

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
<b>November 22, 1989</b>					
1	Defined <b>availability</b> or <b>available</b> , <b>concurrency</b> , <b>concurrency management system</b> , <b>currently available revenue sources</b> , and <b>public facilities and services</b> . <i>Note: the definition of availability or available was repealed March 23, 1994 and the definition of public facilities and services was repealed February 25, 2001.</i>	9J-5.003	NA		
2	Required comprehensive plan amendments applicable to the <b>Wekiva River Protection Area</b> to meet requirements of section 369.301, F.S., in addition to meeting compliance requirements of section 163.3184, F.S.	9J-5.005(8)	NA		
3	Required local governments to adopt a <b>concurrency management system</b> in their comprehensive plans and established requirements for such systems.	9J-5.0055		Concurrency Standards are listed in the Capital Improvement Section of the Lee Plan. Concurrency Management Inventory and Projections are adopted annually by the BoCC.	
4	Required the capital improvement element to include requirements to ensure an adequate <b>concurrency management system</b> is implemented.	9J-5.016		Concurrency Standards are listed in the Capital Improvement Section of the Lee Plan. Concurrency Management Inventory and Projections are adopted annually by the BoCC.	
5	Clarified requirements relating to <b>projected revenue sources</b> that are contingent upon ratification by public referendum.	9J-5.016(4)(a)2.	NA		
<b>April 2, 1992</b>					
6	Defined <b>transportation concurrency management area</b> , <b>transportation demand management</b> , <b>transportation system management</b> , and <b>transportation mobility element</b> . <i>Note: the definitions of transportation concurrency management area and transportation mobility element were repealed March 23, 1994.</i>	9J-5.003	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
7	Authorized local governments to establish optional <b>transportation concurrency management areas</b> and provided requirements for such areas. <i>Note: this rule was repealed March 23, 1994.</i>	9J-5.0057	NA		
8	Required <b>transportation concurrency management areas</b> to be shown on the future land use map.	9J-5.006(4)(a)		Lee County does not have transportation concurrency management areas.	
9	Required the capital improvement element to include requirements to ensure <b>concurrency management areas</b> are implemented, if designated.	9J-5.016		Lee County has not implemented concurrency management areas.	
<b>March 23, 1994</b>					
10	Defined <b>central business district, coastal area evaluation and appraisal report, partial evaluation and appraisal report, proposed evaluation and appraisal report, sufficiency review, and very low income family.</b> <i>Note: the definition of very low income family was repealed March 21, 1999.</i>	9J-5.003	NA		
11	Revised the definition of <b>coastal high hazard areas</b> and modified the definition of <b>coastal area</b> to provide a definition of the term <b>coastal planning area.</b> <i>Note: the definition of coastal planning area was revised March 21, 1999.</i>	9J-5.003	NA		
12	Repealed definitions of <b>availability or available, transportation concurrency management area, and transportation mobility element.</b>	9J-5.003	NA		
13	Required local comprehensive plans to include a countywide <b>marina siting plan</b> for participating local governments in the coastal area and <b>intergovernmental coordination</b> processes.	9-5.005(1)(c)		This is addressed by Objectives 128.5 and 128.6.	
14	Revised <b>monitoring and evaluation</b> requirements to include a description of the public participation process and components of the evaluation and appraisal process. <i>Note: Revised February 25, 2001.</i>	9-5.005(7)	NA		
15	Added procedures for transmittal and review of <b>evaluation and appraisal reports and evaluation and appraisal amendments.</b> <i>Note: Repealed March 21, 1999 and February 25, 2001.</i>	9J-5.0053	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
16	Revised requirements for the concurrency management system to include provisions regarding <b>level of service standards</b> , and <b>minimum requirements for concurrency</b> , and authorized local governments to incorporate within their concurrency management system optional <b>long term concurrency management systems</b> , <b>transportation concurrency management areas</b> , <b>transportation concurrency exception areas</b> ; <b>concurrency exceptions for projects that promote public transportation</b> , and provisions for <b>private contributions to local government capital improvement planning</b> .	9J-5.0055		Concurrency Standards are listed in the Capital Improvement Section of the Lee Plan. Concurrency Management Inventory and Projections are adopted annually by the BoCC.	
17	Repealed provisions authorizing establishment of optional <b>transportation concurrency management areas</b> and providing requirements for such areas.	9J-5.0057	NA		
18	Required the Future Land Use Element for coastal counties and municipalities that have dredge spoil disposal responsibilities to identify any existing <b>dredge spoil disposal sites</b> and include an analysis of the need for additional dredge spoil disposal sites.	9J-5.006(1)(f)3 and 9J-5.006(2)(f)	NA	Lee County has not identified dredge spoil disposal sites.	
19	Required the Future Land Use Element to include an analysis of <b>proposed development and redevelopment</b> based upon hazard mitigation reports.	9J-5.006(2)(g)	NA		
20	Required the Future Land Use Element to include objectives to encourage elimination or reduction of uses that are inconsistent with an <b>interagency hazard mitigation report</b> and ensure the availability of <b>dredge spoil disposal sites</b> for affected coastal counties and municipalities.	9J-5.006(3)(b)		Lee County does not have any dredge spoil disposal sites.	
21	Required policies of the future land use element to designate <b>dredge spoil disposal sites</b> for affected coastal counties and municipalities and establish <b>site selection criteria</b> for designation of future dredge spoil disposal sites.	9J-5.006(3)(c)	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
22	Required local governments to adopt the <b>level of service standards</b> established by the Department of Transportation for facilities on the Florida Intrastate Highway System and adopt adequate level of service standards for all other transportation facilities. <i>Note: 9J-5.007 was repealed February 20, 1996, and has been replaced by 9J-5.019.</i>	9J-5.007(3)(c)		This is addressed by Policies 37.1.1 and 95.1.3.	
23	Required the Ports, Aviation and Related Facilities Element to include an analysis of the need for additional <b>dredge spoil disposal sites</b> for existing and proposed ports. <i>Note: 9J-5.009 was repealed February 20, 1996, and has been replaced by 9J-5.019</i>	9J-5.009(2)(c)		Lee County does not have dredge spoil disposal sites.	
24	Required the Housing Element inventory and analysis to: \$ Use data from the <b>affordable housing needs assessment</b> ; \$ Address housing needs of existing and future residents; \$ Avoid the concentration of affordable housing; and Address the needs of <b>very-low income families</b> as well as low and moderate income families.	9J-5.010(1) and (2)		This has been addressed as part of this EAR document.	
25	Required Housing Element objectives to address: \$ Housing needs of current and future residents; \$ Sites and distribution of housing for very-low income and low-income families; and Use of job training, job creation and economic solutions to address affordable housing concerns.	9J-5.010(3)		This has been addressed as part of this EAR document.	
26	Required Coastal Management Element inventories and analyses to be coordinated with the countywide <b>marina siting plan</b> .	9J-5.012(2)		This is addressed by Goal 107 and Policy 128.5.1.	

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
27	Required Coastal Management Element policies to: \$ Incorporate recommendations from <b>interagency hazard mitigation reports</b> ; \$ Address the relocation, mitigation or replacement of <b>infrastructure</b> within the coastal high-hazard area; \$ Include criteria consistent with the countywide <b>marina siting plan</b> ; and Include a procedure to resolve inconsistencies between the local comprehensive plan and the <b>deepwater port master plan</b> .	9J-5.012(3)		This is addressed in the Coastal Management Element.	
28	Required affected local governments to incorporate the <b>marina siting plan</b> in the Coastal Management Element.	9J-5.012(4)		This is addressed in the Coastal Management Element.	
29	Required objectives of the Intergovernmental Coordination Element to: \$ Ensure coordination in the designation of new <b>dredge spoil disposal sites</b> ; \$ Involve the navigation and inlet districts, state and federal agencies and the public in identifying dredge spoil disposal sites; and Resolve conflicts between a coastal local government and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committee=s dispute resolution process.	9J-5.015(3)		Lee County does not have dredge spoil disposal sites.	
30	Required local governments having all or part of their jurisdiction within the urbanized area of a Metropolitan Planning Organization to prepare and adopt a <b>transportation element</b> which replaces the traffic circulation element, the mass transit element, and the ports, aviation and related facilities element and established requirements for the transportation element.	9J-5.019		The Lee Plan has a transportation element.	
<b>May 18, 1994</b>					
31	Added provisions for settlement of conflicts through <b>compliance agreements</b> .				

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	Defined <b>adjusted for family size, adjusted gross income, affordable housing, agency, amendment, clustering, compatibility, composition, density, development, development controls, distribution, environmentally sensitive lands, extent, facility availability, floodprone areas, functional relationship, high recharge area, hurricane vulnerability zone, intensity, manufactured home, moderate income household, natural drainage flow, natural groundwater aquifer recharge areas or natural groundwater recharge areas, new town, A pattern, potable water wellfield, purchase of development rights, rural areas, rural village or rural activity center, stormwater basin, stormwater facilities, stormwater management system, suitability, transfer of development rights, urban area, urban sprawl, very low income household wellhead protection area, and wetlands</b> . <i>Note: the definitions of adjusted for family size, adjusted gross income, development, and high recharge area were repealed and the definitions of affordable housing and wetlands were revised March 21, 1999.</i>	9J-5.003	NA		
33	Revised definitions of <b>areas subject to coastal flooding, conservation uses, deepwater ports, estuary, low income household, mobile home, natural reservations, and oceanic waters</b> .	9J-5.003	NA		
34	Revised comprehensive plan content requirements to clarify that the <b>future land use map</b> or map series must be included in the adopted comprehensive plan.	9J-5.005(1)		The Future Land Use Map is a component of the adopted comprehensive plan.	
35	Required all goals, objectives, policies, standards, findings and conclusions of the comprehensive plan and plan amendments to be based upon <b>analysis</b> as well as data, explained the meaning of being <b>based upon data</b> , referenced the Department's guide to <b>data sources</b> and National Wetland Inventory Maps, and authorized local governments to submit textual portions of their plan or amendment on <b>electronic processing storage media</b>	9J-5.005(2)	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
36	Required <b>goals, objectives and policies</b> to establish standards for the use of land and guidelines for land development regulations.	9J-5.005(6)		This is addressed in various parts of the plan, most specifically by the last paragraph of the Vision Statement and Chapter 13, Procedures and Administration, paragraph a.	
37	Required plan amendments exempt from the twice-a-year restriction under the development of regional impact provision to be transmitted as required by law and revised <b>adoption by reference</b> requirements. <i>Note: adoption by reference requirements were further revised March 21, 1999.</i>	9J-5.005(2)(g)	NA		
38	Authorized local governments to recognize in their comprehensive plans, statutory and common law <b>vested rights</b> .	9J-5.005(8)		This is addressed in the Procedures and Administration Element of the Lee Plan.	
39	Required public <b>potable water wells</b> and <b>wellhead protection areas</b> to be shown on existing land use map or map series and provided that <b>educational uses, public buildings and grounds and other public facilities</b> may be shown as one land use category.	9J-5.006(1)]		These are shown on Map 8 of the Lee Plan.	
40	Required policies of the Future Land Use Element to address protection of potable water wellfields by designating appropriate activities and land uses within <b>wellhead protection areas</b> .	9J-5.006(3)		The County has an adopted well field protection ordinance.	
41	Required public <b>potable waterwells, wellhead protection areas, and coastal high hazard areas</b> to be shown on the future land use map and provided that <b>educational uses, public buildings and grounds and other public facilities</b> may be shown as one land use category. Provided that if <b>mixed use categories</b> are used, policies must specify types of land uses allowed, the percentage distribution among the mix of uses or other objective measurement, and the density and intensity of each use.	9J-5.006(4)		These are shown on Map 8 of the Lee Plan.	

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
42	Provided criteria for reviewing local comprehensive plans and plan amendments for adequacy in discouraging the proliferation of <b>urban sprawl</b> , including indicators of sprawl and measures for evaluating land uses, local conditions, and development controls.	9J-5.006(5)	NA		
43	Required the Housing Element to address housing for moderate income, low income, and very low income households, group homes, foster care facilities, and households with special housing needs, including rural and farmworker housing.	9J-5.010		This has been addressed in the 2005 Needs Assessment Update included in this Evaluation and Appraisal Report.	
44	Required the Housing Element analysis to address the existing housing delivery system. [	9J-5.010(2)		This has been addressed in the 2005 Needs Assessment Update included in this Evaluation and Appraisal Report.	
45	Required objectives of the Housing Element to address adequate sites for mobile and manufactured homes.	9J-5.010(3)(b)		This has been addressed in the 2005 Needs Assessment Update included in this Evaluation and Appraisal Report.	
46	Required policies of the Housing Element to: \$ Include specific programs and actions to streamline the <b>permitting process</b> and minimize costs and delays for housing; \$ Establish principles and criteria guiding the location of <b>manufactured homes</b> ; \$ Identify interlocal agreements with nearby local governments to provide <b>affordable housing</b> ; and \$ Designate sufficient sites at sufficient densities to accommodate affordable housing.	9J-5.010(3)(c)		This has been addressed in the 2005 Needs Assessment Update included in this Evaluation and Appraisal Report.	



Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
47	Required the data and analysis of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to identify major <b>natural drainage features</b> and <b>natural groundwater aquifer recharge areas</b> , including areas identified by the water management district as <b>prime or high groundwater recharge areas</b> .	9J-5.011(1)		Lee County has created a Density Reduction Groundwater Resource Future Land Use Category. Another DRGR study has recently been completed and is undergoing peer review. Lee County has a stormwater master plan and follows NPDES permit compliance.	
48	Required the policies of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to establish <b>water quality standards for stormwater recharge</b> .	9J-5.011(2)		Lee County is awaiting DEP development of TMDL's.	
49	Required the Conservation Element to identify and analyze <b>groundwater</b> and important <b>fish or shellfish areas</b> .	9J-5.013(1)		Lee County performs water quality analysis and measures water elevations.	
50	Required policies of the conservation element to address land uses known to affect adversely the quality and quantity of <b>water sources</b> , including natural groundwater recharge areas, well head protection areas and surface waters used as a source of public water supply, and the protection and conservation of <b>wetlands</b> .	9J-5.013(2) and (3)		This is addressed in the Conservation and Community Facilities elements.	
<b>February 20, 1996</b>					
51	Repealed rule requirements for the <b>Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element</b> . <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009	NA		
52	Repealed rule requirements for the <b>Recreation and Open Space Element</b> . <i>Note: Section 163.3177, F.S., requires local governments to prepare this element.</i>	9J-5.014	NA		
53	Repealed rule requirements for consistency of local government comprehensive plans with <b>Comprehensive Regional Policy Plans</b> and with the <b>State Comprehensive Plan</b> . <i>Note: Local government comprehensive plans are required by section</i>	9J-5.021	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

<b>Changes to Rule 9J-5, F.A.C. 1989-2003</b>		<b>9J-5, F.A.C. Citations</b>	<b>NA</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
	<i>163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.</i>				
<b>October 20, 1998</b>					
54	Established requirements for the <b>Public School Facilities Element</b> for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		Lee County has not adopted school concurrency.	
<b>March 21, 1999</b>					
55	Defined <b>public transit</b> and <b>stormwater management facilities</b>	9J-5.003	NA		
56	Revised the definitions of <b>affordable housing, coastal planning area, port facility, and wetlands</b> .	9J-5.003	NA		
57	Repeal the definitions of <b>adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family</b> .	9J-5.003	NA		
58	Revised provisions relating to <b>adoption by reference</b> into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)	NA		
59	Repealed transmittal requirements for proposed <b>evaluation and appraisal reports</b> , submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)	NA		
60	Repealed conditions for <b>de minimis impact</b> and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6	NA		
61	Required the future land use map to show the <b>transportation concurrency exception area</b> boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)		Lee County does not have transportation concurrency exception areas.	
62	Required objectives of the Sanitary Sewer, Solid Waste,	9J-5.011(2)		This was addressed by the creation	

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of <b>high recharge</b> and <b>prime recharge</b> areas.			of the Density Reduction Groundwater Resource Future Land Use Designation.	
63	Repealed the <b>Intergovernmental Coordination</b> Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	NA		
64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a <b>Traffic Circulation Element</b> and that local governments with a population of 50,000 or less are not required to prepare <b>Mass Transit and Ports, Aviation and Related Facilities Elements</b> .	9J-5.019(1)	NA		
65	Required objectives of the Transportation Element to:	9J-5.019(4)(b)		The following have been addressed in the Transportation Element of the Lee Plan	
	<ul style="list-style-type: none"> <li>• Coordination the siting of new, or expansion of existing <b>ports, airports, or related facilities</b> with the Future Land Use, Coastal Management, and Conservation Elements;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Coordination ports, airports, and related facilities plans with plans of other transportation providers; and</li> </ul>				
	<ul style="list-style-type: none"> <li>• Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.</li> </ul>				
66	Required policies of the Transportation Element to:	9J-5.019(4)(c)		The following have been addressed in the Transportation Element of the Lee Plan	
	<ul style="list-style-type: none"> <li>• Provide for safe and convenient <b>on-site traffic flow</b>;</li> </ul>				

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> <li>Establish measures for the acquisition and preservation of public <b>transit</b> rights-of-way and corridors;</li> </ul>				
	<ul style="list-style-type: none"> <li>Promote <b>ports, airports and related facilities</b> development and expansion;</li> </ul>				
	<ul style="list-style-type: none"> <li>Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;</li> </ul>				
	<ul style="list-style-type: none"> <li>Protect and conserve natural resources within ports, airports and related facilities;</li> </ul>				
	<ul style="list-style-type: none"> <li>Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and</li> </ul>				
	<ul style="list-style-type: none"> <li>Protect ports, airports and related facilities from encroachment of incompatible land uses.</li> </ul>				
67	Added standards for the review of <b>land development regulations</b> by the Department.	9J-5.022			
68	Added criteria for determining consistency of <b>land development regulations</b> with the comprehensive plan.	9J-5.023		This is addressed in the Procedures and Administration Element of the Lee Plan.	
<b>February 25, 2001</b>					
69	Defined <b>general lanes</b>	9J-5.003	NA		
70	Revised the definition of “ <b>marine wetlands</b> .”	9J-5.003	NA		
71	Repeal the definition of “ <b>public facilities and services</b> .”	9J-5.003	NA		
72	Revised procedures for <b>monitoring</b> , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)	NA		
73	Repealed requirements for <b>evaluation and appraisal reports</b> and evaluation and appraisal amendments.	9J-5.0053	NA		
74	Revised concurrency management system requirements to include provisions for establishment of <b>public school concurrency</b> .	9J-5.005(1) and (2)	NA		

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
75	Authorized local governments to establish multimodal transportation <b>level of service standards</b> and established requirements for <b>multimodal transportation districts</b> .	9J-5.0055(2)(b) and (3)(c)	NA		
76	Authorized local governments to establish <b>level of service standards</b> for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	NA		
77	Provide that <b>public transit</b> facilities are not subject to concurrency requirements.	9J-5.0055(8)	NA		
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a <b>proportionate share contribution</b> .	9J-5.0055(9)	NA		
79	Required the future land use map to show <b>multimodal transportation district</b> boundaries, if established.	9J-5.006(4)		Lee county has not established multimodal transportation districts.	
80	Authorized local governments to establish <b>multimodal transportation districts</b> and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)		Lee county has not established multimodal transportation districts.	
81	Required data for the Housing Element include a description of <b>substandard dwelling units</b> and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		This has been addressed in the 2005 Needs Assessment Update included in this Evaluation and Appraisal Report.	
82	Authorized local governments to supplement the <b>affordable housing needs assessment</b> with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)	NA		
83	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of <b>interlocal agreements</b> within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for <b>public school concurrency</b> .	9J-5.015(3)(b)		This is addressed in Element X, Intergovernmental Coordination.	

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)		The following have been addressed in the Intergovernmental Coordination element of the Lee Plan	
	<ul style="list-style-type: none"> <li>• Policies that provide procedures to identify and implement <b>joint planning areas</b> for purposes of annexation, municipal incorporation and joint infrastructure service areas;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Recognize <b>campus master plan</b> and provide procedures for coordination of the campus master development agreement;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Establish joint processes for <b>collaborative planning</b> and decision-making with other units of local government;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Establish joint processes for collaborative planning and decision making with the school board on <b>population projections</b> and siting of <b>public school facilities</b>;</li> </ul>				
	<ul style="list-style-type: none"> <li>• Establish joint processes for the siting of facilities with <b>county-wide significance</b>; and</li> </ul>				
	<ul style="list-style-type: none"> <li>• Adoption of an interlocal agreement for <b>school concurrency</b>.</li> </ul>				
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible <b>public school facilities</b> program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for <b>multimodal transportation districts</b> , if locally established.	9J-5.016(4)(a)		Lee county has not established multimodal transportation districts.	
86	Required the Transportation Element analysis for <b>multimodal transportation districts</b> to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)		Lee county has not established multimodal transportation districts.	
87	Required Transportation Element objectives for <b>multimodal transportation districts</b> to address provision of a safe, comfortable and attractive pedestrian	9J-5.019(4)		Lee county has not established multimodal transportation districts.	

Table \_\_\_\_ Changes to Rule 9J-5, F. A. C

<b>Changes to Rule 9J-5, F.A.C. 1989-2003</b>		<b>9J-5, F.A.C. Citations</b>	<b>NA</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
	environment with convenient access to public transportation.				
88	Authorized local governments to establish <b>level of service standards</b> for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> <li>The identification of any actions that need to be taken to address the planning issues identified in the report.</li> <li>Proposed or anticipated amendments.</li> <li>A description of the public participation process.</li> <li>Encourage local governments to use the EAR to develop a local vision.</li> <li>Allows DCA to grant a 6 month extension for the adoption of plan amendments required by the EAR.</li> <li>Requires plan amendments to be consistent with the report.</li> <li>Allows municipalities of less than 2,500 to submit the EAR no later than 12 years after initial plan, and every 10 years thereafter.</li> <li>Authorized DCA to review EAR for sufficiency, but not for compliance. DCA authorized to delegate review to the regional planning council .</li> <li>Administration Commission is authorized to impose sanctions for failure to timely implement the EAR.</li> <li>DCA authorized to enter into agreement with municipalities of less than 5,000 and counties of less than 50,000 to focus planning efforts on selected issues when updating the plans.</li> </ul>	<b>requirements.]</b>			
<b>1994</b> [Ch. 94-273, S. 4, <u>Laws of Florida</u> ]					
51	* A plan amendment for the location of a <b>state correctional facility</b> can be made at any time, and does not count toward the <b>twice-a-year limitation</b> .	163.3187(1)(f) [Now: <b>163.3187(1)(e)</b> ]	NA		
<b>1995</b> [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, and 12, <u>Laws of Florida</u> ]					
52	Required opportunities for <b>mediation or alternative dispute resolution</b> where a property owner’s request for a comprehensive plan amendment is denied by a local government (Subsection 163.3181(4)) and prior to a hearing where a plan or plan amendment was determined by	163.3184(10)(c)	NA		



Table \_\_\_ Changes to Chapter 163.F.S.

	Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	the Department of Community Affairs (“DCA”) to be not in compliance.				
53	Added a definition for “ <b>transportation corridor management</b> ” (Subsection 163.3164(30)) and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation-corridor-management ordinances.	163.3177(6)(j)9	NA		
54	Amended the definition of “public notice” and certain <b>public notice and public hearing</b> requirements to conform to the public notice and hearing requirements for counties and municipalities in Sections 125.66 and 166.041, respectively.	163.3164(18), 163.3171(3), 163.3174(1) and (4), and 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)	NA		
55	Prohibited any <b>initiative or referendum process</b> in regard to any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)	NA		
56	Reduced to 30 [ <b>note: changed to 20</b> ] days the time for DCA to <b>review comp plan amendments</b> resulting from a <b>compliance agreement</b> .	163.3184(8)(a)	NA		
57	Amended the requirements for the <b>advertisement</b> of DCA’s <b>notice of intent</b> .	163.3184(8)(b)	NA		
58	Required the administrative law judge to <b>realign the parties</b> in a Division of Administrative Hearings (“DOAH”) proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.	163.3184(16)(f)	NA		
59	Added clarifying language relative to those <b>small scale plan amendments</b> that are exempt from the <b>twice-per-year limitation</b> and <b>prohibited DCA review</b> of those small scale amendments that meet the statutory criteria in Paragraph 163.3187(1)(c).	163.3187(1)(c) and (3)(a)-(c) [ <b>additional provisions added in 2005</b> ]	NA		
60	Required DCA to consider an increase in the annual total acreage threshold for <b>small scale amendments</b> . (later repealed by s. 16, Ch. 2000-158, Laws of Florida)	163.3177(7)	NA		
61	Required local planning agencies to provide opportunities for <b>involvement by district school</b>	163.3174(1)	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	<b>boards and community college boards .</b>				
62	Required that the future land use element clearly identify those <b>land use categories</b> where <b>public schools</b> are allowed.	163.3177(6)(a)		Schools may be considered in all Future Land Use Categories in Lee County except wetlands.	
63	Established certain criteria for local governments wanting to extend <b>concurrency to public schools</b> . (later amended by s. 5, Ch. 98-176, Laws of Florida)	163.3180(1)(b) <b>[Now: 163.3180(13)]</b>	NA		
<b>1996:</b> [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, Laws of Florida]					
64	Substantially amended the criteria for <b>small scale amendments</b> that are exempt from the <b>twice-per-year limitation</b> . <b>[ further amended in 2005]</b>	163.3187(1)(c)	NA		
65	Revised the objectives in the coastal management element to include the <b>maintenance of ports</b> .	163.3177(6)(g)9.	NA		
66	Provide that certain <b>port related expansion projects</b> are not DRIs under certain conditions.	163.3178(2), (3), and (5)	NA		
67	Allowed a county to designate areas on the future land use plan for possible <b>future municipal incorporation</b> .	163.3177(6)(a)	NA		
68	Required the ICE to include consideration of the plans of <b>school boards</b> and other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)	NA		
69	Revised the <b>processes and procedures</b> to be included in the ICE.	163.3177(6)(h)	NA		
70	Required that within 1 year after adopting their <b>ICE</b> each county and all municipalities and school boards therein establish by interlocal agreement the <b>joint processes</b> consistent with their ICE.	163.3177(6)(h)2.	NA		
71	Required local governments who utilize <b>school concurrency</b> to satisfy intergovernmental coordination requirements of 163.3177(6)(h)1.	163.3180(1)(b)2. <b>[Now: 163.3180(13)(g)]</b>		Lee County has adopted an interlocal agreement with the Lee County School District. There are no requirements for school concurrency.	
72	Permitted a county to adopt a <b>municipal overlay</b> amendment to address future possible municipal incorporation of a specific geographic area.	163.3217	NA		
73	Authorized DCA to conduct a <b>sustainable communities demonstration project</b> .	163.3244 <b>[Now repealed.]</b>	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<b>1997:</b> [Ch. 97-253, ss. 1-4, Laws of Florida]					
74	Amended the definition of <b>de minimis impact</b> as it pertains to concurrency requirements. <b>[further amended in 2005]</b>	163.3180(6)	NA		
75	Established that no plan or plan amendment in an <b>area of critical state concern</b> is effective until found in compliance by a final order.	163.3184(14)	NA		
76	Amended the criteria for the annual effect of <b>Duval County small scale amendments</b> to a maximum of 120 acres.	163.3187(1)(c)1.a.III	NA		
77	Prohibited amendments in <b>areas of critical state concern</b> from becoming effective if not in compliance.	163.3189(2)(b)	NA		
<b>1998:</b> [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5]					
78	Exempted <b>brownfield area</b> amendments from the <b>twice-a-year limitation</b> .	163.3187(1)(g)	NA		
79	Required that the <b>capital improvements element</b> set forth standards for <b>the management of debt</b> .	163.3177(3)(a)4.		This is addressed by Policy 95.1.2.	
80	Required inclusion of at least <b>two planning periods</b> – at least 5 years and at least 10 years.	163.3177(5)(a)	NA		
81	Allowed <b>multiple individual plan amendments</b> to be considered together as one amendment cycle.	163.3184(3)(d)	NA		
82	Defined <b>optional sector plan</b> and created section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245	NA		
83	Established the requirements for a <b>public school facilities element</b> . <b>[mandatory as of 2005]</b>	163.3177(12)		The Lee Plan contains an education sub element IV h.	
84	Established the minimum requirements for imposing <b>school concurrency</b> .	163.3180(12), (now Section (13))	NA		
85	Required DCA adopt <b>minimum criteria</b> for the compliance determination of a <b>public school facilities element</b> imposing school concurrency.	163.3180(13), (now Section 14))	NA		
86	Required that <b>evaluation and appraisal reports</b> address coordination of the comp plan with existing public schools and the school district’s 5-year work program.	163.3191(2)(i) <b>[Now: 163.3191(2)(k); see 2005 for latest]</b>	NA		
87	Amended the definition of “ <b>in compliance</b> ” to	163.3184(1)(b)	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	include consistency with Sections 163.3180 and 163.3245.				
88	Required DCA to <b>maintain a file with all documents received or generated</b> by DCA relating to plan amendments and identify; limited DCA’s review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	NA		
89	Allowed a <b>local government to amend its plan</b> for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)	NA		
90	Substantially reworded Section 163.3191, F.S., related to <b>evaluation and appraisal reports</b> .	163.3191	NA		
91	Changed the <b>population requirements</b> for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	NA		
<b>1999:</b> Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that <b>ports</b> and local governments in the coastal area, which has <b>spoil disposal responsibilities</b> , identify dredge disposal sites in the comp plan.	163.3178(7)		Lee County does not have spoil disposal dredge sites.	
93	Exempted from the <b>twice-per-year limitation</b> certain port related amendments for <b>port transportation facilities</b> and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	NA		
94	Required <b>rural counties</b> to base their future land use plans and the amount of land designated <b>industrial</b> on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	NA		
95	Added the Growth Policy Act to Ch. 163, Part II to promote <b>urban infill and redevelopment</b> . [elaborated in 2005]	163.2511,163.25,14,163.2517,163.2520,163.2523,163.2526	NA		
96	Required that all comp plans comply with the <b>school siting requirements</b> by October 1, 1999.	163.3177(6)(a) [this sentence	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
		<b>stricken in 2005 ]</b>			
97	Made <b>transportation facilities</b> subject to concurrency.	163.3180(1)(a)	NA		
98	Required use of <b>professionally accepted techniques</b> for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)	NA		
99	Excludes <b>public transit facilities</b> from <b>concurrency</b> requirements.	163.3180(4)(b)	NA		
100	Allowed <b>multi-use DRIs</b> to satisfy the <b>transportation concurrency</b> requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)	NA		
101	Allowed <b>multi-modal transportation districts</b> in areas where priorities for the pedestrian environment are assigned by the plan. <b>[elaborated in 2005]</b>	163.3180(15)	NA		
102	Exempted amendments for <b>urban infill and redevelopment areas, public school concurrency</b> from the <b>twice-per-year limitation</b> .	163.31879(1)(h) and (i) <b>[Now: (i) and (j)]</b>	NA		
103	Defined <b>brownfield designation</b> and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see 163.3221(1) for “brownfield” definition.]	163.3220(2)	NA		
<b>2000:</b> Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	Repealed Section 163.3184(11)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c)	NA		
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7)	NA		
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15)	NA		
107	Allowed <b>small scale amendments in areas of critical state concern</b> to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of <b>incentives</b> for new development within <b>urban infill and redevelopment areas</b> .	163.2517(3)(j)2	NA		
<b>2001:</b> [Ch. 2001-279, s. 64]					
109	Created the <b>rural land stewardship area</b> program. <b>[amended in 2004 and 2005]</b>	163.3177(11)(d)	NA		
<b>2002:</b> (Ch. 2002-296, SS. 1 - 11, <u>Laws of Florida</u> )					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a <b>nonvoting representative of the district school board</b> .	163.3174	NA		
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		This is addressed by Policies 108.1.6, 2.4.3 and 55.1.3.	
112	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)	NA		
113	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)	NA		
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)		This is addressed by Policy 108.1.6.	
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)		This is addressed by Policy 152.1.5, Goal 112 and Objective 112.2.	
116	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4		Lee County has adopted an interlocal agreement with the Lee County School District.	
117	Required that counties larger than 100,000 population and their municipalities submit a inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with	163.3177(6)(h)6,7 & 8	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

	Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	affected parties to discuss and id strategies to remedy any deficiencies or duplications.				
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9	NA		
119	Added a new section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776 <b>[163.31776 repealed in 2005]</b>	NA		
120	Added a new section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Lee County has adopted an interlocal agreement with the Lee County School District. Lee County was one of the pilot counties to implement this program.	
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	NA		
122	Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)	NA		
123	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)	NA		
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)	NA		
125	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)			
126	Exempted amendments related to providing transportation improvements to enhance life safety on “controlled access major arterial highways” from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	NA		
127	Required EAR’s to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use	163-3191(2)(1)	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.				
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215	NA		
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	NA		
130	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a “boating facility siting plan or policy” (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)	NA		
131	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)	NA		
<b>2003:</b> [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
132	Created the <b>Agricultural Lands and Practices Act</b> . (2): Provided legislative findings and purpose with respect to agricultural activities and duplicative regulation. (3): Defined the terms “farm,” “farm operation,” and “farm product” for purposes of the act. (4): Prohibited 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	163.3162	NA		



Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003		163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	land. (4)(a): Provided that the act does not limit the powers of a county under certain circumstances. (4)(b): Clarified that a farm operation may not expand its operations under certain circumstances. (4)(c): Provided that the act does not limit the powers of certain counties. (4)(d): Provided that certain county ordinances are not deemed to be a duplication of regulation.				
133	Changed “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	NA		
134	Provided for certain airports to abandon DRI orders.	163.3177(6)(k)	NA		
135	Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3) [ <b>163.31776 repealed in 2005</b> ]	NA		
136	Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)	NA		
<b>2004:</b> [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
137	(10): Amended to conform to the repeal of the Florida <b>High-Speed Rail</b> Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate <b>water supply sources</b> to meet future demand. (14): Created to limit the effect of <b>judicial determinations</b> issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167	NA		
138	(1): Provided legislative findings on the compatibility of development with <b>military installations</b> . (2): Provided for the exchange of information relating to proposed land use decisions between counties and local governments and military installations. (3): Provided for responsive comments by the commanding officer or his/her designee.	Creates 163.3175.	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>(4): Provided for the county or affected local government to take such comments into consideration.</p> <p>(5): Required 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): Encouraged the commanding officer to provide information on community planning assistance grants.</p>				
<p>139 163.3177</p> <p>(6)(a):</p> <ul style="list-style-type: none"> <li>- Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with <b>military installations</b>.</li> <li>- Changed to specifically encourage <b>rural land stewardship area</b> designation as an overlay on the future land use map.</li> </ul> <p>(6)(c):</p> <ul style="list-style-type: none"> <li>- Extended the deadline adoption of the <b>water supply facilities work plan</b> amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</li> </ul> <p>(10)(1): Provided for the coordination by the state land planning agency and the Department of Defense on compatibility issues for <b>military installations</b>.</p> <p>(11)(d)(1): Required DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to <b>rural land stewardship areas</b>.</p> <p>(11)(d)(2): Provided for <b>multicounty rural land stewardship areas</b>.</p> <p>(11)(d)(3)-(4): Revised requirements, including the acreage threshold for designating a <b>rural land stewardship area</b>.</p> <p>(11)(d)(6)(j): Provided that <b>transferable rural</b></p>	<p>163.3177</p> <p>[<b>substantially amended in 2005; see latest</b>]</p>	<p>NA</p>		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p><b>land use credits</b> may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provided legislative findings regarding mixed-use, high-density <b>urban infill and redevelopment</b> projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provided legislative findings regarding a program for the transfer of development rights and <b>urban infill and redevelopment</b>; requires DCA to provide technical assistance to local governments.</p>				
<p>140 (1): Provided legislative findings with respect to the shortage of <b>affordable rentals</b> in the state.</p> <p>(2): Provided definitions.</p> <p>(3): Authorized local governments to permit <b>accessory dwelling units</b> in areas zoned for single family residential use based upon certain findings.</p> <p>(4): Provided for certain <b>accessory dwelling units</b> to apply towards satisfying the affordable housing component of the housing element in a local government’s comprehensive plan.</p> <p>(5): Required the DCA to report to the Legislature.</p>	Creates 163.31771.	NA		
<p>141 Amended the definition of “in compliance” to add language referring to the <b>Wekiva Parkway and Protection Act</b></p>	163.3184(1)(b)	NA		
<p>142 (1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to <b>military installations</b> do not count toward the limitation on frequency of amending comprehensive plans.</p> <p>(1)(n): Created to provide that amendments to establish or implement a <b>rural land stewardship area</b> do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187	NA		
<p>143 Created to provide that <b>evaluation and appraisal reports</b> evaluate whether criteria in the land use element were successful in achieving land use compatibility with <b>military installations</b>.</p>	163.3191(2)(n)	NA		
2005 [Ch. 2005-290 and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u> ]				

Table \_\_\_ Changes to Chapter 163.F.S.

	Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
144	Added the <b>definition</b> of “ <b>financial feasibility</b> .”	Creates 163.3164(32)	NA		
145	<p>(2) Required comprehensive plans to be “financially” rather than “economically” feasible.</p> <p>(3)(a)5. Required the comprehensive plan to include a <b>5-year schedule of capital improvements</b>. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be <b>guaranteed</b> in the form of a <b>development agreement or interlocal agreement</b>.</p> <p>(3)(a)6.b.1. Required plan amendment for the <b>annual update</b> of the schedule of capital improvements. <b>Deleted</b> provision allowing updates and change in the date of construction to be accomplished by ordinance.</p> <p>(3)(a)6.c. Added <b>oversight and penalty</b> provision for failure to adhere to this section’s capital improvements requirements.</p> <p>(3)(a)6.d. Required a <b>long-term capital improvement schedule</b> if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a) <b>Deleted</b> date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(c) Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the <b>alternative water supply projects</b> selected by the local government to meet its water supply needs.</p> <p>(11)(d)4.c. Required <b>rural land stewardship areas</b> to address <b>affordable housing</b>.</p> <p>(11)(d)5. Required a <b>listed species survey</b> be</p>	163.3177		Implementation ongoing.	

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>performed on <b>rural land stewardshipreceiving area</b>. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6. Must enact an ordinance establishing a <b>methodology</b> for creation, conveyance, and use of <b>stewardship credits</b> within a <b>rural land stewardship area</b>.</p> <p>(11)(d)6.j. Revised to allow <b>open space and agricultural land</b> to be just as important as environmentally sensitive land when assigning stewardship credits.</p> <p>(12) Must adopt <b>public school facilities element</b>.                      (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 <b>colocation, location of schools proximate to residential areas</b>, and use of schools as <b>emergency shelters</b>.</p> <p>(12)(h) Required local governments to provide maps depicting the general <b>location</b> of new schools and school improvements within future conditions maps.</p> <p>(12)(i) Required DCA to establish a <b>schedule for adoption</b> of the public school facilities element.</p> <p>(12)(j) Established <b>penalty</b> for failure to adopt a public school facility element.</p> <p>(13)(<b>new section</b>) Encouraged local governments to develop a “<b>community vision</b>,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14)(<b>new section</b>) Encouraged local governments to</p>				

Table \_\_\_ Changes to Chapter 163.F.S.

	Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
	develop a “ <b>urban service boundary</b> ,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See 163.3184(17).				
146	163.31776 is <b>repealed</b>	163.31776	NA		
147	<p>(2) Required the <b>public schools interlocal agreement</b> (if applicable) to address requirements for <b>school concurrency</b>. The <b>opt-out provision</b> at the end of subsection (2) is deleted.</p> <p>(5) Required <b>Palm Beach County</b> 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 <b>public school facilities element</b> shall undergo <b>re-evaluation</b> as part of its <b>EAR</b> to determine if they continue to meet exemption criteria.</p>	163.31777		Implementation ongoing	
148	<p>(1)(a) Added “<b>schools</b>” as a required concurrency item.</p> <p>(2)(a) Required consultation with water supplier prior to issuing building permit to ensure “<b>adequate water supplies</b>” to serve new development is available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c) Required <b>ALL transportation facilities</b> to be in place or under construction within <b>3 years</b> (rather than 5 years) after approval of building permit.</p> <p>(4)(c) Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p> <p>(5)(d) Required <b>guidelines for granting concurrency exceptions</b> to be included in the comprehensive plan.</p>	163.3180		Implementation ongoing	

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>(5)(e) – (g) If local government has established <b>transportation exceptions</b>, the guidelines for implementing the exceptions must be “<b>consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.</b>”</p> <p>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 EAR update.</p> <p>(6) Required local government to <b>maintain records</b> to determine whether 110% <b>de minimis transportation impact</b> threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p> <p>(7) Required consultation with the Department of Transportation prior to designating a <b>transportation concurrency management area</b> (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p> <p>(9)(a) Allowed adoption of a <b>long-term concurrency management system for schools.</b></p> <p>(9)(c) (<b>new section</b>) Allowed local governments to issue approvals to commence construction notwithstanding 163.3180 in areas subject to a <b>long-term concurrency management system.</b></p> <p>(9)(d) (<b>new section</b>) Required evaluation in EAR of</p>				

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>progress in improving levels of service..</p> <p>(10) Added requirement that level of service standard for roadway facilities on <b>the Strategic Intermodal System</b> must be consistent with FDOT standards. Standards must consider <b>compatibility with adjacent jurisdictions</b>.</p> <p>(13) Required <b>school concurrency</b> (not optional).</p> <p>(13)(c)1. Requires school concurrency after five years to be applied on a “<b>less than districtwide basis</b>” (i.e., by using school attendance zones, etc).</p> <p>(13)(c)2. Eliminated exemption from plan amendment adoption limitation.for changes to service area boundaries.</p> <p>(13)(c)3. No application for development approval may be denied if a <b>less-than-districtwide measurement of school concurrency</b> is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e) Allowed school concurrency to be satisfied if a developer executes a <b>legally binding commitment</b> to provide mitigation proportionate to the demand.</p> <p>(13)(e)1. Enumerated mitigation options for achieving <b>proportionate-share mitigation</b>.</p> <p>(13)(e)2. If educational facilities funded in one of the two following ways, the local government must <b>credit</b> this amount toward any <b>impact fee or exaction</b> imposed on the community:  ? contribution of land  ? construction, expansion, or payment for land acquisition</p>				



Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>(13)(g)2. <b>Section deleted</b> – it is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p> <p>(13)(g)6.a. (formerly (13)(g)7.a.) Local governments must establish a <b>uniform procedure for determining if development applications are in compliance with school concurrency</b>.</p> <p>(13)(g)7. (formerly (13)(g)8.) <b>Deleted</b> language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h) (<b>new 2005 provision</b>) The fact that 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 <b>Multimodal Transportation Districts</b>, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p> <p>(16) (<b>new 2005 Section</b>) Required local governments to adopt by <b>December 1, 2006</b> a method for assessing <b>proportionate fair-share mitigation options</b>. FDOT will develop a model ordinance by December 1, 2005.</p>				
149	(17) ( <b>New 2005 Section</b> ) If local government has adopted a <b>community vision and urban service boundary</b> , state and regional agency review is	163.3184	NA	

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18) (<b>New 2005 Section</b>) If a municipality has adopted an urban 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>				
<p>150 (1)(c)1.f. Allowed approval of residential land use as a <b>small-scale development amendment</b> when the proposed density is equal to or less than the existing future land use category. Under certain circumstances <b>affordable housing units</b> are exempt from this limitation.</p> <p>(1)(c)4. (<b>New 2005 provision</b>) If the small-scale development amendment involves a <b>rural area of critical economic concern</b>, a 20-acre limit applies.</p> <p>(1)(o) (<b>New 2005 Provision</b>) An amendment to a <b>rural area of critical economic concern</b> may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187	NA		
<p>151 (2)(k) Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the <b>EAR</b> whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l) The <b>EAR</b> must determine whether the local government has met its various water supply requirements, <b>including development of alternative water supply projects</b>.</p> <p>(2)(o) (<b>New 2005 Provision</b>) The <b>EAR</b> must</p>	163.3191	NA		

Table \_\_\_ Changes to Chapter 163.F.S.

Changes to Chapter 163, F.S. 1986-2003	163, F.S. Citations	Not Applicable	Addressed (where/how)	Amendment Needed By Element
<p>evaluate whether its <b>Multimodal Transportation District</b> has achieved the purpose for which it was created.</p> <p>(2)(p) (<b>New 2005 Provision</b>) The <b>EAR</b> must assess <b>methodology for impacts on transportation facilities</b>.</p> <p>(10) The <b>EAR-based amendment</b> must be <b>adopted within a single amendment cycle</b>. Failure to adopt within this cycle results in <b>penalties</b>. Once updated, the comprehensive plan must be submitted to the DCA.</p>				