

2.4 – Changes to Regulatory Environment

A. Background:

Section 163.3191 (2) (f), Florida Statutes, requires the Evaluation & Appraisal Report to assess the relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

B. Analysis:

The table on the following pages provides recognition of the statutory changes and their relationship to the Collier Growth Management Plan

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
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, <u>Laws of Florida.</u>]					
137	<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> <p>(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.</p>	163.3167		Adopted LWCWSP	
138	<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.	N/A	County has no military installations	
139	<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</p>	163.3177	N/A	Objective 1 Potable Water Sub-Element	

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Statutory Changes

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	<p>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 implementing provisions relating to rural land stewardship areas.</p> <p>(11)(d)2.: Provides for multi-county rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.</p>			<p>FLUE – Rural Lands Stewardship Area Overlay</p> <p>Acknowledged</p> <p>Acknowledged</p>	
140	<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</p>	Creates 163.31771	N/A	<p>Acknowledged</p> <p>Acknowledged</p>	

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Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	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. (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. (6): Requires the DCA to report to the Legislature.			Acknowledged	
141	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act .	163.3184(1)(b)	N/A		
142	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to 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	N/A		
143	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)	N/A	No military installations in County	
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]					
144	Added the definition of "financial feasibility."	163.3164(32) [New]		Acknowledged	
145	(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.	163.3177		Objective 2 of the CIE address Policy 1.3 Potable Water Sub-Element Policy 1.3.2: Recreation and Open Space Element FLUE – RLSA-Overlay Public Schools Facility Element – OR-08-55 Acknowledged	

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<p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water 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</p>		NA	<p>Adoption of the 10 year Water Supply Plan</p> <p>Adoption of the 10 year Water Supply Plan</p> <p>Acknowledged</p> <p>Policy 2.8 of Inter-Governmental Coordination Element</p> <p>Goal XII, Objective 1, Policy 4.3 of FLUE</p> <p>Goal XII, Objective 1, Policy</p>	

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	<p>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> <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>4.3 of FLUE</p> <p>Acknowledged</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Acknowledged</p> <p>Acknowledged</p>	
146	163.31776 is repealed	163.31776 [Now: Repealed]	N/A		
147	(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.	163.31777		Public Schools Facility Element – OR-08-55	

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<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>		N/A		
<p>148 (2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.</p>	163.3178			CCME needs to address
<p>149 (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)(c): 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)(c): 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)(e) – (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</p>	163.3180		<p>Public Schools Facility Element – OR-08-55</p> <p>Acknowledged</p> <p>Acknowledged</p> <p>Acknowledged</p> <p>Policy 5.4 of the Transportation Element</p> <p>Policy 5.5 of the Transportation Element</p>	

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<p>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 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)(c): (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)(c)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>N/A*</p> <p>N/A</p> <p>N/A</p>	<p>Policy 5.2 of the transportation Element</p> <p>Acknowledged for future TCMA establishment</p> <p>Acknowledged</p> <p>Acknowledged</p>	<p>Public Schools Facility Element – OR-08-55</p> <p>Public Schools Facility</p>

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<p>(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)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>[New]</p>	<p>N/A*</p> <p>N/A</p> <p>N/A</p>	<p>Element – OR-08-55</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Acknowledged</p> <p>Public Schools Facility Element – OR-08-55</p> <p>Acknowledged</p> <p>Public Schools Facility Element – OR-08-55</p>	

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Changes to Chapter 163, F.S. 2004-2008	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<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>	[New]		Acknowledged, but County has not designated a Multimodal Transportation District	Transportation Element
<p>150 (17): (New 2005 section) If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): (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>	163.3184 [New]	N/A	Acknowledged	
<p>151 (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>	163.3187 [New] [New]		GMP amendment process not contained in GMP	
<p>152 (2)(k): Required local governments that do not have either a</p>	163.3191	N/A		

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	<p>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 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>	<p>[New]</p> <p>[New]</p>	<p>N/A*</p> <p>N/A</p>	<p>Adoption of Public Schools Facility Element (2k)</p> <p>Objective 1 Potable Water Sub-Element (2l)</p> <p>Acknowledged (2 o and p, and 10)</p> <p>Acknowledged</p>	
153	<p>(10) New section designating Freeport as a certified community.</p> <p>(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]	N/A		
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]					
154	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5) [New]	N/A		
155	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33) [New]	N/A		
156	(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]	N/A		
157	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.		Acknowledged	

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Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
158	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)		Acknowledged	
159	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)	N/A	Acknowledged	
160	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)		FLUE Overview	
161	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]		FLUE Overview	
162	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]			CCME needs amended to recognize time frame for evacuations
163	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)		FLUM provides for CHHA	
164	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)		Provided for within Policy 1.2 of Sanitary Sewer Sub-Element	
165	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)		DRI process controls are outside of the GMP	
166	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.		GMP amendment process controls are outside of the GMP	
167	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	163.3208 [New]			Electrical distribution substations locational criteria and compatibility standards not addressed by

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	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.				the GMP.
168	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]			GMP silent to procedures within transmission and distribution rights of way.
169	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		Acknowledged – GMP amendment process controls are outside of the GMP	
170	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 amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	New		GMP amendment process controls are outside of the GMP, Density rating system provides for density bonus for affordable housing	
2007 Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]					
171	(26) Expands the definition of " urban redevelopment " to include a community redevelopment area. Ch. 2007-204, LOF. (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.	163.3164		GMP does not provide for definition section, relies upon Statues for both instances.	

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172	(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.	163.3177			
	(3)(a)6. Revises the citation to the MPO's TIP and long-range transportation plan . Ch. 2007-196, LOF.			N/A	
	(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.			N/A	
	(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.			N/A	Capital Improvement Element needs updated to reflect the December 1 st CIE amendment requirement.
	(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.	[New]		N/A	
	(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.				Policy 1.1 of Housing Element provides for requirement
(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.	[New]			Policy 1.1 of Housing Element provides for requirement	

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173	(4)(b) Expands transportation concurrency exceptions to include airport facilities . Ch. 2007-204, LOF.	163.3180		GMP does not address the specifics for the creation of concurrency exception areas, rather relies upon the Statutes for establishment of criteria, applies to each change within 163. Acknowledged Acknowledged Public Schools Facility Element Acknowledged Acknowledged	
	(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.				
	(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.	[New]			
	(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.				
	(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.	[New]			
	(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.	[New]			
(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.					
(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.					
174	Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service	163.3182 [New]		Acknowledged, Collier County to-date has not created backlog authority	

N/A = Not Applicable
Statutory Changes

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.				
175	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]	N/A	GMP amendment process not addressed by GMP	

N/A = Not Applicable
Statutory Changes

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
176	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]		GMP amendment process not addressed by GMP	
177	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]	N/A		
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Not addressed by GMP	
179	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]	N/A		
180	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]	N/A		
181	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)	N/A	GMP amendment process not addressed by GMP	
2008 Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
182	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		Objective 1 of the FLUE	
183	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)			FLUE
184	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)			FLUE
185	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)			TE
186	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)	N/A	GMP does not contain a conservation element	
187	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)			FLUE
188	The housing element must include standards, plans and principles	163.3177(6)(f)1.h. and i.			HE

N/A = Not Applicable
Statutory Changes

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.				
189	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)			TE
190	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	N/A		
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)		Acknowledged	N/A
2	Adds definition of " Dense urban land area. " Section 2, Chapter 2009-96, LOF.	163.3164(34)		Acknowledged	N/A
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.		Acknowledged-Collier has been adopting a financially feasible CIE	N/A
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)		Acknowledged Policy 1.5 of the FLUE	
5	Requires the intergovernmental coordination element to recognize airport master plans . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.b.		Acknowledged	ICE
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.		Acknowledged	ICE Policy 2.7
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.		Acknowledged	ICE Objective 3
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]		Acknowledged	N/A
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.		N/A	N/A

N/A = Not Applicable
Statutory Changes

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
10	Allows a county 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)3.		Acknowledged	N/A
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.		Acknowledged - Policy 5.5 of the TE addresses	N/A
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)		Acknowledged – Policy 1.4 of the TE	N/A
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)		Acknowledged	N/A
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 repot); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, LOF.			Acknowledged	N/A
2	Chapter 2010-102, Laws of Florida, makes several minor changes which do not effect sustentative comprehensive planning requirements: 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			Acknowledged	N/A
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: 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.			Acknowledged	N/A

N/A = Not Applicable
Statutory Changes

Changes to Chapter 163, F.S. 2004-2008		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	4. Section 163.3191(2)(l), F.S.				
4	Chapter 2010-209, Laws of Florida, make a minor wording change in Section 163.2523, F.S., which does not affect substantive comprehensive planning requirements.			Acknowledged	N/A
5	Deleted the phrase "SMART Schools Clearinghouse". Section 11, Chapter 2010-70, LOF.	163.31777(1)(a) and (3)(a)		Acknowledged	N/A
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)	N/A	N/A	N/A
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)	N/A	N/A	N/A
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)		Acknowledged	N/A

N/A = Not Applicable
Statutory Changes

2.5 Assessment of Methodology for Concurrency Management

Background:

Section 163.3191 (2) (p), Florida Statutes, requires the Evaluation & Appraisal Report to provide an assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties.

Analysis:

The only municipality inside the geographic boundary that comprises Collier County that performs a separate transportation system and concurrency review is the City of Naples, and Marco Island. Naples operates inside of a TCEA. All other jurisdictions within Collier County fall under the County's methodology which is regulated by the adopted TIS Guidelines and consistent with the review performed by the other jurisdictions within the County and FDOT. Continual coordination between the multiple jurisdictions occurs through interaction with the Collier MPO.