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3. Attachment 3: EAR Amendment Project Schedule



**THE CITY OF KEY WEST
PLANNING BOARD
Executive Summary**

To: Chairman and Planning Board Members

Through: Ashley Monnier, Planner II

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: January 19, 2012

Agenda Item: Presentation of the schedule and approach to the Evaluation and Appraisal Report (EAR) amendments to the City of Key West Comprehensive Plan.

Introduction: The City is in the process of preparing amendments to the Comprehensive Plan based on the recommendations from the 2005 and 2007 Evaluation and Appraisal Reports (EAR). To provide a brief description, the Evaluation and Appraisal of a local government's Comprehensive Plan is required to determine if plan amendments are necessary to reflect changes in state requirements or local conditions since the last update of the Comprehensive Plan, in accordance with Section 163.3191, Florida Statutes (F.S.). Though the 2005 and 2007 EAR reports were adopted by the City and found compliant by the State Land Planning Agency, the corresponding amendments were never made to the Comprehensive Plan. In order to implement the EAR-based amendments, the City of Key West has entered into contract with The Corradino Group to prepare the amendments and update the data and analysis as needed.

On December 29, 2011, the City prepared an Evaluation and Appraisal Notification letter to the State Land Planning Agency assessing and identifying potential amendments needed to be made to the Comprehensive Plan based on current growth management requirements, conditions, and the community's vision. On January 3, 2012, the State Land Planning Agency provided correspondence to the City of Key West acknowledging receipt of the Evaluation and Appraisal Notification letter, as well as putting the City on notice that transmittal of the plan amendments would be required by December 29, 2012 (within one year of notification).

Approach: The consultant has prepared a preliminary schedule for the plan amendment initiative. Due to the City's Area of Critical State Concern Designation, any Comprehensive Planning amendment must follow the State Coordinated Review process.

Key West EAR-Based Amendments Schedule for Approach	
Task 1: Data and Analysis Updates	September thru December 31, 2011
Task 2: Preparation of EAR-based Amendments, Water Supply Plan and Capital Improvement Element Amendments	January 1 thru April 30, 2012
Task 3: Proposed EAR-based Amendments	May 1 thru June 30, 2012
Task 4: Response to Objections, Recommendations, and Comments (ORC Report)	Before August 31, 2012
Task 5: Public Hearing to Adopt Proposed EAR- based Amendments	Before September 30, 2012
Task 6: Transmit Adopted EAR-Based Amendments to State	Before October 31, 2012

Two separate Comprehensive Planning initiatives that may significantly inform the EAR-amendment process include the Statewide Regional Hurricane Evacuation Modeling workshops, as well as becoming compliant with the recent state requirement to incorporate military installation coordination and compatibility into the Future Land Use element of the Comprehensive Plan. It is also important to note that the Planning Department is in the early stages of the Peary Court Future Land Use designation amendment process. Though the Peary Court designation change is independent from the EAR-amendment process, it is a major long-range planning effort that may have indirect influences on the EAR process.

Summary: In summary, the EAR-amendment process is expected to be completed prior to December 29, 2012. The Planning Department will provide periodic updates as major aspects of the EAR-amendment initiative are met.

Attachments:
EAR Notification Letter

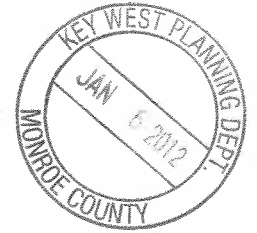
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EAR Notification Letter

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR



January 3, 2012

Mr. Donald Leland Craig, ACIP
Planning Director
City of Key West
Post Office Box 1209
Key West, Florida 33041-1409

RE: City of Key West Evaluation and Appraisal Notification Letter

Dear Mr. Craig:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on January 1, 2012, and received by the Department on December 29, 2011.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **December 29, 2012**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Rebecca Jetton of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8494.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Review Administrator, at (850) 717-8483.

Sincerely,

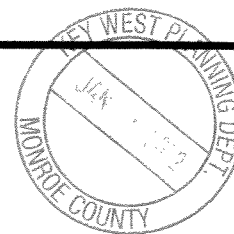
D. Ray Eubanks
Plan Processing Administrator

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



Eubanks, Ray

From: Ashley Monnier [amonnier@keywestcity.com]
Sent: Thursday, December 29, 2011 4:41 PM
To: Eubanks, Ray
Cc: Jetton, Rebecca; Jim Scholl; Mark Finigan; Don Craig
Subject: City of Key West EAR Notification Letter
Attachments: EAR Notification Letter 12-29-11.PDF



Dear Mr. Eubanks,

Please find attached the City's EAR Notification Letter, in accordance with the requirements of Chapter 163.3191 of the Florida Statutes, as revised by the 2011 Growth Management legislation. Should you be in need of any additional information, or have any questions, please do not hesitate to contact me, or my director, Donald Craig at (305) 809-3728.

Thank you,

<<...>>

*Ashley Monnier
Planner II
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040
Phone: (305) 809-3725
Fax: (305) 809-3978*



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

December 29, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

Mr. Ray Eubanks
Florida Department of Economic Opportunity
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, Florida 32399

RE: Letter of Determination regarding the 2011 Evaluation of the City of Key West's Comprehensive Plan

Dear Mr. Eubanks,

In accordance with the requirements of Chapter 163.3191, Florida Statutes (F.S.), as revised by the 2011 Growth Management Legislation (CS/HB7207ER), the City of Key West hereby submits this letter of determination regarding potential amendments to comply with State requirements as of the date of this letter. The City is in the process of preparing amendments to the Comprehensive Plan based on the recommendations from the 2005 and 2007 Evaluation and Appraisal Reports. The adopted 2005 EAR included a matrix identifying changes to Chapter 163, F.S. and necessary changes to the Comprehensive Plan that covers the period between 1986 and 2003. Although the City adopted both of these EARs, the amendments identified in both reports were never drafted. In subsequent years, the scope of these amendments has been broadened to include additional changes that might be required to address growth management legislation that has been adopted since 2003. Enclosed with this letter is an updated matrix to cover the period between 2004 and 2011.

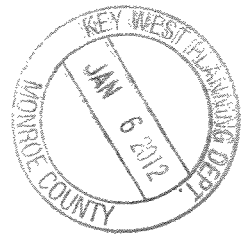
As part of its EAR and preparation for the EAR-based amendments, the City has assessed its Comprehensive Plan in order to identify potential amendments to address State growth management requirements put in place in 2011 and previously. These amendments include the following:

1. Amend the Future Land Use Element to provide that all goals, objectives and policies are measurable (Chapter 163.3177(6)(a), F.S.);
2. Amend the Port Facilities Element to address all current requirements in Chapter 163.3177, F.S.;
3. Amend the Housing and Traffic Circulation Elements to address the provisions of Chapter 163.3177(11) concerning land use efficiencies, innovative planning and development strategies, and the use of existing facilities;
4. Amend the Housing Element to address very low income housing (Chapter 163.3177(6)(f));



Mr. Eubanks
December 29, 2011
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5. Rename the Traffic Circulation Element the Transportation Element, and amend it to address all associated requirements as per Chapter 163.3177, F.S.;
6. Amend the Future Land Use Element to identify land use districts where public schools are allowed;
7. Amend the Intergovernmental Coordination Element to address all current processes and procedures as per Chapter 163.3177(6)(h)(2);
8. Amend the Capital Improvements Element to address debt management (Chapter 163.3177(3)(a)(4), F.S.);
9. Update the Comprehensive Plan's planning horizons as per Chapter 163.3177(5)(a);
10. Adopt a Water Supply Plan, and associated amendments, as per Chapter 163.3177(6)(c) and (d), F.S.;
11. Amend the Recreation and Open Space Element to address waterways (Chapter 163.3177(6)(e);
12. Amend the Coastal Management Element to address strategies for the preservation of recreational and commercial working waterfronts (Chapter 163.3178(2)(g);
13. Amend the Future Land Use Element and the Coastal Management Element to define the Coastal High Hazard Area as the area below the elevation of the category 1 storm surge line as established by the SLOSH model (Chapter 163.3178(2)(h);
14. Amend the Future Land Use Element and the Coastal Management Element to update the level of service standard for out of County hurricane evacuation in accordance with Chapter 163.3178(9)(a), F.S.;
15. Amend the Future Land Use Map to depict the Coastal High Hazard Area as per the new definition (Chapter 163.3178(2)(c), F.S.);
16. Amend the Future Land Use Element to establish criteria relating to the land use compatibility and location of electrical substations and provide that substations are allowed in Future Land Use Districts with some exceptions to preserve the intent of conservation or historic preservation districts to the greatest extent possible (Chapter 163.3208, F.S.);
17. Amend the Future Land Use Element to address energy efficient land use patterns that account for existing and future power generation and transmittal systems (Chapter 163.3177(6)(a), F.S.);
18. Amend the Future Land Use and Intergovernmental Coordination Elements to include criteria for ensuring land use compatibility near public use airports and military installations (Chapters 163.3177(5) and (6), F.S.);
19. Amend the Intergovernmental Coordination Element to include a mandatory dispute resolution process (Chapter 163.3177(6)(h)1.c.;




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December 29, 2011
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20. Amend the Intergovernmental Coordination Element to address joint agreements and coordination between cities and counties in planning in advance of jurisdictional changes in accordance with Chapter 163.3171(4), F.S.;
21. Amend the Capital Improvements Element to identify whether projects are funded or unfunded, and to identify funding priority levels (Chapter 163,3177(3)(a)4;
22. Amend the Future Land Use Element to address the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for a ten year planning period (Chapter 163.3177(6)(a)4;
23. Evaluate revisions to Chapter 163.3180, F.S., to determine if parks, schools, and transportation facilities should be excluded from the City's concurrency management system; and,
24. Amend policies that address hurricane evacuation times to be consistent with Section 380.0552(9)(a)2, F.S.

In addition, the EAR-based amendments will also address the EAR recommendations from 2005 and 2007, and the completion of subsequent data and analysis necessary to support the EAR-based amendments. The City has entered into a contract with The Corradino Group to prepare the amendments and update the data and analysis as needed to implement the EAR-based amendments. Enclosed with this letter is the scope of services and project schedule. The amendments will bring the Comprehensive Plan up to date with current growth management requirements, conditions, and the community's vision. The City anticipates adoption and transmittal of these amendments by October 31, 2012.

Thank you for your assistance in this matter. Please contact me if you have any questions or need additional information.

Sincerely,


Donald Leland Craig
AICP, Planning Director

Attachments:

- Attachment 1: Table of Statutory Changes and Required Amendments to the City of Key West Comprehensive Plan 2004-2011
- Attachment 2: Scope of Services for the City of Key West RFP #005-11 Evaluation and Appraisal Report Amendments to the Comprehensive Plan
- Attachment 3: EAR Amendment Project Schedule

C: Rebecca Jetton, Areas of Critical State Concern Administrator, Department of Economic Opportunity
Jim Scholl, City Manager
Mark Finigan, Assistant City Manager
Ashley Monnier, Planner II

Attachment 1

CITY OF KEY WEST

Table of Statutory Changes and Required Amendments to the City of Key West Comprehensive Plan

Covering 2004 to 2011

12/1/2011

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]				
1	<p>Creates the Agricultural Lands and Practices Act.</p> <p>(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.</p> <p>(3): Defines the terms "farm," "farm operation," and "farm product" for purposes of the act.</p> <p>(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.</p> <p>(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.</p> <p>(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.</p> <p>(4)(c): Provides that the act does not limit the powers of certain counties.</p> <p>(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.</p>	163.3162 [New]	x	
2	Changes "State Comptroller" references to "Chief Financial Officer."	163.3167(6)		Procedural
3	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)		Procedural
4	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31776		Procedural
5	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31777		Procedural
2004: [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.]				
1	<p>(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.</p> <p>(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.</p>	163.3167		Water Supply Plan Amendments (Future Land Use, Conservation, Public Facilities and Capital Improvements Elements)

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.				
2	<p>(1): Provides legislative findings on the compatibility of development with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(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.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	Creates 163.3175.			Military Base Compatibility Amendments (Future Land Use and Intergovernmental Coordination Elements)
3	<p>(6)(a):</p> <ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan 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 military installations.</p> <p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in</p>	163.3177			<p>Water Supply Plan Amendments (Future Land Use, Conservation, Public Facilities and Capital Improvements Elements)</p> <p>Military Base Compatibility Amendments (Future Land Use and Intergovernmental Coordination Elements)</p>

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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<p>4</p> <p>(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units 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 affidavit from the applicant, 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 accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>	<p>Creates 163.31771</p>		<p>Procedural</p>	
<p>5</p> <p>Amends the definition of "in compliance" to add language</p>	<p>163.3184(1)(b)</p>	<p>x</p>		

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	referring to the Wekiva Parkway and Protection Act .				
6	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans. (1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.	163.3187		Procedural	
7	Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations .	163.3191(2)(n)		Procedural	
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]					
1	Added the definition of "financial feasibility."	163.3164(32) [New]		Procedural (Repealed)	
2	(2): Required comprehensive plans to be " financially " rather than "economically" feasible . (3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements . Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement . (3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance. (3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements. (3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system. (6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted. (6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water	163.3177		Repealed	Water Supply Plan Amendments (Future Land Use, Conservation, Public Facilities and Capital Improvements Elements) Recreation and Open Space Element to address Waterways

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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<p>facilities).</p> <p>(6)(a): Add requirement that future land use element of coastal counties 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 alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.</p> <p>(6)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p> <p>(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.</p> <p>(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.</p> <p>(12): Must adopt public school facilities element.</p> <p>(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.</p>				
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N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	<p>(12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p> <p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a "community vision," which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop an "urban service boundary," which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).</p>	<p>[New]</p> <p>[New]</p>			
3	163.31776 is repealed	163.31776 [Now: Repealed]			
4	<p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p>	163.31777		Optional	
5	(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			Coastal Management Element

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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6	<p>(1)(a): Added "schools" as a required concurrency item.</p> <p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.</p> <p>(2)€: Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(4)€: The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)€ – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be "consistent with and support a comprehensive strategy, and promote the purpose of the exceptions." 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 maintain records to determine whether 110% de minimis transportation impact 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 transportation concurrency management</p>	163.3180		Optional or repealed (2011 Growth Management Legislation)	
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N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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<p>area (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> <p>(9)(a): Allowed adoption of a long-term concurrency management system for schools.</p> <p>(9)€: (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.</p> <p>(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service..</p> <p>(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.</p> <p>(13): Required school concurrency (not optional).</p> <p>(13)€1.: Requires school concurrency after five years to be applied on a “less than districtwide basis” (i.e., by using school attendance zones, etc).</p> <p>(13)€2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(13)€3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must be shifted to contiguous service areas with school capacity.</p> <p>(13)€: Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)€1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p>				
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N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	<p>(13)€2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – 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.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p> <p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h): (New 2005 provision) The fact that school concurrency 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 Multimodal Transportation Districts, 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): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.</p>	<p>[New]</p> <p>[New]</p>			
7	(17): (New 2005 section) If local government has adopted a community vision and urban service boundary , state and	163.3184 [New]		Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	<p>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): (New 2005 section) If a municipality has adopted an urban 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.</p>				
8	<p>(1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	<p>163.3187</p> <p>[New]</p> <p>[New]</p>		Procedural	
9	<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 Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply workplan.</p> <p>(2)(o): (New 2005 provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The Evaluation and Appraisal</p>	<p>163.3191</p> <p>[New]</p> <p>[New]</p>		Procedural	

N/A = Not Applicable

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	<p>Report must assess methodology for impacts on transportation facilities.</p> <p>(10): The Evaluation and Appraisal Report -based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>				
10	<p>(10) New section designating Freeport as a certified community. (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.</p>	163.3246 [New]	x		
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]					
1	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5) [New]	x		
2	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33) [New]			
3	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g)2. [New]		Repealed	
4	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area . Ch. 2006-220, LOF.	163.3177(11)(d)6.	x		
5	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)		Procedural	
6	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)		Procedural	
7	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)			Future Land Use and Coastal Management Element Amendments
8	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a) [New]			Future Land Use and Coastal Management Element Amendments

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9	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b) [New]		Procedural	
10	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA , and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c)			Future Land Use and Coastal Management Element Amendment
11	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		Procedural	
12	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)		Procedural	
13	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.		Procedural	
14	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	163.3208 [New]			Future Land Use Element Amendments
15	Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209 [New]		Procedural	
16	Community Workforce Housing Innovation Pilot Program ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.	New		Procedural	
17	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale	New		Procedural	

N/A = Not Applicable

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	amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.				
2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]					
1	<p>(26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Ch. 2007-204, LOF.</p> <p>(32) Revises the definition of "financial feasibility" by clarifying that the plan is financially feasibility for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.</p>	163.3164		Procedural	

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2	<p>(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.</p> <p>(3)(a)6. Revises the citation to the MPO's TIP and long-range transportation plan. Ch. 2007-196, LOF.</p> <p>(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.</p> <p>(3)(c) Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Ch. 2007-204, LOF.</p> <p>(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p> <p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p> <p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	<p>163.3177</p> <p>[New]</p> <p>[New]</p>			
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3	<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.</p> <p>(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.</p> <p>(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.</p> <p>(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.</p> <p>(16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.</p> <p>(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.</p>	<p>163.3180</p> <p>[New]</p> <p>[New]</p> <p>[New]</p>			
4	<p>Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax</p>	<p>163.3182 [New]</p>		<p>Procedural</p>	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.				
5	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
6	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]		Procedural	
7	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]		Procedural	
8	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural	
9	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	x		
10	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement . Ch. 2007-196, LOF.	339.282 [New]		Procedural	
11	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)		Procedural	
2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
1	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)	x		
2	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)			Future Land Use Element Amendments
3	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)		Repealed	
4	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		Repealed	
5	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Repealed	
6	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Repealed	Future Land Use Element
7	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction	163.3177(6)(f)1.h. and i.		Repealed	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.			
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		Repealed
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan		State Comprehensive Plan
2009 [Chapters 2009-85 and 2009-96, Laws of Florida]				
1	Changes "Existing Urban service area" to " Urban service area " and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)		Procedural
2	Adds definition of " Dense urban land area. " Section 2, Chapter 2009-96, LOF.	163.3164(34)		Procedural
3	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible . Section 3, Chapter 2009-96, LOF.	163.3177(3)(b)1.		Repealed
4	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports . For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	163.3177(6)(a)		Military Base Compatibility Amendments (Future Land Use and Intergovernmental Coordination Elements)
5	Requires the intergovernmental coordination element to recognize airport master plans . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.b.		Repealed
6	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c.		Intergovernmental Coordination Element
7	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.d.		Repealed
8	Defines " rural agricultural industrial center " and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a) [New]	x	
9	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)2.		Procedural
10	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation	163.3180(5)(b)3.	x	

N/A = Not Applicable

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	concurrency exception areas. Section 4, Chapter 2009-96, LOF.				
11	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)4.	x		
12	Except in transportation concurrency exception areas , local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System . Section 4, Chapter 2009-96, LOF.	163.3180(10)		Traffic Circulation Element	
13	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)		Procedural	

2010 [Chapters 2010-5, 2010-33, 2010-70, 2010-102, 2010-182, 2010-205 and 2010-209, Laws of Florida]

1	Deletes section 163.31771(6), F.S. (obsolete language that addressed an accessory dwelling unit report); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, LOF.			Procedural	
2	Chapter 2010-102, Laws of Florida, makes several minor changes which do not effect sustentative comprehensive planning requirements: <ul style="list-style-type: none"> 1. Section 163.2526, F.S.: repealed 2. Section 163.3167(2), F.S.: obsolete language deleted 3. Section 163.3177(6)(h), F.S.: minor wording changes 4. Section 163.3177(10)(k), F.S.: minor wording changes 5. Section 163.3178(6), F.S.: obsolete language deleted 6. Section 163.2511(1), F.S.: minor wording changes 7. Section 163.2514, F.S.: minor wording changes 8. Section 163.3202, F.S.: minor wording changes 			Procedural	
3	Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, F.S., which do not affect sustentative comprehensive planning requirements: <ul style="list-style-type: none"> 1. Section 163.3167(13), F.S. 2. Section 163.3177(4)(a), F.S. 3. Section 163.3177(6)(c), (d) and (h), F.S. 4. Section 163.3191(2)(l), F.S. 			Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
4	Chapter 2010-209, Laws of Florida, make a minor wording change in Section 163.2523, F.S., which does not affect sustentative comprehensive planning requirements.				
5	Deleted the phrase "SMART Schools Clearinghouse". Section 11, Chapter 2010-70, LOF.	163.31777(1)(a) and (3)(a)		Procedural	
6	Revises section 163.3175, F.S., to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, LOF.	163.3175(2)		Procedural	
7	Revises section 163.3177(6)(a), F.S., to specify that the 43 local governments listed in section 163.3175(2), F.S., must consider the factors listed in section 163.3175(5), F.S., when considering the compatibility of land uses proximate to military installations. Section 2, Chapter 2010-182, LOF.	163.3177(6)(a)			Military Base Compatibility Amendments (Future Land Use and Intergovernmental Coordination Elements)
8	Revised section 163.3180(4)(b), F.S., to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Section 1, Chapter 2010-33, LOF.	163.3180(4)(b)		Procedural	
2011 [Chapter 2011-139, Laws of Florida]					
1	Deletes the exemption for plan amendments to designate an urban infill and redevelopment area from the twice per year amendment limitation of s.163.3187.	163.2517(4)		Procedural	
2	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3161(1)		Procedural	
3	Expresses the purpose of the act, changing "control" future development to "manage" future development "consistent with the proper role of local government."	163.3161(2)		Procedural	
4	States the intent of the act is to focus the state role in managing growth to protect the functions of important state resources and facilities.	1633161(3) [New]		Procedural	
5	Modifies the intent of the legislature with respect to how comprehensive plans and amendments affect property rights.	163.3161(10)		Procedural	
6	States the intent is to recognize and protect agriculture, tourism and military presence as being the state's traditional economic base.	163.3161(11) [New]		Procedural	
7	States the intent is to not require local government plans that	163.3161(12) [New]		Procedural	

N/A = Not Applicable

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	have been found to be in compliance to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191.			
8	Modifies the provisions for agricultural lands and practices to state that a plan amendment for an agricultural enclave is presumed not to be urban sprawl as defined in 163.3164.	163.3162(4)	x	
9	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act" and sets forth new and modified definitions, many of which were included in repealed Rule 9J-5.003, F.A.C.	163.3164		Procedural
10	Establishes definition for "adaptation action area."	163.3164(1) [New]		Procedural
11	Establishes definition for "affordable housing" [same meaning as in s.420.0004(3)].	163.3164(3) [previously in Rule 9J-5]		Procedural
12	Establishes definition for "antiquated subdivision."	163.3164(5) [New]		Procedural
13	Establishes definition for "capital improvement."	163.3164(7) [previously in Rule 9J-5]		Procedural
14	Establishes definition for "compatibility."	163.3164(9) [previously in Rule 9J-5]		Procedural
15	Establishes definition for "deepwater ports."	163.3164(11) [previously in Rule 9J-5]		Procedural
16	Establishes definition for "density."	163.3164(12) [previously in Rule 9J-5]		Procedural
17	Establishes definition for "floodprone areas."	163.3164(18) [previously in Rule 9J-5]		Procedural
18	Establishes definition for "goal."	163.3164(19) [previously in Rule 9J-5]		Procedural
19	Establishes definition for "intensity."	163.3164(22) [previously in Rule 9J-5]		Procedural
20	Establishes definition for "internal trip capture."	163.3164(23) [New]		Procedural
21	Establishes definition for "level of service."	163.3164(28) [previously in Rule 9J-5]		Procedural
22	Deletes definition for "financial feasibility."	163.3164(32) [Deleted]		Procedural
23	Establishes definition for "new town."	163.3164(32) [previously in Rule 9J-5]		Procedural
24	Establishes definition for "objective."	163.3164(33) [previously in Rule 9J-5]		Procedural
25	Deletes definition for "dense urban land areas."	163.3164(34) [Deleted]		Procedural
26	Establishes definition for "policy."	163.3164(36) [previously in Rule 9J-5]		Procedural

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
27	Deletes health systems and spoil disposal sites for maintenance dredging located in intracoastal waterways (except sites owned by ports) from the definition of "public facilities."	163.3164(38)		Procedural	
28	Changes definition of "regional planning agency" to "the council created pursuant to chapter 186."	163.3164(40)		Procedural	
29	Establishes definition for "seasonal population."	163.3164(41) [previously in Rule 9J-5]		Procedural	
30	Changes definition of "optional sector plan" to "sector plan" and clarifies the purpose of a sector plan. The term includes an optional sector plan that was adopted before the effective date of the act.	163.3164(42)		Procedural	
31	Establishes definition for "suitability."	163.3164(45) [previously in Rule 9J-5]		Procedural	
32	Establishes definition for "transit-oriented development."	163.3164(46) [New]		Procedural	
33	Clarifies the definition of "urban service area" to delete the term "built-up" and to include any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.	163.3164(50)		Procedural	
34	Establishes new definition for "urban sprawl."	163.3164(51) [replaces definition previously in 9J-5]		Procedural	
35	Modifies requirements for maintaining comprehensive plan, deleting the reference to s. 1633184 and the requirement that proposed plan amendments be submitted to the state land planning agency.	163.3167(2)		Procedural	
36	Deletes provisions for regional planning agency adoption of plan amendments for elements and amendments not prepared by a local government.	163.3167(3) and (6) [Deleted]		Procedural	
37	Deletes provisions for local government challenge of costs associated with preparing a comprehensive plan and related state land planning agency action.	163.3167(7) [Deleted]		Procedural	
38	Deletes provisions for encouraging each local government to articulate a vision of its future physical appearance and qualities of its community.	163.3167(11) [Deleted]		Procedural	
39	Establishes provisions for "planning innovations and technical assistance" and clarifies the roles of the state land planning agency and all other appropriate state and regional agencies in the process. Requires, upon request by the local government, the state land planning agency to coordinate multi-agency assistance on plan amendments that may adversely impact important state resources or facilities. Requires the state land planning agency to provide on its website guidance on the submittal and adoption of	163.3168(1) – (4) [New]		Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	comprehensive plans, amendments and land development regulations, prohibiting such guidance from being adopted by rule and exempting such guidance from s. 120.54(1)(a).				
40	Modifies areas of authority under this act with respect to joint agreements and intergovernmental coordination between cities and counties and planning in advance of jurisdictional changes.	163.3171(4)			Intergovernmental Coordination
41	Modifies military base compatibility provisions to not require that commanding officer comments, underlying studies and reports be binding on the local government. Requires the affected local government to be sensitive to private property rights and not be unduly restrictive on those rights in considering the comments provided by the commanding officer or designee.	163.3175(5)(d) and (6)			Intergovernmental Coordination
42	Modified to require that any local government comprehensive plan that has been amended to address military compatibility requirements after 2004 and was found in compliance be deemed in compliance until the local government conducts its evaluation and appraisal review pursuant to s.163.3191 and determines that amendments are necessary.	163.3175(9)		Procedural	
43	Modified to include significant portions of repealed Rule 9J-5.001 and 9J-5.005, F.A.C., with respect to the principles, guidelines, standards and strategies to be set forth in required and optional elements of the comprehensive plan and requirements for basing these elements on relevant, appropriate and professionally accepted data.	163.3177(1)		Procedural	
44	Deletes financial feasibility requirements.	163.3177(2)		Procedural	
45	Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5-year period and identify whether projects are either funded or unfunded and given a level of priority for funding. Deletes requirements for financial feasibility.	163.3177(3)(a)4			Capital Improvements Element
46	Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency and deletes provisions related to sanctions by the Administration Commission, adoption of long-term concurrency management systems and financial feasibility.	163.3177(3)(b)		Procedural	
47	Modifies planning period requirements, allowing additional planning periods for specific components, elements, land use amendments, or projects as part of the planning process.	163.3177(5)(a)		Procedural	
48	Modifies requirements for the future land use element to include guidance from repealed Rule 9J-5.006, F.A.C., relative to general	163.3177(6)(a)			Future Land Use Element

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	range of density or intensity of uses for gross land area and establishing a long term end toward which land use programs and activities are ultimately directed.			
49	Modifies the standards on which future land use plan and plan amendments are based to include: permanent and seasonal population, compatibility, the need to modify land uses and development patterns within antiquated subdivisions, preservation of waterfronts, location of schools proximate to urban residential areas, and other considerations taken from repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)2 and 3		Future Land Use Element
50	Modifies requirements for the future land use element "to accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited."	163.3177(6)(a)4		Future Land Use Element
51	Establishes requirements for analyzing future land use map amendments using portions of repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)8 [New]	Procedural	
52	Establishes requirements for the future land use element and map series, including with slight revisions the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl that were in repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)9 and 10 [New]		Future Land Use Element
53	Modifies requirements for the transportation element to include significant portions of repealed Rule 9J-5.019, F.A.C., addressing circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities and airport master plans.	163.3177(6)(b)		Transportation Element
54	Modifies requirements for the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element to include guidance from portions of repealed Rule 9J-5.011, F.A.C., and deletes requirements for including a topographic map depicting any areas adopted by a water management district as prime groundwater recharge areas and addressing areas served by septic tanks.	163.3177(6)(c)	Procedural	
55	Modifies potable water supply planning requirements to remove the provision that states that "amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan."	163.3177(6)(c)3	Procedural	
56	Modifies requirements for the conservation element to include portions of repealed Rule 9J-5.013, F.A.C., to list the natural resources to be identified, analyzed and protected and toward which conservation principles, guidelines and standards are to be	163.3177(6)(d)1 and 2 [New]	Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	directed.			
57	Modifies requirements for analyzing current and projected water sources for a 10-year period to include consideration of demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet these demands and the existing levels of conservation, use and protection and policies of the regional water management district.	163.3177(6)(d)3		Water Supply Plan amendments (Land Use, Conservation, Public Facilities, and Capital Improvements Elements)
58	Clarifies requirements for the housing element to include guidelines, standards and strategies based on an inventory taken from the latest decennial United States Census or more recent estimates and various other considerations listed in repealed Rule 9J-5.010, F.A.C.	163.3177(6)(f)1 and 2		Procedural
59	Deletes requirement for an affordable housing needs assessment conducted by the state land planning agency.	163.3177(6)(f)2 [Deleted]		Procedural
60	Based on repealed Rule 9J-5.010, F.A.C., sets forth new requirements for the creation and preservation of affordable housing, elimination of substandard housing conditions, providing for adequate sites and distribution for a range of incomes and types and including programs for partnering, streamlined permitting, quality of housing, neighborhood stabilization and improving historically significant housing.	163.3177(6)(f)3 [New]		Housing Element
61	Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archaeological resources.	163.3177(6)(g)		Coastal Management Element
62	Deletes provisions for local government adoption of recreational surface water use policies.	163.3177(6)(g)2 [Deleted]		Procedural
63	Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level.	163.3177(6)(g)10 [New]		Procedural
64	Deletes requirement for intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.	163.3177(6)(h)1.b [Deleted]		Procedural
65	Modifies requirements for the intergovernmental coordination element to include portions of repealed Rule 9J-5.015, F.A.C., including coordinating and addressing impacts on adjacent municipalities and coordinating the establishment of level of service standards.	163.3177(6)(h)3.a and b [New]		Procedural
66	Deletes requirements in intergovernmental coordination element for fostering coordination between special districts and local general purpose governments, submittal of public facilities report,	163.3177(6)(h)3 and 4 [Deleted]		Procedural

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	execution of interlocal agreement with district school board, the county and nonexempt municipalities, and submittal of reports to the Florida Department of Community Affairs by counties with populations greater than 100,000.				
67	Deletes provisions for optional elements of the comprehensive plan, transportation and traffic circulation, airport compatibility and other requirements related to transportation corridors and reduction of greenhouse gas emissions specific to local governments within an urbanized area.	163.3177(6)(i), (j), (k) [Deleted]		Procedural	
68	Deletes provisions for airport master plans.	163.3177(6)(k) [Deleted]		Procedural	
69	Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.	163.3177(7)(a)-(l) [Deleted]		Procedural	
70	See prior table entries for description of deleted provisions.	163.3177(8)-(14) [Deleted]			
71	See Chapter 2011-139, Laws of Florida.	163.3177(15)(a) Now: 163.3177(7)(a)			
72	Modifies provisions for processing plan amendments for land located within a rural agricultural industrial center to presume that these amendments are not urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184.	163.3177(7)(c)2		Procedural	
73	Deletes requirements for public schools interlocal agreements with respect to submittal of the agreements to the state land planning agency based on an established schedule and other requirements involving the state land planning agency related to waivers and exemptions.	163.3177(1)(b)-(d) and (2)		Procedural	
74	Deletes requirements related to the submittal of comments from the Office of Educational Facilities on the interlocal agreement, challenges to the state land planning agency notice of intent and other review process requirements.	163.3177(3)(a)-(c) and (4)-(7) [Deleted]		Procedural	
75	Deletes parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.	163.3180(1)			Potential Recreation and Open Space Element and Transportation Element Amendments
76	Modifies concurrency requirements to include portions of repealed Rule 9J-5.0055, F.A.C., which relate to achieving and maintaining adopted levels of service for a 5-year period, and providing for rescission of any optional concurrency provisions by plan amendment, which is not subject to state review.	163.3180 (1)(a) and (b) [New]		Procedural	
77	Deletes requirement that professionally accepted techniques be	163.3180(1)(b) [Deleted]		Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.				
78	Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.	163.3180(2)(b) and (c) [Deleted]			Potential Recreation and Open Space Amendments
79	Deletes provisions addressing governmental entities and establishment of binding level of service standards with respect to limiting the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted under s .163.3184	163.3180(3)		Procedural	
80	Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.	163.3180(4)(b) and (c) [Deleted]		Procedural	
81	Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, F.A.C. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share contribution. Defines the term "transportation deficiency."	163.3180(5)(a)-(h) [New]			Potential Transportation, Intergovernmental, and Capital Improvements Elements
82	See prior table entries for description of deleted provisions.	163.3180(6)-(13) [Deleted]			
83	Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.	163.3180(6)(a)[New]		Procedural	
84	Modifies school concurrency provisions to clarify that adoption and application of school concurrency is optional.	163.3180(6)(f)1 and 2		Procedural	
85	Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are identified and consistent with the school board's educational facilities plan.	163.3180(d) Now: 163.3180(g)		Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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86	Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board's educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.	163.3180(h)1.a, b and c [New]		Procedural	
87	See prior table entries for description of deleted provisions.	163.3180(14)-(17) [Deleted]			
88	Changes "transportation concurrency backlogs" to "transportation deficiencies" and makes related clarifications.	163.3182 [Revised]		Procedural	
89	Changes "creation of transportation concurrency backlog authorities" to "creation of transportation development authorities" and makes related clarifications.	163.3182(2) [Revised]		Procedural	
90	Changes "powers of a transportation concurrency backlog authority" to "powers of a transportation development authority" and makes related clarifications.	163.3182(4) [Revised]		Procedural	
91	Modifies the definition of "in compliance" to include a reference to s. 163.3248 and delete the reference to now repealed chapter 9J-5, F.A.C.	163.3184(1)(b) [Revised]		Procedural	
92	Provides a list of the "reviewing agencies."	163.3184(1)(c) [New]		Procedural	
93	Sets forth the "expedited" and "coordinated" review processes.	163.3184(2) [New]		Procedural	
94	Sets forth requirements for adopting and processing plan amendments according to the "expedited" and "coordinated" review processes, the scope of the comments to be provided by review agencies, responsibilities of the state land planning agency with respect to its various levels of review and coordination with other state agencies and public hearings.	163.3184(3) and (4) [New]		Procedural	
95	Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.	163.3184(5)-(7) [New]		Procedural	
96	Modifies provisions to enable the administration commission to specify sanctions to which the local government will be subject if it elects to make a plan amendment effective notwithstanding a determination of noncompliance.	163.3184(11) Now: 163.3184(8)		Procedural	
97	Modifies provisions for public hearings to state there is no prohibition or limitation on the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.	163.3184(15) Now: 163.3184(11)		Procedural	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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98	Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.	163.3184(12) [New]		Procedural	
99	Revises provisions to require that no proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).	163.3184(13) [New]		Procedural	
100	Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale FLUM amendments are permissible.	163.3187(1)(a)-(f) Now: 163.3187(1)(a)-(d)		Procedural	
101	Modifies the public notice requirements for small scale plan amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.	163.3187(1)2.a&b;3,4 and (e)-(q) Now: 163.3187(2)-(5)		Procedural	
102	See prior table entries for description of deleted provisions.	163.3189 Now: Repealed			
103	Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of plan to occur at least once every 7 years. The local government is required to determine if amendments are necessary to reflect changes in state requirements (only) since the last update and to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to 163.3184 (i.e., State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than	163.3191(1)-(14) Now: 163.3191(1)-(5)		Procedural	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	procedural rules or a schedule indicating when local governments must comply with these requirements.			
104	Deletes the reference to s. 163.3187(1) and provisions regarding the frequency of adoption of plan amendments as they relate to adoption of a municipal overlay.	163.3217(2)		Procedural
105	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3220(3)		Procedural
106	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3221(2)&(11)		Procedural
107	Revises the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to s. 163.3187 and s.163.3189 regarding compliance determination by state land planning agency.	163.3229		Procedural
108	Modifies provisions for periodic review of a development agreement to delete requirements for annual review conducted during years 6 through 10, incorporation of the review into a written report and the state land planning agency adoption of rules regarding the contents of the report.	163.3235		Procedural
109	Deletes requirements that a copy of the recorded development agreement be submitted to the state land planning agency within 14 days after the agreement is recorded and for the effectiveness of the agreement based on receipt by the state land planning agency.	163.3239		Procedural
110	Changes "Optional Sector Plans" to "Sector Plans" and clarifies the intent to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and protection of regionally significant resources, including regionally significant water courses and wildlife corridors. Revises the amount of geographic area intended for sector plans from at least 5,000 acres to at least 15,000 acres and protection of public facilities.	163.3245(1)		Procedural
111	Deletes provisions for the state land planning agency entering into an agreement to authorize preparation of an optional sector plan, and consideration of the state comprehensive and strategic regional policy plans, and clarifies the process for scoping meetings and joint planning agreements.	163.3245(2)		Procedural
112	Modifies the provisions for two levels of sector planning, clarifying the requirements for the long term master plan and detailed specific area plan. These plans may be based upon a planning period longer than timeframe on which the local comprehensive plan is based and are not required to demonstrate need. The	163.3245(3)		Procedural

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	state land planning agency is required to consult with certain other agencies as part of its review of the plans.			
113	Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.	163.3245(4) [New]		Water Supply Plan Amendments (Land Use, Conservation, Public Facilities, and Capital Improvements Elements), Transportation Element Amendments
114	Requires the detailed specific area plan to establish a buildout date until which the approved development is not subject to downzoning, unit density reduction or intensity reduction, with certain exceptions.	163.3245(5)(d) [New]		Procedural
115	Establishes provisions for master development approval, pursuant to s. 380.06(21), for the entire planning area in order to establish a buildout date and describes the level of detail appropriate for review of the application.	163.3245(6) [New]		Procedural
116	Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.	163.3245(7) [New]		Procedural
117	Establishes provisions for landowner withdrawal of consent to the master plan relative to proposed and adopted amendments.	163.3245(8) [New]		Procedural
118	Allows the right to continue, after adoption of a long-term master plan or a detailed specific area plan, existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.	163.3245(9) [New]		Procedural
119	Allows the state land planning agency to enter into an agreement with a local government that on or before July 1, 2011 adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres based on certain requirements.	163.3245(10) [New]		Procedural
120	Addresses a detailed specific area plan to implement a conceptual long-term buildout overlay found in compliance before July 1, 2011.	163.3245(11) [New]		Procedural
121	Provides for a landowner or developer that has received approval of a master DRI development order to implement this order by filing application(s) to approve the detailed specific area plan.	163.3245(12) [New]		Procedural
122	Modifies provisions in the local government comprehensive planning certification program to allow small scale development amendments to follow the process in s. 163.3187.	163.3246(9)(a)		Procedural
123	Deletes provisions in the local government comprehensive	163.3246(12)		Procedural

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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	planning certification program that address the failure to adopt a timely evaluation and appraisal report and failure to adopt an evaluation and appraisal report found to be sufficient.			
124	Deletes the requirement that the Office of Program Policy Analysis and Government Accountability prepare a report evaluating the certification program.	163.3246(14) [Deleted]		Procedural
125	See prior table entries for description of repealed provisions.	163.32465 Now: Repealed		
126	Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed s. 163.3177(11).	163.3248 [New]	x	
127	Sets forth the intent of Rural Land Stewardship Areas	163.3248(1) [New]	x	
128	Establishes a process upon which local governments may adopt a future land use overlay, which may not require a demonstration of need based on population projections or any other factors.	163.3248(2) [New]		Procedural
129	Sets forth six broad principles of rural sustainability that rural land stewardship areas are to further.	163.3248(3) [New]	x	
130	Provides for agency assistance and participation to local governments or property owners in development of a plan for rural land stewardship area.	163.3248(4) [New]	x	
131	Requires that a rural land stewardship area not be less than 10,000 acres, is located outside of municipalities and established urban service areas and is designated by plan amendment by each local government with jurisdiction.	163.3248(5) [New]	x	
132	Requires the plan amendment(s) designating a rural land stewardship area to be reviewed pursuant to s. 163.3184 and to meet certain requirements involving criteria for designating receiving areas, the application of innovative planning and development strategies, a process for implementing these strategies and a mix of densities and intensities that would not be characterized as urban sprawl.	163.3248(5)(a)-(d) [New]	x	
133	Requires a receiving area to be designated only pursuant to procedures established in the local government's land development regulations. If approval of the designation by a county board of county commissioners is required, it is to be made by resolution with a simple majority vote. A listed species survey must be performed and coordinated with appropriate agencies if listed species occur on the receiving area development site. Protective measures must be based on the rural land stewardship area as a whole.	163.3248(6) [New]	x	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
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134	Sets forth requirements for establishing a rural land stewardship overlay zoning district and methodology for the creation, conveyance, and use of transferrable rural land use/stewardship credits.	163.3248(7) [New]	x		
135	Sets forth limitations for creating, assigning and transferring stewardship credits based on underlying permitted uses, densities and intensities, and considerations for assigning credits based on the value and location of land and environmental resources.	163.3248(8)(a)-(k) [New]	x		
136	Provides for incentives to owners of land within rural land stewardship sending areas, in addition to use or conveyance of credits, to enter into rural land stewardship agreements.	163.3248(9)(a)-(e) [New]	x		
137	Expresses the intent of the section as an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas.	163.3248(10) [New]	x		
138	Expresses the intent of the Legislature that the rural land stewardship area in Collier County be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.	163.3248(11) [New]	x		
139	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.360(2)(a)		Procedural	
140	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.516(3)(a)		Procedural	

Attachment 2

Consultant to furnish, deliver and maintain such insurance as required above, the contract at the election of the City may be declared suspended, discontinued or terminated. Further, failure of the Consultant to take out and/or maintain any required insurance shall not relieve the Consultant from any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the Consultant concerning indemnification.

Scope of Services:

The scope of work includes EAR-based amendments to the Goals, Objectives and Policies of the Comprehensive Plan as well as the completion and/or provision of the data and analysis necessary to support the EAR-based amendments. The scope also includes updates to the Capital Improvement Element and a Water Supply Plan, as required by statute. Please note that the City of Key West is exempt from School Concurrency requirements.

The proposed work is not expected to constitute a complete update to the Goals, Objectives and Policies or the data and analysis of the Comprehensive Plan; rather, it is intended to implement EAR-based amendments and other statutory update requirements, and to ensure that any further required data and analysis to support these specific issues is provided. The identified major issues in both EARs are as follows:

- Vision for Plan
- Quality of Nearshore Marine Ecosystems
- Affordable Housing
- Hurricane Evacuation
- Coordinated Transportation
- Key West Port
- Capital Improvements Planning and Concurrency Management
- Historic Preservation
- Local Economy

Data and analysis updates have been completed in draft form for the following areas, but vary in level of detail required for integration into the EAR amendments. Copies of these materials are available for review at the Planning Department. :

- Affordable Housing;
- Population;
- Hurricane Evacuation (including a complete audit of the existing Building Permit Allocation System, total transient and residential unit estimates, and a transient unit survey);
- Land Use (consisting of a vacant lot analysis, conservation land acreage estimate, and an analysis of non-commercial square footage in the City); and
- Levels of Service (partial draft for sewer, waste and stormwater, including an update provided by city staff on stormwater status).

The City of Key West is a “dense urban area”, and therefore, it is anticipated that typical levels of service for roadways will no longer be necessary.

The City is conducting several independent efforts which are expected to inform the Comprehensive Plan update process. These include:

- A five year capital plan
- The Transportation Carrying Capacity Study (expected to start in late 2010 and take approximately one year); and
- A Solid Waste Master Plan (began in October 2010 and expected to take approximately one year).
The detailed scopes of services for these two studies are available at the city’s engineering department.
- Citizen surveys, including detailed recreation survey questions which will be available with the completion of the city’s Strategic Vision Action Plan in the second quarter , 2011.

Copies of the 2005 and 2007 Evaluation and Appraisal Reports, the Conformed Comprehensive Plan Goals, Objectives and Policies, the scopes associated with related studies and other draft materials associated with this effort are available digitally on the city’s website at www.keywestcity.com .

Due to the importance of these issues to the community, the work will include public workshops and meetings with the goal of informing the public at each key stage in the process prior to the presentation at required public hearings. Public meetings shall be held in the evenings to maximize public input.

The following general scope of work is associated with the project.

- A. Complete any additional data and analysis necessary to accomplish EAR-based amendments, including drafting of the Water Supply Plan and completion of the Capital Improvements Element revisions;
- B. Draft revisions to the Goals, Objectives and Policies
- C. Conduct integrated public workshops at key stages in the process;
- D. Present draft documents to the Planning Board and City Commission for a first reading;
- E. Respond to the Objections, Recommendations and Comments Report and prepare recommended changes; and,
- F. Present final documents for adoption.

The city is aware that the statute allows adoption of the Capital Improvements Element and Water Supply Plan prior to the EAR-based amendments. The consultant may wish to address whether such adoption would make a significant difference to the city, including whether benefits would outweigh the additional public hearing and response costs.

Attachment 3

Key West EAR Based Amendments	Schedule
Task 1: Data and Analysis Updates	September thru December 31, 2011
Task 2: Preparation of EAR-based Amendments, Water Supply Plan and Capital Improvement Element Amendments	January 1 thru April 30, 2012
Task 3: Proposed EAR-based Amendments	May 1 thru June 30, 2012
Task 4: Response to Objections, Recommendations, and Comments	Before August 31, 2012
Task 5: Public Hearing to Adopt Proposed EAR-based Amendments	Before September 30, 2012
Task 6: Transmit Adopted EAR-Based Amendments to State	Before October 31, 2012