

B. Evaluation and Appraisal of Comprehensive Plans Paragraphs 163.3191(1) – (3), F.S.

(Evaluation of the comprehensive plan after the adoption of a work plan.)

Water Supply Project Identification and Selection

At least every seven years, local governments must evaluate whether the need exists to amend their comprehensive plan since the last comprehensive plan update. The evaluation should address changes in state requirements since the last comprehensive plan update.

While an evaluation and appraisal report is not required, local governments are encouraged to comprehensively evaluate, and as necessary, update comprehensive plans to reflect changes in local conditions. The evaluation could address the issues below related to their work plans.

- Identify the extent to which the local government has been successful in identifying water supply projects, including water conservation and reclaimed water, necessary to meet projected demands.
- Evaluate the degree to which the work plan has been implemented for building all public, private, and regional water supply facilities within the jurisdiction necessary to meet projected demands.
- Include recommendations for revising the work plan and the applicable comprehensive plan elements to address the conclusions of the evaluation, as necessary.

C. Plan Amendments (Future Land Use Change)

Water Supply Demand Projections

- Address both gross (raw) and finished (i.e., after any losses due to water treatment) water supply needs for both potable and nonpotable (i.e., irrigation) demands, using professionally acceptable methodologies for population projections and per use capita rates.
- Address existing and future water conservation and reclaimed water commitments, and levels of service (i.e., per capita use rates), for both the proposed future land use change and the comprehensive plan.
- Address both the build-out time frame for a proposed future land use change, and the established planning time frame for the comprehensive plan.

Water Source Identification

- For existing demands, reflect water source(s) from supplier's water use permit.
- For future demands covered by a supplier's commitment to provide service under remaining available capacity of an existing water use permit, reflect the source(s) from the supplier's water use permit, including bulk supply contracted quantities, duration, and provider.
- For future demands not covered by an existing water use permit, provide sufficient planning-level data and analysis to demonstrate the availability of a sustainable water source as identified in this plan update.

Availability of Water Supply and Public Facilities

- Demonstrate an availability of gross water supply from the proposed source(s) of gross demand for the future land use change, given all other approved land use commitments within the local government's jurisdiction over both the proposed amendment's build-out and the established planning period of the comprehensive plan (see Subsections 163.3167(9) and 163.3177(6)(a), F.S.).
- Demonstrate an availability of both treatment facility capacity and permitted, available, finished water supply for the future land use change, given all other commitments for that capacity and supply over the proposed build-out period.
- If the availability of either water supply and/or public facilities is not currently demonstrable, then either phasing of the future land use (see Subsections 163.3177(6)(h)1, F.S.) and/or the appropriate amendments to the capital improvements element/potable water sub-element is required to ensure the necessary capital planning and timely availability of the needed infrastructure and water supply (see Subsections 163.3177(3)(a), 163.3177(6)(c), and 163.3177(6)(h)3.b., F.S.).
- If the water provider is an entity other than the local government responsible for the comprehensive plan amendment, then demonstrate that coordination of the plan amendment occurred between the water provider and the local government (see Subsection 163.3177(6)(h)3.b., F.S.).

Related Comprehensive Plan Amendments

- A future land use change may also require amendments to other specific elements within the comprehensive plan if it requires an adjustment to either the plan's future population or demand projections, the comprehensive plan's established planning period, the water supply sources, or water providers required to be addressed in the comprehensive plan (see Subsections 163.3167(9), 163.3177(4)(a), 163.3177(5)(a), 163.3177(6)(a), 163.3177(6)(c), and 163.3177(6)(d), F.S., and Section 163.3180, F.S.).

2. CITED FLORIDA STATUTE PROVISIONS (RELEVANT PORTIONS ONLY)

163.3167(9): Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.

163.3177(3)(a): The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.
2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.
3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.
4. A schedule of capital improvements which includes any publicly funded project of federal, state or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

163.3177(4)(a): Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, as the case may require and as such adopted plans or plans in preparation may exist.

163.3177(5)(a): Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.

163.3177(6)(a): A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

163.3177(6)(a)2.: The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable including:

- a. The amount of land required to accommodate anticipated growth.
- b. The projected permanent and seasonal population of the area.
- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

163.3177(6)(c): A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.
2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of,

facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every five years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

163.3177(6)(d): A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:
 - a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
 - b. Floodplains.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:
 - b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.
 - c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.
3. Current and projected needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies...

163.3177(6)(h)1.: An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist...

- a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

163.3177(6)(h)3.b.: Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

163.3180: Concurrency.—

163.3180(1)(a): Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis...

163.3180(1)(b): The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

163.3180(2): Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent...

163.3180(3): Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities.

163.3191: Evaluation and appraisal of comprehensive plan.—

163.3191(1): At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

163.3191(2): If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

163.3191(3): Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions.