school facilities element</b> imposing school concurrency.	163.3180(13), (now Section 14))	N/A		None – DCA requirement.
86	Required that <b>evaluation and appraisal reports</b> address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) <b>[Now: 163.3191(2)(k)]</b>		County's EAR due Sept. 2006.	Under consideration.
87	Amended the definition of " <b>in compliance</b> " to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)	N/A		



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
88	Required DCA to <b>maintain a file with all documents received or generated</b> by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	N/A		None – DCA requirement.
89	Allowed a <b>local government to amend its plan</b> for a period of up to one year after the initial determination of sufficiency of an adopted EAR, even if the EAR is insufficient.	163.3187(6)(b)			None – procedural change.
90	Substantially reworded Section 163.3191, F.S., related to <b>evaluation and appraisal reports</b> .	163.3191		County's EAR due Sept. 2006.	Under consideration.
91	Changed the <b>population requirements</b> for municipalities and counties that are required to submit otherwise optional elements.	163.3177(6)(i)		Transportation Element – Includes the Mass Transit, Port, and Aviation facilities as required by this section and because the County has an MPO (Section 163.3177(5)(j)).	None – Previously accomplished with adoption of the Transportation Element.
<b>1999:</b> Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that <b>ports</b> and local governments in the coastal area, which has <b>spoil disposal responsibilities</b> , identify dredge disposal sites in the comp plan.	163.3178(7)	N/A	County does not have a port listed in Section 311.07 that would require compliance with this change.	
93	Exempted from the <b>twice-per-year limitation</b> certain port related amendments for <b>port transportation facilities</b> and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	N/A	County does not have a port listed in Section 311.07 that would require compliance with this provision.	



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
94	Required <b>rural counties</b> to base their future land use plans and the amount of land designated <b>industrial</b> on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	N/A	Volusia County is not a rural County pursuant to Statute.	
95	Added the Growth Policy Act to Ch. 163, Part II to promote <b>urban infill and redevelopment</b> .	163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526		Urban infill Policy contained options not utilized by County.	None – optional plan provisions.
96	Required that all comp plans comply with the <b>school siting requirements</b> by October 1, 1999.	163.3177(6)(a)		Future Land Use Plan and Zoning Code amended to comply with siting provisions.	No
97	Made <b>transportation facilities</b> subject to concurrency.	163.3180(1)(a)		Transportation and Capital Improvements Elements – Concurrency LOS established for roadway system.	No
98	Required use of <b>professionally accepted techniques</b> for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		FDOT methodology – generalized tables for vehicles & VOTRAN methodology for transit.	No
99	Excludes <b>public transit facilities</b> from <b>concurrency</b> requirements.	163.3180(4)(b)		Not subject to concurrency.	No
100	Allowed <b>multi-use DRIs</b> to satisfy the <b>transportation concurrency</b> requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Not utilized to date in County.	None – optional plan provision.
101	Allowed <b>multi-modal transportation districts</b> in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Not utilized to date in County.	None – optional plan provision.
102	Exempted amendments for <b>urban infill and redevelopment areas, public school concurrency</b> from the <b>twice-per-year limitation</b> .	163.31879(1)(h) and (i) [Now: (i) and (j)]			None – procedural change.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
103	Defined <b>brownfield designation</b> and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see 163.3221(1) for "brownfield" definition.]	163.3220(2)		Not utilized to date in County.	None – optional plan provision.
<b>2000:</b> Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	Repealed Section 163.3184(11)(c), F.S. that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c)			None – procedural change.
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7)			None – procedural change.
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15)	N/A		
107	Allowed <b>small-scale amendments in areas of critical state concern</b> to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	N/A		
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of <b>incentives</b> for new development within <b>urban infill and redevelopment areas</b> .	163.2517(3)(j)2		Not utilized to date in County.	None – optional plan provision.
<b>2001:</b> [Ch. 2001-279, s. 64]					
109	Created the <b>rural land stewardship area</b> program.	163.3177(11)(d)		Not utilized to date in County.	None – optional plan provision.
<b>2002:</b> (Ch. 2002-296, SS. 1 - 11, Laws of Florida)					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a <b>non-voting representative of the district school board</b> .	163.3174		Member added to County's LPA per school planning interlocal agreement.	None – procedural change.
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		Deadline for water supply facilities amendment extended.	FLUE, Potable Water, Natural Ground Water, Conservation, & Aquifer Recharge, CIE & ICE.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
112	Plan amendments for school-siting maps are exempt from S. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)			None – procedural change.
113	Required that by adoption of the EAR, the Sanitary Sewer, Solid Waste, Drainage, Potable Water And Natural Groundwater Aquifer Recharge Element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)		Deadline for water supply facilities amendment extended.	FLUE, Potable Water, Natural Ground Water, Conservation, & Aquifer Recharge, CIE, & ICE.
114	Required consideration of the regional water supply plan in the preparation of the Conservation Element.	163.3177(6)(d)		Deadline for water supply facilities amendment extended.	Conservation
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)		Deadline for water supply facilities amendment extended.	ICE
116	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4		Not utilized by the County.	None – optional plan provision.
117	Required that counties larger than 100,000 population and their municipalities submit interlocal service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.	163.3177(6)(h)6,7, & 8		County coordinated with cities to prepare the report, which was submitted prior to the deadline; follow-up meeting w/ DCA and cities held June 10, 2004.	ICE
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9		Recommendations provided through participation with Florida Association of Counties.	None needed.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776		Not utilized by the County.	None – optional plan provision.
120	Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Interlocal agreement entered into as required.	FLUE (School siting provisions).
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)		Not utilized by the County.	None – optional plan provision.
122	Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)			None – procedural change.
123	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)			None – procedural change.
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)			None – procedural change.
125	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)			None – procedural change.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
126	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s. 163.3187(1).	163.3187(1)(k)			None – procedural change.
127	Required EARs to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)		County's EAR due Sept. 2006.	Under consideration.
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Addressed in Chapter 21 D. of County's Plan – right to challenge consistency of a development order.	None
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246		Not utilized by the County.	None – optional plan provision.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
130	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)		Not utilized by the County.	None – optional plan provision.
131	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)			None – procedural change.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element	
<b>2003:</b> [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
132	Creates the <b>Agricultural Lands and Practices Act</b> . (2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation. (3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act. (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land. (4)(a): Provides that the act does not limit the powers of a county under certain circumstances. (4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances. (4)(c): Provides that the act does not limit the powers of certain counties. (4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.	163.3162		County does not regulate agricultural activities where it is duplicated by state/federal regulations.	None – addresses duplication of regulations.
133	Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	N/A		
134	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)		Not utilized at this time.	None – optional plan provision.
135	Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)			None – procedural change.
136	Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)			None – procedural change.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element	
<b>2004:</b> [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
137	(10): Amended to conform to the repeal of the Florida <b>High-Speed Rail</b> Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate <b>water supply sources</b> to meet future demand. (14): Created to limit the effect of <b>judicial determinations</b> issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167		County's Water supply Facility Work Plan to identify sources.	<u>High Speed Rail/Judicial Determination</u> None needed. <u>Water Supply Source</u> Amendment occurs with adoption of Facility Work Plan.
138	(1): Provides legislative findings on the compatibility of development with <b>military installations</b> . (2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations. (3): Provides for responsive comments by the commanding officer or his/her designee. (4): Provides for the county or affected local government to take such comments into consideration. (5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board. (6): Encourages the commanding officer to provide information on community planning assistance grants.	Creates 163.3175.		Currently addressed by FLUE provisions – future land uses considered compatible w/ bombing on eastern half of Lake George.	Policy revision/addition needed.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>139 163.3177(6)(a):            -Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with <b>military installations</b>.            -Changed to specifically encourage <b>rural land stewardship area</b> designation as an overlay on the future land use map.            (6)(c): Extended the deadline adoption of the <b>water supply facilities work plan</b> amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.            (10)(1): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for <b>military installations</b>.            (11)(d)(1): Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to <b>rural land stewardship areas</b>.            (11)(d)(2): Provides for <b>multi-county rural land stewardship areas</b>.            (11)(d)(3)-(4): Revises requirements, including the acreage threshold for designating a <b>rural land stewardship area</b>.            (11)(d)(6)(j): Provides that <b>transferable rural land use credits</b> may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.            (11)(e): Provides legislative findings regarding mixed-use, high-density <b>urban infill and redevelopment</b> projects; requires DCA to provide technical assistance to local governments.            (11)(f): Provides legislative findings regarding</p>	<p>163.3177</p>		<p><u>Military installations</u>            FLUE/Compatible land uses w/ Lake George Bombing Range.  <u>Rural Land Stewardship</u>            Not addressed.  <u>Water Supply Work Plan</u>            To be accomplished by deadline.  <u>High Density Urban</u>            Not addressed.</p>	<p><u>Military installations</u>            FLUE Amendments needed.  <u>Rural Land Stewardship &amp; High Density Urban Infill</u>            None – optional plan provision.  <u>Water Supply Work Plan</u>            FLUE, Potable Water, Natural Ground Water, Conservation, &amp; Aquifer Recharge, CIE, &amp; ICE.</p>



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	a program for the transfer of development rights and <b>urban infill and redevelopment</b> ; requires DCA to provide technical assistance to local governments.				
140	(1): Provides legislative findings with respect to the shortage of <b>affordable rentals</b> in the state. (2): Provides definitions. (3): Authorizes local governments to permit <b>accessory dwelling units</b> in areas zoned for single family residential use based upon certain findings. (4): Provides for certain <b>accessory dwelling units</b> to apply towards satisfying the affordable housing component of the housing element in a local government’s comprehensive plan. (5): Requires the DCA to report to the Legislature.	Creates 163.31771.		FLUE and zoning regulations incorporates provisions for allowing accessory units (e.g., garage apartments, accessory farm worker housing, “mother-in-law” units).	None needed.
141	Amends the definition of “in compliance” to add language referring to the <b>Wekiva Parkway and Protection Act</b> .	163.3184(1)(b)	N/A		
142	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to <b>military installations</b> do not count toward the limitation on frequency of amending comprehensive plans. (1)(n): Created to provide that amendments to establish or implement a <b>rural land stewardship area</b> do not count toward the limitation on frequency of amending comprehensive plans.	163.3187			None – procedural change.
143	Created to provide that <b>evaluation and appraisal reports</b> evaluate whether criteria in the land use element were successful in achieving land use compatibility with <b>military installations</b> .	163.3191(2)(n)		To be addressed by EAR due Sept. 2006.	FLUE Policy additions will occur – FLUE considered compatible with military installation located in the County (Lake George Bombing Range).



2006 EVALUATION AND APPRAISAL REPORT

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element	
<b>2005</b> [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u> ]					
145	(6)(a): Add requirement that future land use element of <b>coastal counties</b> must encourage the preservation of working waterfronts, as defined in s.342.07, F.S. (6)(e): Added waterways to the system of sites addressed by the <b>recreation and open space element</b> .	163.3177		<u>FLUE/Rec. and Open Space Element</u> Not addressed at this time – coordination needed with affected cities in the County along with technical assistance and guidance from DCA	<u>FLUE and Rec. and Open Space</u> Timing to be determined
148	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178		<u>Coastal Management Element</u> Not addressed at this time – coordination needed with affected cities in the County along with technical assistance and guidance from DCA	<u>Coastal Management</u> Timing to be determined

**Table 1.6B:** Changes to Rule 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<b>October 20, 1998</b>					
54	Established requirements for the <b>Public School Facilities Element</b> for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		Not addressed.	None – optional plan provision.
<b>March 21, 1999</b>					
55	Defined <b>public transit</b> and <b>stormwater management facilities</b>	9J-5.003			Will review definitions and use of terms in plan for consistency.
56	Revised the definitions of <b>affordable housing, coastal planning area, port facility, and wetlands.</b>	9J-5.003			Will review definitions and use of terms in plan for consistency.
57	Repeal the definitions of <b>adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low income family.</b>	9J-5.003			None – plan is consistent w/this repeal of definitions.
58	Revised provisions relating to <b>adoption by reference</b> into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)			None – procedural change.
59	Repealed transmittal requirements for proposed <b>evaluation and appraisal reports</b> , submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)			None – procedural change.
60	Repealed conditions for <b>de minimis impact</b> and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)(c)6			None – plan is consistent with the statutory provision.

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
61	Required the future land use map to show the <b>transportation concurrency exception area</b> boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)			None – no exception/management areas in unincorporated area & possible future incorporation area mapping optional – not utilized by County.
62	Required Objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of <b>high recharge</b> and <b>“prime” recharge</b> areas.	9J-5.011(2)		Protection of high recharge currently addressed in referenced element – “Prime” recharge areas not designated by SJRWMD.	None needed until SJRWMD designates “prime” recharge areas.
63	Repealed the <b>Intergovernmental Coordination</b> Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	N/A w/repeal		
64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a <b>Traffic Circulation Element</b> and that local governments with a population of 50,000 or less are not required to prepare <b>Mass Transit and Ports, Aviation and Related Facilities Elements</b> .	9J-5.019(1)	N/A – County does not meet this criteria.		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
65	Required Objectives of the Transportation Element to:	9J-5.019(4)(b)			
	<ul style="list-style-type: none"> <li>Coordination the siting of new, or expansion of existing <b>ports, airports, or related facilities</b> with the Future Land Use, Coastal Management, and Conservation Elements;</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Coordination ports, airports, and related facilities plans with plans of other transportation providers; and</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
66	Required Policies of the Transportation Element to:	9J-5.019(4)(c)			
	<ul style="list-style-type: none"> <li>Provide for safe and convenient <b>on-site traffic flow</b>;</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Establish measures for the acquisition and preservation of public <b>transit</b> rights-of-way and corridors;</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Promote <b>ports, airports and related facilities</b> development and expansion;</li> </ul>			Currently addressed by the FLUE.	None
	<ul style="list-style-type: none"> <li>Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;</li> </ul>			Currently addressed by the FLUE, Transportation and Conservation Element.	None
	<ul style="list-style-type: none"> <li>Protect and conserve natural resources within ports, airports and related facilities;</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
	<ul style="list-style-type: none"> <li>Protect ports, airports and related facilities from encroachment of incompatible land uses.</li> </ul>			Currently addressed by the FLUE and Transportation Element.	None
67	Added standards for the review of <b>land</b>	9J-5.022	N/A – DCA		



2006 EVALUATION AND APPRAISAL REPORT

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	<b>development regulations</b> by the Department.		requirement.		
68	Added criteria for determining consistency of <b>land development regulations</b> with the comprehensive plan.	9J-5.023	N/A – DCA requirement		
<b>February 25, 2001</b>					
69	Defined <b>general lanes</b> .	9J-5.003		County's Plan refers to intrastate system but not a specific laneage definition.	None
70	Revised the definition of " <b>marine wetlands</b> ."	9J-5.003		County's Plan uses a general definition for wetlands – with more specific references to wetland types.	None
71	Repeal the definition of " <b>public facilities and services</b> ."	9J-5.003	N/A with repeal		
72	Revised procedures for <b>monitoring</b> , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)			None – procedural change.
73	Repealed requirements for <b>evaluation and appraisal reports</b> and evaluation and appraisal amendments.	9J-5.0053	N/A with repeal		
74	Revised concurrency management system requirements to include provisions for establishment of <b>public school concurrency</b> .	9J-5.005(1) and (2)		Not addressed.	None – optional plan provision.
75	Authorized local governments to establish multimodal transportation <b>level of service standards</b> and established requirements for <b>multimodal transportation districts</b> .	9J-5.0055(2)(b) and (3)(c)		Not addressed.	None – optional plan provision.
76	Authorized local governments to establish <b>level of service standards</b> for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		In conflict with SIS and SB 360.	Transportation – Incorporate LOS for SIS.
77	Provide that <b>public transit</b> facilities are not subject to concurrency requirements.	9J-5.0055(8)		Not subject to concurrency.	None



2006 EVALUATION AND APPRAISAL REPORT

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a <b>proportionate share contribution</b> .	9J-5.0055(9)		Not addressed – no Multi-use DRIs in the County.	None – change does not require amendment.
79	Required the future land use map to show <b>multimodal transportation district</b> boundaries, if established.	9J-5.006(4)		No multi-modal districts approved in the unincorporated area.	None needed at this time.
80	Authorized local governments to establish <b>multimodal transportation districts</b> and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)		No multi-modal districts approved in the unincorporated area.	None – optional plan provision.
81	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		Definition for substandard housing located in County's Consolidated Plan.	None
82	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)		County uses Census & Shimberg data.	None
83	Required the Intergovernmental Coordination Element to include Objectives that ensure adoption of <b>interlocal agreements</b> within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for <b>public school concurrency</b> .	9J-5.015(3)(b)		The County entered into a collaborative planning interlocal agreement with the School Board and cities.	ICE for collaborative planning process – concurrency option not utilized.

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	<ul style="list-style-type: none"> <li>Policies that provide procedures to identify and implement <b>joint planning areas</b> for purposes of annexation, municipal incorporation and joint infrastructure service areas;</li> </ul>			Intergovernmental Element and implemented through interlocal agreements for infrastructure.	Intergovernmental Element for annexation issue.
	<ul style="list-style-type: none"> <li>Recognize <b>campus master plan</b> and provide procedures for coordination of the campus master development agreement;</li> </ul>		N/A		None – no public university located within the unincorporated area.
	<ul style="list-style-type: none"> <li>Establish joint processes for <b>collaborative planning</b> and decision-making with other units of local government;</li> </ul>			Collaborative planning process established per Policies in ICE.	None
	<ul style="list-style-type: none"> <li>Establish joint processes for collaborative planning and decision making with the school board on <b>population projections</b> and <b>siting of public school facilities</b>;</li> </ul>			Collaborative planning process established per Policies in ICE and interlocal planning agreement.	None
	<ul style="list-style-type: none"> <li>Establish joint processes for the siting of facilities with <b>county-wide significance</b>; and</li> </ul>			Collaborative process established per Policies in ICE.	None
	<ul style="list-style-type: none"> <li>Adoption of an interlocal agreement for <b>school concurrency</b>.</li> </ul>			Not utilized.	None – optional plan provision.
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible <b>public school facilities</b> program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for <b>multimodal transportation districts</b> , if locally established.	9J-5.016(4)(a)		Not utilized.	None – optional plan provision.
86	Required the Transportation Element analysis for <b>multimodal transportation districts</b> to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)		Not utilized.	None – optional plan provision.



2006 EVALUATION AND APPRAISAL REPORT

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
87	Required Transportation Element Objectives for <b>multimodal transportation districts</b> to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)		Not utilized.	None – optional plan provision.
88	Authorized local governments to establish <b>level of service standards</b> for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		In conflict with SIS and SB 360.	Transportation – incorporate LOS for SIS.