

## Consistency with Growth Management Regulations

Changes to Chapter 163, F.S. 1995-2005		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<b>1995</b> [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, and 12, <u>Laws of Florida</u> ]					
1	Required opportunities for <b>mediation or alternative dispute resolution</b> where a property owner's request for a comprehensive plan amendment is denied by a local government [Subsection 163.3181(4)] and prior to a hearing where a plan or plan amendment was determined by the DCA to be not in compliance.	163.3184(10)(c)		Procedural	
2	<b>Added a definition for "transportation corridor management"</b> [Subsection 163.3164(30)] and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation corridor management ordinances.	163.3177(6)(j)9.	X		
3	<b>Amended the definition of "public notice"</b> and certain <b>public notice and public hearing</b> requirements to conform to the public notice and hearing requirements for counties and municipalities in Sections 125.66 and 166.041, respectively.	163.3164(18), 163.3171(3), 163.3174(1) and (4), and 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)		Procedural	
4	Prohibited any <b>initiative or referendum process</b> in regard to any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)		Procedural	
5	Reduced to 30 [ <b>Note: changed to 20</b> ] days the time for DCA to <b>review comp plan amendments</b> resulting from a <b>compliance agreement</b> .	163.3184(8)(a)		Procedural	
6	Amended the requirements for the <b>advertisement</b> of DCA's <b>notice of intent</b> .	163.3184(8)(b)		Procedural	
7	Required the administrative law judge to <b>realign the parties</b> in a Division of Administrative Hearings (DOAH) proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.	163.3184(16)(f)		Procedural	
8	Added clarifying language relative to those <b>small scale plan amendments</b> that are exempt from the <b>twice-per-year limitation</b> and <b>prohibited DCA review</b> of those small scale amendments that meet the statutory criteria in Paragraph 163.3187(1)(c).	163.3187(1)(c) and (3)(a)-(c)		Procedural	
9	Required DCA to consider an increase in the annual total acreage threshold for <b>small scale amendments</b> . (later repealed by s. 16, Ch. 2000-158, Laws of Florida).	163.3177(7)		Procedural	
10	Required local planning agencies to provide opportunities for <b>involvement by district school boards and community college boards</b> .	163.3174(1)		Procedural Interlocal Agreement	
11	Required that the future land use element clearly identify those <b>land use categories</b> where <b>public schools</b> are allowed.	163.3177(6)(a)		Future Land Use Element	
12	Established certain criteria for local governments wanting to	163.3180(1)(b)		Procedural; no school	

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	extend <b>concurrency to public schools</b> . (later amended by s. 5, Ch. 98-176, Laws of Florida).	<b>[Now: 163.3180(13)]</b>		concurrency requirement	
13	Substantially amended the criteria for <b>small scale amendments</b> that are exempt from the <b>twice-per-year limitation</b> .	163.3187(1)(c)		Procedural	
14	Revised the objectives in the coastal management element to include the <b>maintenance of ports</b> .	163.3177(6)(g)9.	X		
15	Provide that certain <b>port related expansion projects</b> are not DRIs under certain conditions.	163.3178(2), (3), and (5)	X		
16	Allowed a county to designate areas on the future land use plan for possible <b>future municipal incorporation</b> .	163.3177(6)(a)	X		
17	Required the <b>ICE</b> to include consideration of the plans of <b>school boards</b> and other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)		Future Land Use Element Intergovernmental Element Interlocal Agreement	
18	Revised the <b>processes and procedures</b> to be included in the ICE.	163.3177(6)(h)		Intergovernmental Coordination Element	
19	Required that within 1 year after adopting their <b>ICE</b> each county and all municipalities and school boards therein establish by interlocal agreement the <b>joint processes</b> consistent with their ICE.	163.3177(6)(h)2.		Procedural Interlocal agreements	
20	Required local governments who utilize <b>school concurrency</b> to satisfy intergovernmental coordination requirements of ss. 163.3177(6)(h)1.	163.3180(1)(b)2. <b>[Now: 163.3180(13)(g)]</b>	X		
21	Permitted a county to adopt a <b>municipal overlay</b> amendment to address future possible municipal incorporation of a specific geographic area.	163.3217	X		
22	Authorized DCA to conduct a <b>sustainable communities demonstration project</b> .	163.3244 <b>[Now: Repealed.]</b>		Procedural	
23	Amended the definition of <b>de minimis impact</b> as it pertains to concurrency requirements.	163.3180(6)		Procedural	
24	Established that no plan or plan amendment in an <b>area of critical state concern</b> is effective until found in compliance by a final order.	163.3184(14)	X		
25	Amended the criteria for the annual effect of <b>Duval County small scale amendments</b> to a maximum of 120 acres.	163.3187(1)(c)1.a.III	X		
26	Prohibited amendments in <b>areas of critical state concern</b> from becoming effective if not in compliance.	163.3189(2)(b)	X		
27	<b>Exempted brownfield area</b> amendments from the <b>twice-a-year</b>	163.3187(1)(g)		Procedural	

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	<b>limitation.</b>				
28	Required that the <b>capital improvements element</b> set forth standards for <b>the management of debt.</b>	163.3177(3)(a)4.		Capital Improvements Element	
29	Required inclusion of at least <b>two planning periods</b> – at least 5 years and at least 10 years.	163.3177(5)(a)		Procedural	
30	Allowed <b>multiple individual plan amendments</b> to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	
31	<b>Defined “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		Procedural	
32	Established the requirements for a <b>public school facilities element.</b>	163.3177(12)		Procedural (No public schools element)	
33	Established the minimum requirements for imposing <b>school concurrency.</b>	163.3180(12) <b>[Now: Section (13)]</b>	X		
34	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) <b>[Now: Section14]</b>	X		
35	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>		EAR	
36	<b>Amended the definition of “in compliance”</b> to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Procedural	
37	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)		Procedural	
38	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)		Procedural	
39	Substantially reworded Section 163.3191, F.S., related to <b>evaluation and appraisal reports.</b>	163.3191		EAR	
40	Changed the <b>population requirements</b> for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	X		
41	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)	X		

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42	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)	X		
43	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)	X		
44	<b>Added the Growth Policy Act to Ch. 163</b> , Part II to promote <b>urban infill and redevelopment</b> .	163.2511,163.25,14,163.2517,163.2520,163.2523, and 163.2526		Procedural	
45	Required that all comp plans comply with the <b>school siting requirements</b> by October 1, 1999.	163.3177(6)(a)		Future Land Use Element Intergovernmental Coordination Element	
46	Made <b>transportation facilities</b> subject to concurrency.	163.3180(1)(a)		Traffic Circulation Element Concurrency Management System	
47	Required use of <b>professionally accepted techniques</b> for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Traffic Circulation Element Concurrency Management System	
48	Excludes <b>public transit facilities</b> from <b>concurrency</b> requirements.	163.3180(4)(b)		Traffic Circulation Element Concurrency Management System	
49	Allowed <b>multiuse DRIs</b> to satisfy the <b>transportation concurrency</b> requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Procedural	
50	Allowed <b>multimodal transportation districts</b> in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural	
51	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) <b>[Now: (i) and (j)]</b>		Procedural	
52	<b>Defined brownfield designation</b> and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)		Procedural	
53	<b>Repealed Section 163.3184(11)(c), F.S.</b> , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) <b>[Now: Repealed]</b>		Procedural	
54	<b>Repealed Section 163.3187(7), F.S.</b> that required consideration	163.3187(7)		Procedural	

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	of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	[Now: Repealed]			
55	<b>Repealed Sections 163.3191(13) and (15), F.S.</b>	163.3191(13) and (15) [Now: Repealed]		Procedural	
56	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	X		
57	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.		Procedural	
58	Created the <b>rural land stewardship area</b> program.	163.3177(11)(d)	X		
59	Required that all agencies that review comprehensive plan amendments and rezoning include a <b>nonvoting representative of the district school board</b> .	163.3174		Intergovernmental Coordination Element Interlocal agreement for public schools	Intergovernmental Coordination Element amendment
60	Required <b>coordination of local comprehensive plan</b> with the regional water supply plan.	163.3177(4)(a)			Intergovernmental Coordination Element amendment
61	<b>Plan amendments for school-siting</b> maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural	
62	Required that by <b>adoption of the EAR</b> , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and <b>include a 10-year work plan</b> to build the identified water supply facilities.	163.3177(6)(c)	X		
63	Required <b>consideration of the regional water supply plan</b> in the preparation of the conservation element.	163.3177(6)(d)			Conservation Element
64	Required that the <b>intergovernmental coordination element (ICE)</b> include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)			Intergovernmental Coordination Element amendment
65	Required the local governments adopting a public educational facilities element execute an <b>inter-local agreement</b> with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4.	X		
66	Required that counties larger than 100,000 population and their municipalities submit a <b>inter-local service delivery agreements</b> (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local	163.3177(6)(h)6., 7., & 8.		Interlocal Services Delivery Agreement	

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	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.				
67	Required local governments and special districts to provide <b>recommendations for statutory changes for annexation</b> to the Legislature by February 1, 2003.	163.3177(6)(h)9.		Procedural	
68	Added a <b>new Section 163.31776</b> that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	X		
69	Added a <b>new Section 163.31777</b> 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		Intergovernmental Coordination Element Interlocal agreement for public school facilities planning	Intergovernmental Coordination Element
70	<b>Added a provision</b> that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)		Concurrency requirements Future Land Use Element Future Land Use Plan Map	
71	<b>Expanded the definition of “affected persons”</b> to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		Procedural	
72	<b>Expanded the definition of “in compliance”</b> to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural	
73	<b>Streamlined the timing</b> of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural	
74	Required that local governments provide a <b>sign-in form</b> at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)		Procedural	
75	<b>Exempted amendments</b> 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)		Procedural	
76	<b>Required EARs to include</b> (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)		EAR	
77	Allowed local governments to <b>establish a special master process</b> to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Procedural	
78	Created the <b>Local Government Comprehensive Planning</b>	163.3246		Procedural	

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	<b>Certification Program</b> to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.				
79	Added a provision to Section 380.06(24), <b>Statutory Exemptions</b> , 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)		Procedural	
80	Prohibited a local government, under certain conditions, from denying an <b>application for development approval</b> for a requested land use for certain proposed solid waste management facilities.	163.3194(6)		Procedural	
81	Creates the <b>Agricultural Lands and Practices Act</b> .  (2): Provides <b>legislative findings and purpose</b> with respect to agricultural activities and duplicative regulation.  (3): <b>Defines the terms “farm,” “farm operation,” and “farm product”</b> for purposes of the act.  (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a <b>bona fide farm operation</b> on land that is classified as agricultural land.  (4)(a): Provides that the act does <b>not limit the powers of a county</b> under certain circumstances.  (4)(b): Clarifies that a <b>farm operation</b> may not expand its operations under certain circumstances.  (4)(c): Provides that the act does not limit the <b>powers of certain counties</b> .  (4)(d): Provides that certain county ordinances are not deemed to be a <b>duplication of regulation</b> .	163.3162	X		
82	Changes “State Comptroller” <b>references</b> to “Chief Financial	163.3167(6)		Procedural	

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	Officer.”				
83	Provides for certain <b>airports</b> to abandon DRI orders.	163.3177(6)(k)	X		
84	Amended to <b>conform to the repeal</b> of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)		Procedural	
85	Amended to <b>conform to the repeal</b> of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)		Procedural	
86	(10): Amended to <b>conform to the repeal</b> 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		Procedural	
87	(1): Provides <b>legislative findings</b> on the compatibility of development with <b>military installations</b> .  (2): Provides for the <b>exchange of information</b> relating to <b>proposed land use decisions</b> between counties and local governments and military installations.  (3): Provides for <b>responsive comments</b> by the commanding officer or his/her designee.  (4): Provides for the county or affected local government to <b>take such comments into consideration</b> .  (5): Requires the representative of the military installation to be an <b>ex-officio, nonvoting member</b> of the county’s or local government’s land planning or zoning board.  (6): Encourages the commanding officer to provide <b>information on community planning assistance grants</b> .	Creates 163.3175.	X		
88	(6)(a): <ul style="list-style-type: none"> <li>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>.</li> </ul>	163.3177			Future Land Use Element

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<ul style="list-style-type: none"> <li>• Changed to specifically encourage <b>rural land stewardship area</b> designation as an overlay on the future land use map.</li> </ul> <p>(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.</p> <p>(10)(l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for <b>military installations</b>.</p> <p>(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>.</p> <p>(11)(d)2.: Provides for <b>multicounty rural land stewardship areas</b>.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a <b>rural land stewardship area</b>.</p> <p>(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.</p> <p>(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.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and <b>urban infill and redevelopment</b>; requires DCA to provide technical assistance to local governments.</p>				
<p>89</p> <p>(1): Provides legislative findings with respect to the shortage of <b>affordable rentals</b> in the state.</p> <p>(2): Provides <b>definitions</b>.</p> <p>(3): Authorizes local governments to permit <b>accessory dwelling</b></p>	Creates 163.31771		Procedural	

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	<p><b>units</b> in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an <b>affidavit from the applicant</b> which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): 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.</p> <p>(6): Requires the <b>DCA to report</b> to the Legislature.</p>				
90	<b>Amends the definition of “in compliance”</b> to add language referring to the <b>Wekiva Parkway and Protection Act</b> .	163.3184(1)(b)	X		
91	<p>(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.</p> <p>(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.</p>	163.3187		Procedural	
92	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)	X		
93	Added the <b>definition of “financial feasibility.”</b>	Creates ss. 163.3164(32)		Procedural	
94	<p>(2): Required comprehensive plans to be <b>“financially”</b> rather than <b>“economically” feasible</b>.</p> <p>(3)(a)5.: Required the comprehensive plan to include a <b>5-year schedule of capital improvements</b>. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be <b>guaranteed</b> in the form of a <b>development agreement or interlocal agreement</b>.</p> <p>(3)(a)6.b.1.: Required plan amendment for the <b>annual update</b> of the schedule of capital improvements. <b>Deleted</b> provision allowing updates and change in the date of construction to be accomplished by ordinance.</p>	163.3177			Capital Improvements Element.

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<p>(3)(a)6.c.: Added <b>oversight and penalty</b> provision for failure to adhere to this section's capital improvements requirements.</p> <p>(3)(a)6.d.: Required a <b>long-term capital improvement schedule</b> if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): <b>Deleted</b> date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(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.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the <b>alternative water supply projects</b> selected by the local government to meet its water supply needs.</p> <p>(6)(e): Added waterways to the system of sites addressed by the <b>recreation and open space element</b>.</p> <p>(11)(d)4.c.: Required <b>rural land stewardship areas</b> to address <b>affordable housing</b>.</p> <p>(11)(d)5.: Required a <b>listed species survey</b> be performed on <b>rural land stewardship receiving area</b>. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6.: Must enact an ordinance establishing a <b>methodology</b> for creation, conveyance, and use of <b>stewardship credits</b> within a <b>rural land stewardship area</b>.</p> <p>(11)(d)6.j.: Revised to allow <b>open space and agricultural land</b> to be just as important as environmentally sensitive land when assigning stewardship credits.</p> <p>(12): Must adopt <b>public school facilities element</b>.</p> <p>(12)(a) and (b): A <b>waiver</b> from providing this element will be allowed under certain circumstances.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>Procedural</p> <p>Future Land Use Element</p>	<p>Public Facilities Element amendment</p> <p>Parks and Recreation Element amendment</p> <p>New Public School Facilities Amendment by January 2008</p>

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Consistency with Growth Management Regulations

Changes to Chapter 163, F.S. 1995-2005		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
98	<p>(1)(a): Added “<b>schools</b>” as a required concurrency item.</p> <p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure “<b>adequate water supplies</b>” to serve new development is available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c): Required <b>all transportation facilities</b> to be in place or under construction within <b>3 years</b> (rather than 5 years) after approval of building permit.</p> <p>(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p> <p>(5)(d): Required <b>guidelines for granting concurrency exceptions</b> to be included in the comprehensive plan.</p> <p>(5)(e) – (g): If local government has established <b>transportation exceptions</b>, the guidelines for implementing the exceptions must be “<b>consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.</b>” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p> <p>(6): Required local government to <b>maintain records</b> to determine whether 110% <b>de minimis transportation impact</b> threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p> <p>(7): Required consultation with the Department of Transportation prior to designating a <b>transportation concurrency management area</b> (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p>	163.3180		<p>Procedural</p> <p>Procedural</p>	<p>New Public School Facilities Amendment by January 2008</p> <p>Traffic Circulation Element amendment</p> <p>New Public School Facilities Amendment by January 2008</p> <p>Traffic Circulation Element amendment</p> <p>Traffic Circulation Element amendment</p> <p>Traffic Circulation Element amendment</p>

N/A = Not Applicable

Consistency with Growth Management Regulations

Changes to Chapter 163, F.S. 1995-2005	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(9)(a): Allowed adoption of a <b>long-term concurrency management system for schools</b>.</p> <p>(9)(c): <b>(New section)</b> Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a <b>long-term concurrency management system</b>.</p> <p>(9)(d): <b>(New section)</b> Required evaluation in EAR of progress in improving levels of service..</p> <p>(10): Added requirement that level of service standard for roadway facilities on <b>the Strategic Intermodal System</b> must be consistent with FDOT standards. Standards must consider <b>compatibility with adjacent jurisdictions</b>.</p> <p>(13): Required <b>school concurrency</b> (not optional).</p> <p>(13)(c)1.: Requires school concurrency after five years to be applied on a <b>“less than districtwide basis”</b> (i.e., by using school attendance zones, etc).</p> <p>(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(13)(c)3.: No application for development approval may be denied if a <b>less-than-districtwide measurement of school concurrency</b> is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a <b>legally binding commitment</b> to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving <b>proportionate-share mitigation</b>.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must <b>credit</b> this amount toward any <b>impact fee or exaction</b> imposed on the community:</p> <ul style="list-style-type: none"> <li>• contribution of land</li> </ul>			<p>EAR</p>	<p>New Public School Facilities Amendment by January 2008</p> <p>Traffic Circulation Element amendment</p> <p>New Public School Facilities Amendment by January 2008</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

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Consistency with Growth Management Regulations

Changes to Chapter 163, F.S. 1995-2005	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<ul style="list-style-type: none"> <li>• construction, expansion, or payment for land acquisition</li> </ul> <p>(13)(g)2.: <b>(Section deleted)</b> – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p> <p>(13)(g)6.a.: <b>[Formerly (13)(g)7.a.]</b> Local governments must establish a <b>uniform procedure for determining if development applications are in compliance with school concurrency.</b></p> <p>(13)(g)7. <b>[Formerly (13)(g)8.] Deleted</b> language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h): <b>(New 2005 provision)</b> The fact that <b>school concurrency</b> has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p> <p>(15): Prior to adopting <b>Multimodal Transportation Districts</b>, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p> <p>(16): <b>(New 2005 section)</b> Required local governments to adopt by <b>December 1, 2006</b> a method for assessing <b>proportionate fair-share mitigation options.</b> FDOT will develop a model ordinance by December 1, 2005.</p>		N/A*	<p>Procedural</p> <p>Procedural</p> <p>Procedural</p>	<p>“</p> <p>“</p> <p>“</p> <p>Traffic Circulation Element amendment</p>
<p>99 (17): <b>(New 2005 section)</b> If local government has adopted a <b>community vision</b> and <b>urban service boundary</b>, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): <b>(New 2005 section)</b> If a municipality has adopted an urban</p>	163.3184	<p>X</p> <p>X</p>		

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Consistency with Growth Management Regulations

Changes to Chapter 163, F.S. 1995-2005		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.				
100	<p>(1)(c)1.f.: Allowed approval of residential land use as a <b>small-scale development amendment</b> when the proposed density is equal to or less than the existing future land use category. Under certain circumstances <b>affordable housing units</b> are exempt from this limitation.</p> <p>(1)(c)4.: (<b>New 2005 provision</b>) If the small-scale development amendment involves a <b>rural area of critical economic concern</b>, a 20-acre limit applies.</p> <p>(1)(o): (<b>New 2005 provision</b>) An amendment to a <b>rural area of critical economic concern</b> may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187	X  X	Procedural	
101	<p>(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the <b>EAR</b> whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The <b>EAR</b> must determine whether the local government has met its various water supply requirements, <b>including development of alternative water supply projects.</b></p> <p>(2)(o): (<b>New 2005 provision</b>) The <b>EAR</b> must evaluate whether its <b>Multimodal Transportation District</b> has achieved the purpose for which it was created.</p> <p>(2)(p): (<b>New 2005 provision</b>) The <b>EAR</b> must assess <b>methodology for impacts on transportation facilities.</b></p> <p>(10): The <b>EAR-based amendment</b> must be <b>adopted within a single amendment cycle.</b> Failure to adopt within this cycle results in <b>penalties.</b> Once updated, the comprehensive plan must be submitted to the DCA.</p>	163.3191		<p>EAR Interlocal agreement</p> <p>EAR</p> <p>EAR</p> <p>EAR</p> <p>EAR</p>	
102	<p>(10) New section designating Freeport as a <b>certified community.</b></p> <p>(11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S.,</p>	163.3246	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
<b>February 20, 1996</b>					
1	Repealed rule requirements for the <b>Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element.</b> <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009		Procedural	
2	Repealed rule requirements for the <b>Recreation and Open Space Element.</b> <i>Note: Section 163.3177, F.S., requires local governments to prepare this element.</i>	9J-5.014		Parks and Recreation Element	
3	Repealed rule requirements for consistency of local government comprehensive plans with the <b>Comprehensive Regional Policy Plans</b> and with the <b>State Comprehensive Plan.</b> <i>Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.</i>	9J-5.021		Procedural	
<b>October 20, 1998</b>					
4	Established requirements for the <b>Public School Facilities Element</b> for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025	X		
<b>March 21, 1999</b>					
5	Defined <b>public transit</b> and <b>stormwater management facilities</b>	9J-5.003		Procedural	
6	Revised the definitions of <b>affordable housing, coastal planning area, port facility, and wetlands.</b>	9J-5.003		Procedural	
7	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		Procedural	
8	Revised provisions relating to <b>adoption by reference</b> into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
9	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)		Procedural	
10	Repealed conditions for <b>de minimis impact</b> and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural	
11	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)		Traffic Circulation Element CLUP Map	
12	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)		Public Facilities Element	
13	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)	X	Procedural Intergovernmental Coordination Element	
14	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)	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
15	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>		X		
	<ul style="list-style-type: none"> <li>• Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Coordination ports, airports, and related facilities plans with plans of other transportation providers; and</li> </ul>				
	<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>				
16	Required policies of the Transportation Element to:	9J-5.019(4)(c)		Traffic Circulation Element	
	<ul style="list-style-type: none"> <li>• Provide for safe and convenient <b>on-site traffic flow</b>;</li> </ul>				
	<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>				
	<ul style="list-style-type: none"> <li>• Promote <b>ports, airports and related facilities</b> development and expansion;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Protect and conserve natural resources within ports, airports and related facilities;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and</li> </ul>				
	<ul style="list-style-type: none"> <li>• Protect ports, airports and related facilities from encroachment of incompatible land uses.</li> </ul>				
17	Added standards for the review of <b>land development regulations</b> by the Department.	9J-5.022		Procedural	
18	Added criteria for determining consistency of <b>land development regulations</b> with the comprehensive plan.	9J-5.023		Procedural	
<b>February 25, 2001</b>					

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
19	Defined <b>general lanes</b>	9J-5.003		Procedural	
20	Revised the definition of " <b>marine wetlands.</b> "	9J-5.003		Procedural	
21	Repeal the definition of " <b>public facilities and services.</b> "	9J-5.003		Procedural	
22	Revised procedures for <b>monitoring</b> , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Procedural	
23	Repealed requirements for <b>evaluation and appraisal reports</b> and evaluation and appraisal amendments.	9J-5.0053		Procedural	
24	Revised concurrency management system requirements to include provisions for establishment of <b>public school concurrency.</b>	9J-5.005(1) and (2)	X		
25	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)	X		
26	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)		Traffic Circulation Element	
27	Provide that <b>public transit</b> facilities are not subject to concurrency requirements.	9J-5.0055(8)		Procedural Concurrency Management System	
28	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)		Procedural	
29	Required the future land use map to show <b>multimodal transportation district</b> boundaries, if established.	9J-5.006(4)	X		
30	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)	X		
31	Required data for the Housing Element include a description of <b>substandard dwelling units</b> and repealed the requirement that the housing inventory include a locally determined definition of standard	9J-5.010(1)(c)		Housing Element EAR	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	and substandard housing conditions.				
32	Authorized local governments to supplement the <b>affordable housing needs assessment</b> with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)		Housing Study Housing Element EAR	New Housing Element amendment
33	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)		Intergovernmental Coordination Element	Renew Interlocal agreement by January 2008
34	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)		Intergovernmental Coordination Element	
	<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>				
	<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>				
	<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>				
	<ul style="list-style-type: none"> <li>• Establish joint processes for collaborative planning and decision making with the school board on <b>population projections and siting of public school facilities</b>;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Establish joint processes for the siting of facilities with <b>county-wide significance</b>; and</li> </ul>				
	<ul style="list-style-type: none"> <li>• Adoption of an interlocal agreement for <b>school concurrency</b>.</li> </ul>				
35	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	9J-5.016(4)(a)	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	level of service standards will be achieved and maintained and a schedule of capital improvements for <b>multimodal transportation districts</b> , if locally established.				
36	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)	X		
37	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)	X		
38	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)	X		