RESOLUTION No. 2018-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA TRANSMITTING THE EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES AND STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT.

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, the City Commission has adopted the Palatka Comprehensive Plan, Ordinance No. 08-04 on July 20, 2008; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules and adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City Commission and Planning Board will upon completion of state agency review again review the Evaluation and Appraisal Report, hold an advertised public hearing, and provide for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF PALATKA, FLORIDA:

Section 1: The City Commission does hereby transmit the Evaluation and Appraisal Report for the Palatka Comprehensive Plan to the Department of Economic Opportunity for the purpose of a sufficiency review in accordance with Section 163.3191of the Florida Statutes, attached here as Exhibit A.

Section 2: The City Commission does hereby state its intention to adopt the amended Palatka Comprehensive Plan (Ordinance No. 08-04) in accordance with the recommendations contained in the Evaluation and Appraisal Report and comments received by state agencies.

Section 3: This Resolution shall become effective immediately upon its passage.

Section 4: All Resolutions and parts of Resolutions in conflict herewith are repealed.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida on this 11th day of January, 2018.

CITY OF PALATKA

_____
By: Its MAYOR

ATTEST:

_____
CITY CLERK
APPROVED AS TO FORM AND CONTENT

APPROVED AS TO FORM AND CONTENT:

_____
CITY ATTORNEY

TO: Mayor and City Commissioners

FROM: Thad Crowe, AICP
Planning Director

DATE: January 4, 2018

RE: Evaluation and Appraisal Report (EAR)-based Comprehensive Plan Policy Changes Required Due to Changed State Statutes

As part of the EAR process, Staff has reviewed the list of statutory changes provided by the Florida Department of Economic Opportunity, going back to the last Comprehensive Plan adoption year of 2008. The following policy changes are required to conform to statutory changes. A detailed analysis of statutory changes and required amendments to the Comprehensive Plan is provided with this memo, with shaded text providing more detailed explanations for the policy changes described below.

1. New policy in Housing Element regarding the provision of adequate sites for workforce housing (see p. 5 in the report for additional background information), as proposed below.
Housing Element Policy C.1.1.5: The City shall encourage the provision of new and rehabilitated private-market workforce dwelling units through expedited permitting and a 10% density bonus.

2. Revised policy in Traffic Circulation Element proposing the completion of a study determining if City will replace transportation (road) concurrency with a mobility plan, or retain transportation concurrency with the addition of transportation concurrency exception areas, by June 1, 2019 (see pp. 5, 6, & 10).
Policy B.1.2.5
By June 1, ~~2009~~ 2019, the City shall complete a City-wide transportation study~~,~~ which shall include~~: an inventory of all roadways and identify those that will be operating at or above capacity by year 2020; strategies, including the viability of public transit and ride share programs, to increase capacity on failing roadways; and~~ a recommendation as to whether the City should pursue the establishment of a transportation concurrency exception area (TCEA) ~~along US 17~~ in the downtown area, or replace transportation concurrency with a mobility fee-based plan. ~~The City shall work with the Florida Department of Transportation and the Department of Community Affairs in developing and finalizing a scope for the study. The study will be used as a basis for determining whether the City should pursue the establishment of a long-term transportation concurrency management system, which would be adopted by the City as part of the 2009 annual update to the Capital Improvements Program or how to otherwise address transportation needs in the CIP. The study shall be used by the City as a basis for prioritizing transportation capital improvements in the five-year or long-term transportation CIP.~~

3. Eliminate references to school concurrency (repealed in 2012) in the Capital Improvement Plan (CIP) policies shown below (p. 6). Also delete specific year timeframes for CIP and replace with CIP maintenance on an ongoing basis.

Policy H.1.1.2 9J-5.016(3)(c)(1) a and b

Include all identified facility needs found in the Five Year Schedule of Improvements on an ongoing basis~~and the Public School Facilities Capital Improvement Projects for Fiscal Years 2007-08 thru 2011-2012~~.

Goal H.2 9J-5.016(3)(a)

Coordinate land use decisions with projected new or improved public facilities~~, including schools,~~ to maintain the required level of service.

Policy H.2.1.1 9J-5.016(3)(c)6

Review land use decision impacts and timing against existing and future facilities as proposed in the Capital Improvements Program ~~and the Public School Facilities Capital Improvement Projects~~ on an ongoing basis ~~for FY 2007-08 thru 2011-12~~ (adopted as part of this Comprehensive Plan: see Table H-2) for maintenance of the adopted Level of Service Standards.

~~**Policy H.2.1.4**~~

~~The City of Palatka hereby adopts LOSS for Schools of 100% based on permanent FISH capacity for *all* school types (Elementary, Middle, High).~~

Policy H.3.1.4

By December 1, 2008, and every five years thereafter, the City shall produce with help from the County, ~~the School Board,~~ the St. Johns River Water Management District, and the Florida Department of Transportation an "Impact Fee Analysis Study" that assess whether additional impact fees are necessary.

4. Eliminate restrictions pertaining to debt management standards in the Capital Improvement Element (p. 14).

~~**Policy H.1.2.6** 9J-5.016(3)(c)2.b~~

~~The maximum debt service that may be outstanding for capital improvement bonds in any given year shall not exceed the total of: twenty (20) percent of the general fund revenues and fifty (50) percent of the total enterprise fund revenues as estimated to be collected by the City in that year. Providing, however, that debt incurred by an enterprise fund will not be measured against the noted general fund ratio. Providing further that non-enterprise fund debt will not be measured against the enterprise fund ratio.~~

~~**Policy H.1.2.7** 9J-5.016(3)(c)2.c~~

~~The ratio of outstanding capital improvement bonded indebtedness shall not exceed twenty (20) percent of the total non-exempt real property just value (ad valorem tax base) of the City.~~

5. Through a revised policy, commit to an update of the Public Facilities Element to achieve conformance with the North Florida Regional Water Supply Plan by July, 2018 (p. 16). This policy will also be revised to take the City out of the role of enforcing water management district rules.

Policy D.1.5.2

By July, 2018, ~~T~~the City shall ensure conformance with the North Florida Regional Water Supply Plan, as adopted by ~~that an adequate water supply is available through coordinating land use decisions with~~ the St. Johns River Water Management District ~~and their water supply plan. Prior to the approval of a development order, the City shall ensure that the municipal water supplier's Consumptive Use Permit issued by the St. Johns River Water Management District has available capacity to serve the new development.~~

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2007: [Chapters 2007-196, 2007-198, and 2007-204, Laws of Florida]

1. Section 163.3164

- (26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Chapter 2007-204, Laws of Florida.

RESPONSE: Page A-17 of the Future Land Use Element, Data and Analysis, defines the City's three community redevelopment districts, referred to in the Plan as "TIF" Districts. This is an acronym for Tax Increment Financing, associated with the method of applying tax revenue increases to such redevelopment areas. No changes to the Plan are required based on this expanded definition.

- (32) Revises the definition of "financial feasibility" to clarify that the plan is financially feasible 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; deletes the provision that level of service standards need not be maintained if the proportionate fair share process in sections 163.3180(12) and (16), Florida Statutes, is used. Chapter 2007-204, Laws of Florida.

RESPONSE: As noted in Year 2011, # 44 of this report, Section 163.3177(2) deleted financial feasibility requirements. Therefore no changes to the Plan are required based on this expanded definition.

2. Section 163.3177

- (2) Provides 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). Chapter 2007-204, Laws of Florida.

RESPONSE: As noted in Year 2011, # 44 of this report, changes to Section 163.3177(2) deleted financial feasibility requirements. Therefore no changes to the Plan are required based on this expanded definition.

- (3)(a)6. Revises the citation to the Metropolitan Planning Organization's Transportation Improvement Program and long-range transportation plan. Chapter 2007-196, Laws of Florida.

RESPONSE: Palatka is not in an MPO. Therefore no changes to the Plan are required based on this change.

- (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. Chapter 2007-204, Laws of Florida.

RESPONSE: As noted on Year 2011, # 46 of this report, Section 163.3177(3)(b) deleted this annual update requirement for the Five-Year Plan. (The current state requirement of this section allows local governments to modify the CIP by ordinance, and CIP changes are not considered amendments to the Comprehensive Plan.) Therefore no changes to the Plan are required due to this action.

- (3)(c) Deletes the requirement that the state land planning agency 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). Chapter 2007-204, Laws of Florida.

RESPONSE: Since this is a requirement for a state agency and not of a local government, no changes to the Plan are required due to this action.

- (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 section 163.3180(12), Florida Statutes, or (2) a binding agreement addressing proportionate fair-share mitigation consistent with section 163.3180(16)(f), Florida Statutes, and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Chapter 2007-204, Laws of Florida.

RESPONSE: As noted on page 11, # 44 of this report, changes to Section 163.3177(2) deleted financial feasibility requirements. Therefore no changes to the Plan are required based on this expanded definition.

- (6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Chapter 2007-198, Laws of Florida.

RESPONSE: This change required that the Housing Element provide adequate sites for workforce housing. Statute 420.5095 defines workforce housing as housing affordable to those with a household income of less than 140% of the area median income. As noted in the draft revisions to the Comprehensive Plan Housing Element, the City's $20,837 median income translates to a 35% of HH income monthly housing payment of 607. Since approximately half of City households pay less than this amount, it is clear that the existing rental market is half workforce housing, even if no new tracts of land were available for such housing. An EAR-based Comprehensive Plan change is needed to encourage the provision of areas for workforce housing and to identify such areas, which include existing infill and redevelopment areas as well as several undeveloped tracts of land with residential zoning within the City.

- (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. Chapter 2007-198, Laws of Florida.

RESPONSE: These subsections were deleted, therefore no changes to the Plan are required.

3. Section 163.3180

- (4)(b) Expands transportation concurrency exceptions to include airport facilities. Chapter 2007-204, Laws of Florida.

RESPONSE: Airport passenger terminals and concourses, air cargo facilities, and airport hangers are exempted from concurrency in Statute 3177(5)(h)b. The City Comprehensive Plan and Municipal Code concurrency standards do not require airport concurrency. Therefore no Plan changes are required.

- (5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Chapter 2007-204, Laws of Florida.

RESPONSE: Concurrency, or the requirement that public facilities be in place at the time they are needed for new development, was a hallmark of the Growth Management Act. The 2011 statutory overhaul of growth management kept the concurrency requirements for potable water, solid waste, drainage and sanitary sewer, but made the requirements for transportation, schools and parks optional, and eliminated financial feasibility requirements. A local government can now amend its comprehensive plan to delete transportation from its concurrency requirements. Given that the City's main roadways are all state roads carrying a large share of non-local traffic, it would be in the City's best interests to eliminate transportation concurrency so that it is not responsible for expensive improvements to state roads. Another alternative to eliminating transportation concurrency would be to retain it while establishing transportation concurrency exception areas (TCEAs) for the downtown area. If transportation concurrency is eliminated, it must be replaced with a mobility plan, which looks at all forms of transportation and establishes a fee structure to fund specified improvements. These changes should occur in a timely manner, since the St Johns River Bridge/Reid St. have recently failed in terms of road capacity, and traditional transportation concurrency would either potentially stop future downtown redevelopment projects or commit the City to expensive fixes of state roads. Policy changes should not eliminate transportation level of service standards, which must be retained for capital improvement planning purposes. If transportation concurrency is eliminated, this statutory change is not relevant, and if transportation concurrency is not eliminated, the Plan would not need any amendments to allow for the City to designate parts of or all of its urban service area as a TCEA.

- (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. Chapter 2007-204, Laws of Florida.

RESPONSE: This part of the Statute was deleted as was this consultation requirement. The consultation process would take place anyway in the Comprehensive Plan changes that would be needed to establish the concurrency exception area. And although (h)1.a. require that the City consult with FDOT when plan amendments affect facilities on the Strategic Intermodal System (SR 20 including part of Reid St. & Crill Ave.), this would be done anyway through the expedited review

process that is required for large-scale (text) plan amendments. Therefore no Plan change is needed.

- (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. Chapter 2007- 204, Laws of Florida.

RESPONSE: Neither of these requirements are in the adopted Plan. Therefore no Plan change is needed.

- (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. Chapter 2007-204, Laws of Florida.

RESPONSE: The adopted Comprehensive Plan has no such requirements. Therefore no Plan change is needed.

- (13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Chapter 2007-204, Laws of Florida.

RESPONSE: the requirement for school concurrency was repealed by the Florida Legislature in 2011, making it an optional plan. The City formally repealed its Interlocal Agreement for Coordinated Land Use and Public School Facility Planning and its Public Schools Facilities Element on Jan. 8, 2015, which eliminated school concurrency. Therefore no Plan change is needed except for a housekeeping change that deletes references to school concurrency in the Capital Improvement Element.

- (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. Chapter 2007-204, Laws of Florida.

RESPONSE: Policy H.3.1.3 sets up the City's transportation concurrency program by requiring that necessary transportation facilities (needed to provide road capacity for development projects) be in place not more than three years after issuance of the issuance of a Certificate of Occupancy for a development project. As previously stated, the Legislature made transportation concurrency optional, so the City can eliminate it by replacing it with a more flexible Mobility Plan. Whether the City retains transportation concurrency or developers a Mobility Plan, this statutory change loosens up this rule to only require that only require a proportionate share contribution by developers that accomplish one or more mobility improvements that benefit a regionally significant transportation facility, as found in the Mobility Plan. Such facilities are defined by FDOT as Strategic Intermodal System elements, which in Palatka include SR 20/Crill Ave. and the CSX rail line. Crill Ave. is a constrained facility, meaning it is infeasible to widen this road within the City limits due to costs and other factors. The Plan must be revised to replace the three-year facilities-in-place requirement with the accomplishment of one or more mobility improvements. This will also require a second policy that the City develop a mobility plan, which can be done within the next year or two.

- (17) Allows an exempt (SIC) from concurrency for certain workforce housing developed consistent with section 380.061(9) and section 380.0651(3). Chapter 2007-198, Laws of Florida.

RESPONSE: This change does not require a Plan change. This exemption could be obtained with or without a Comprehensive Plan policy.

4. 163.3182 [New]

- Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Chapters 2007-196 and 2007-198, Laws of Florida.

RESPONSE: The transportation concurrency backlog authority, now known as a transportation development authority, is not recommended as it is intended for jurisdictions that have transportation deficiencies that can be eliminated within 10

years. This is not practical for the now-failing St Johns River Bridge, with no available capacity, since the vast majority of traffic is pass-through regional traffic which is not generated by local development. A better and more realistic option is the mobility plan, which would replace the Traffic Circulation Element and transportation concurrency. The only requirement for developments under the Mobility Plan is that they accomplish one or more of the mobility improvements adopted within this plan. This statutory change does not require a Plan change if the City replaces transportation concurrency with a mobility plan.

5. Section 163.3184(19) [New]

- Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Chapter 2007-198, Laws of Florida.

RESPONSE: the current 3184 regulations do not reference the expediting of any plan amendments addressing housing requirements. The only housing expediting for plan amendments found is 163.3187(1)(d), which allows plan amendments involving the construction of affordable housing units within areas of critical state concern to be processed as small-scale amendments. This change does not require a Plan change.

6. Section 163.3187(1)(p) [New]

- Exempts any plan amendment that is consistent with the local housing incentive strategy consistent with section 420.9076 from the twice per year limitation on the frequency of adoption of plan amendments. Chapter 2007-198, Laws of Florida.

RESPONSE: the twice-per-year plan amendment restriction was eliminated. The Statutes allow Plan amendments, large-scale and small-scale, to be submitted at any time without limits. No Plan change is required in this case.

7. Section 163.3191(14) [New]

- Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in sections 163.3191(10). Chapters 2007- 196 and 2007-204, Laws of Florida.

RESPONSE: as Palatka is not a coastal community, it does not have a coastal management element, and no Plan change is required in this case.

8. Section 163.3229

- Extends the duration of a development agreement from 10 to 20 years. Chapter 2007- 204, Laws of Florida.

RESPONSE: Development agreement details do not have to be in a comprehensive plan, no Plan change is required in this case.

9. Section 163.32465 [New]

- Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Chapter 2007-204, Laws of Florida.

RESPONSE: not applicable to Palatka, no Plan change is required in this case.

10. Section 339.282 [New]

- 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. Chapter 2007-196, Laws of Florida.

RESPONSE: this statutory change requires a new policy in the Traffic Element.

11. Section 420.5095(9)

- 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. Chapter 2007-198, Laws of Florida.

RESPONSE: this pilot program policy does not require a Plan change.

2008: [Chapters 2008-191 and 2008-227, Laws of Florida]

1. Section 163.3177(6)(a)

- The future land use plan must discourage urban sprawl. Chapter 2008-191, Laws of Florida.

RESPONSE: Objective A.1.6 of the Future Land Use Element discourages urban sprawl through the policies below. Policy A.1.6.1 Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

No Plan change is required in this case.

2. Section 163.3177(6)(a)

- 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. Chapter 2008-191, Laws of Florida.

RESPONSE: The Future Land Use and Public facilities Elements include policies that limit development to areas served by utilities – water and sewer as well as powerlines - no Plan change is required in this case.

NOTE: as noted in # 50 and # 69 of this checklist, the requirements below were repealed in 2011- no Plan change is required in these cases.

3. Section 163.3177(6)(a)

- The future land use plan must be based upon greenhouse gas reduction strategies. Chapter 2008-191, Laws of Florida.

4. Section 163.3177(6)(b)

- The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Chapter 2008-191, Laws of Florida.

5. Section 163.3177(6)(d)

- The conservation element must include factors that affect energy conservation. Chapter 2008-191, Laws of Florida.

6. Section 163.3177(6)(d)

- The future land use map series must depict energy conservation. Chapter 2008-191, Laws of Florida.

7. Section 163.3177(6)(f)1.h. and i.

- The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Chapter 2008-191, Laws of Florida.

8. Section 163.3177(6)(j)

- Local governments within a Metropolitan Planning Organization area must revise their transportation elements to include strategies to reduce greenhouse gas emissions. Chapter 2008-191, Laws of Florida.

9. Chapter 187, Florida Statutes

- Various changes were made in the State Comprehensive Plan that address low-carbon- emitting electric power plants. See Section 5 of Chapter 2008-227, Laws of Florida.

RESPONSE: as the City does not have any electric power plants, these changes do not require any Plan changes.

2009: [Chapters 2009-85 and 2009-96, Laws of Florida]

1. Section 163.3164(29)

- Changes “Existing Urban service area” to “Urban service area” and revises the definition of such an area. Chapter 2009-

96, section 2, Laws of Florida.

RESPONSE: this is a minor definition change that does not require any Plan changes.

2. Section 163.3164(34)

- Adds definition of "Dense urban land area." Chapter 2009-96, section 2, Laws of Florida. 3. Section 163.3177(3)(b)1.

RESPONSE: this definition, later deleted by the Legislature, pertained to an exemption from the DRI process within DULAs, a classification that includes the City of Palatka. No Plan change is required by this change.

- Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Chapter 2009- 96, section 3, Laws of Florida.

RESPONSE: As noted in # 44 of this report, changes to Section 163.3177(2) deleted financial feasibility requirements. Therefore no changes to the Plan are required based on this expanded definition.

4. Section 163.3177(6)(a)

- 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, Laws of Florida.

RESPONSE: As noted in Year 2011, # 68 of this report, changes to Section 163.3177(2) deleted airport compatibility requirements. On a separate but related issue, prior to this state law change the City had already adopted Plan changes to conform to Statute 333.03. This statute requires that when a formal noise study has not been conducted for a public airport, educational facilities and increases in residential density are prohibited within a specified zone around airport runways. These zones are set forth through policy in the Future Land Use Element. No additional changes to the Plan are required based on this action.

5. Section 163.3177(6)(h)1.b.

- Requires the intergovernmental coordination element to recognize airport master plans. Chapter 2009-85, section 3, Laws of Florida.

RESPONSE: As noted in Year 2011, # 70, the Legislature eliminated provisions for airport master plans including the above reference. No changes to the Plan are required based on this action.

6. Section 163.3177(6)(h)1.c.

- 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, Florida Statutes, for this purpose. Chapter 2009-96, section 3, Laws of Florida.

RESPONSE: this language is now found in (h)1.b. In the City's Intergovernmental Element, Policy G.1.2.2 requires that the City "shall request the Northeast Florida Regional Council to provide technical assistance to resolve conflicts with other local governments." Therefore this statutory change is addressed and no Plan changes are required.

7. Section 163.3177(6)(h)1.d.

- Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to section 333.03(1)(b), Florida Statutes, between adjacent local governments regarding airport zoning regulations. Chapter 2009-85, section 3, Laws of Florida.

RESPONSE: this statutory language was deleted, therefore no Plan changes are required for this statutory change.

8. Section 163.3177(15)(a) [New]

- Defines "rural agricultural industrial center" and provides for their expansion though the plan amendment process. Chapter 2009-154, section 1, Laws of Florida.

RESPONSE: since the City is an urbanized area and does not include rural agricultural areas, this statutory change is not

relevant and does not require any Plan changes.

9. Section 163.3180(5)(b)2.

- 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. Chapter 2009-96, section 4, Laws of Florida.

10. Section 163.3180(5)(b)3.

- 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. Chapter 2009- 96, section 4, Laws of Florida.

RESPONSE: the City is a dense urban land area, and therefore these statutory changes are not relevant and do not require any Plan changes.

11. Section 163.3180(5)(b)4.

- 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. Chapter 2009-96, section 4, Laws of Florida.

RESPONSE: As previously noted, the City does not want to assume responsibility for the expense of improving capacity on SR 20/St. Johns River Bridge/Reid St., which is now a failing roadway. Therefore, also as previously noted, it is advised that the City adopt a policy within the Future Land Use Element to replace transportation concurrency with a Mobility Plan within a specific timeframe. It is possible that TCEAs may be part of the Mobility Plan. This statutory change should be considered with EAR-based amendments pertaining to transportation concurrency and mobility plans.

12. Section 163.3180(10)

- Except in transportation concurrency exception areas, local governments must adopt the level-of-service established by the Florida Department of Transportation for roadway facilities on the Strategic Intermodal System. Chapter 2009-96, section 4, Laws of Florida.

RESPONSE: this statutory change is met by Traffic Element Policy B.1.1.1, which sets the level-of-service (LOS) standard of "C" for a road classified on the "Florida Instrastate Highway System," now known as Strategic Intermodal System (SIS) facilities. This policy should be revised to reflect this name change.

13. Section 163.3180(12)(b) & (16)(i)

- 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. Chapter 2009-85, section 5, Laws of Florida.

RESPONSE: this statutory change addresses a definition, and does not require a Plan change.

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

NOTE: the following statutory changes are procedural and minor in nature, are not applicable to the City, or delete previous requirements such as school concurrency or frequency of plan amendments. Therefore no Plan changes will be required as a result.

1. Deletes section 163.31771(6), Florida Statutes (obsolete language that addressed an accessory dwelling unit repot); no substantive comprehensive planning requirement impact. Section 16, Chapter 2010-5, Laws of Florida.

2. Chapter 2010-102, Laws of Florida, makes several minor changes which do not affect substantive comprehensive planning requirements:

- Section 163.2526, Florida Statutes: repealed
- Section 163.3167(2), Florida Statutes: obsolete language deleted
- Section 163.3177(6)(h), Florida Statutes: minor wording changes
- Section 163.3177(10)(k), Florida Statutes: minor wording changes
- Section 163.3178(6), Florida Statutes: obsolete language deleted

- Section 163.2511(1), Florida Statutes: minor wording changes
- Section 163.2514, Florida Statutes: minor wording changes
- Section 163.3202, Florida Statutes: minor wording changes

3. Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, Florida Statutes, which do not affect substantive comprehensive planning requirements in the following statutes:

- Section 163.3167(13), Florida Statutes
- Section 163.3177(4)(a), Florida Statutes
- Section 163.3177(6)(c), (d) and (h), Florida Statutes
- Section 163.3191(2)(l), Florida Statutes

4. Chapter 2010-209, Laws of Florida, makes a minor wording change in section 163.2523, Florida Statutes, which does not affect substantive comprehensive planning requirements.

5. Section 163.31777(1)(a) and (3)(a)

- Deleted the phrase "SMART Schools Clearinghouse". Chapter 2010-70, section 11, Laws of Florida.

6. Section 163.3175(2)

- Revises section 163.3175, Florida Statutes, to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, Laws of Florida.

7. Section 163.3177(6)(a)

- Revises section 163.3`77(6)(a), Florida Statutes, to specify that the 43 local governments listed in section 163.3175(2), Florida Statutes, must consider the factors listed in section 163.3175(5), Florida Statutes, when considering the compatibility of land uses proximate to military installations. Chapter 2010-182, section 2, Laws of Florida.

8. Section 163.3180(4)(b)

- Revised section 163.3180(4)(b), Florida Statutes, to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Chapter 2010-33, section 1, Laws of Florida.

2011: [Chapter 2011-139, Laws of Florida]

1. Section 163.2517(4)

- Deletes the exemption for plan amendments to designate an urban infill and redevelopment area from the twice per year amendment limitation of Section 163.3187.

RESPONSE: the twice-per-year plan amendment restriction was eliminated. The Statutes allow Plan amendments, large-scale and small-scale, to be submitted at any time without limits. No Plan change is required in this case, since the Plan does not limit amendments in this manner.

NOTE: the following statutory changes are procedural and minor in nature, are not applicable to the City, or delete previous requirements such as school concurrency or frequency of plan amendments. Therefore no Plan changes will be required as a result.

2. Section 163.3161(1)

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

3. Section 163.3161(2)

- Expresses the purpose of the act, changing "control" future development to "manage" future development "consistent with the proper role of local government."

4. Section 163.3161(3) [New]

- States the intent of the act is to focus the state role in managing growth to protect the functions of important state resources and facilities.

5. Section 163.3161(10)

- Modifies the intent of the legislature with respect to how comprehensive plans and amendments affect property rights.

6. Section 163.3161(11) [New]

- Expresses legislative intent to recognize and protect agriculture, tourism, and military presence as being the state's traditional economic base.

7. Section 163.3161(12) [New]

- Expresses legislative intent to not require local government plans that have been found to be in compliance to adopt

amendments implementing the new statutory requirements until the evaluation and appraisal period provided in section 163.3191.

8. Section 163.3162(4)

- Modifies the provisions for agricultural lands and practices to state that a plan amendment for an agricultural enclave is presumed not to be urban sprawl as defined in section 163.3164.

9. Section 163.3164

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act" and sets forth new and modified definitions, many of which were included in repealed Rule 9J-5.003, Florida Administrative Code.

10. Section 163.3164(1) [New]

- Establishes definition for "adaptation action area."

11. Section 163.3164(3) [previously in Rule Chapter 9J-5]

- Establishes definition for "affordable housing" [same meaning as in Section 420.0004(3)].

12. Section 163.3164(5) [New]

- Establishes definition of "antiquated subdivision."

13. Section 163.3164(7) [previously in Rule Chapter 9J-5]

- Establishes definition of "capital improvement."

14. Section 163.3164(9) [previously in Rule Chapter 9J-5]

- Establishes definition of "compatibility."

15. Section 163.3164(11) [previously in Rule Chapter 9J-5]

- Establishes definition of "deepwater ports."

16. Section 163.3164(12) [previously in Rule Chapter 9J-5]

- Establishes definition of "density."

17. Section 163.3164(18) [previously in Rule Chapter 9J-5]

- Establishes definition of "flood prone areas."

18. Section 163.3164(19) [previously in Rule Chapter 9J-5]

- Establishes definition of "goal."

19. Section 163.3164(22) [previously in Rule Chapter 9J-5]

- Establishes definition of "intensity." 20. Section 163.3164(23) [New]
- Establishes definition of "internal trip capture."

21. Section 163.3164(28) [previously in Rule Chapter 9J-5]

- Establishes definition of "level of service."

22. Section 163.3164(32) [Deleted]

- Deletes definition of "financial feasibility."

23. Section 163.3164(32) [previously in Rule Chapter 9J-5]

- Establishes definition of "new town."

24. Section 163.3164(33) [previously in Rule Chapter 9J-5]

- Establishes definition of "objective."

25. Section 163.3164(34) [Deleted]

- Deletes definition of "dense urban land areas."

26. Section 163.3164(36) [previously in Rule Chapter 9J-5]

- Establishes definition of "policy." 27. Section 163.3164(38)
- Amends the definition of "public facilities" to delete health systems and spoil disposal sites for maintenance dredging located in intracoastal waterways (except sites owned by ports).

28. Section 163.3164(40)

- Changes definition of "regional planning agency" to "the council created pursuant to chapter 186."

29. Section 163.3164(41) [previously in Rule Chapter 9J-5]

- Establishes definition of "seasonal population." 30. Section 163.3164(42)
- Changes definition of "optional sector plan" to "sector plan" and clarifies the purpose of a sector plan. The term includes an optional sector plan that was adopted before the effective date of the act.

31. Section 163.3164(45) [previously in Rule Chapter 9J-5]

- Establishes definition of "suitability." 32. Section 163.3164(46) [New]
- Establishes definition of "transit-oriented development." 33. Section 163.3164(50)
- Clarifies the definition of "urban service area" to delete the term "built-up" and to include any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.

34. Section 163.3164(51) [replaces definition previously in Rule Chapter 9J-5]

- Establishes new definition of "urban sprawl."

35. Section 163.3167(2)

- Modifies requirements for maintaining comprehensive plan, deleting the reference to section 163.3184 and the requirement that proposed plan amendments be submitted to the state land planning agency.

36. Section 163.3167(3) and (6) [Deleted]

- Deletes provisions for regional planning agency adoption of plan amendments for elements and amendments not prepared by a local government.

37. Section 163.3167(7) [Deleted]

- Deletes provisions for local government challenge of costs associated with preparing a comprehensive plan and related state land planning agency action.

38. Section 163.3167(11) [Deleted]

- Deletes provisions for encouraging each local government to articulate a vision of its future physical appearance and qualities of its community.

39. Section 163.3168(1) – (4) [New]

- Establishes provisions for "planning innovations and technical assistance" and clarifies the roles of the state land planning agency and all other appropriate state and regional agencies in the process. Requires, upon request by the local government, that the state land planning agency coordinate multi-agency assistance on plan amendments that may adversely impact important state resources or facilities. Requires the state land planning agency to provide on its website guidance on the submittal and adoption of comprehensive plans, amendments and land development regulations, prohibiting such guidance from being adopted by rule and exempting such guidance from section 120.54(1)(a).

40. Section 163.3171(4)

- Modifies areas of authority under this act with respect to joint agreements and intergovernmental coordination between cities and counties and planning in advance of jurisdictional changes.

41. Section 163.3175(5)(d) and (6)

- Modifies military base compatibility provisions to not require that commanding officer comments, underlying studies, and reports be binding on the local government. Requires the affected local government to be sensitive to private property rights and not be unduly restrictive on those rights in considering the comments provided by the commanding officer or designee.

42. Section 163.3175(9)

- Modified to require that any local government comprehensive plan that has been amended to address military compatibility requirements after 2004 and was found in compliance be deemed in compliance until the local government conducts its evaluation and appraisal review pursuant to section 163.3191 and determines that amendments are necessary.

43. Section 163.3177(1)

- Modified to include significant portions of repealed Rules 9J-5.001 and 9J-5.005, Florida Administrative Code, with respect to the principles, guidelines, standards and strategies to be set forth in required and optional elements of the comprehensive plan and requirements for basing these elements on relevant, appropriate and professionally accepted data.
- Provides that the plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.
- Provides for adoption of documents by reference.
- Requires that plan amendments be based on relevant and appropriate data taken from professionally accepted sources and an analysis by the local government.
- Provides that the comprehensive plan shall be based upon permanent and seasonal population estimates and projections.

44. Section 163.3177(2)

- Deletes financial feasibility requirements.

RESPONSE: As previously mentioned, financial feasibility for Comprehensive Plans was eliminated, and this change does not require a Plan amendment.

45. Section 163.3177(3)(a)4

- Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5-year period and identify whether projects are either funded or unfunded and given a level of priority for funding. Deletes requirements for financial feasibility.

RESPONSE: this statutory change guides the City's future capital improvement plan format and does not require a Plan amendment.

- Deletes the requirement that the element include standards for the management of debt.

RESPONSE: this statutory change does not require a Plan amendment. There are several Capital Improvement Element policies that reference debt, including H.1.2.6 (maximum debt service for capital improvement bonds can't exceed 20% of general fund revenues and 50% of total enterprise fund revenues) and H.1.2.7 (ratio of outstanding capital improvement bonded indebtedness shall not exceed 20% of the ad valorem tax base of the City). An EAR-based amendment will delete these debt management-related policies to provide for more flexibility.

46. Section 163.3177(3)(b)

- Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency and deletes provisions related to sanctions by the Administration Commission, adoption of long-term concurrency management systems and financial feasibility.
- Deletes the requirement that the annual 5-year capital improvements schedule be updated annually pursuant to a plan amendment; provides that the 5-year capital improvements schedule may be updated by separate ordinance and may not be deemed an amendment to the local comprehensive plan.

RESPONSE: the Plan does not address the transmittal of the CIE and CIP to the state. Capital Improvement Element Objective H.1.2 requires an annual update of the CIP, which occurs as part of the budget process. No Plan changes are required due to these statutory changes.

47. Section 163.3177(4)(a)

- Deletes the requirement that the local comprehensive plan be coordinated with the state comprehensive plan.

48. Section 163.3177(5)(a)

- Modifies planning period requirements, allowing additional planning periods for specific components, elements, land use amendments, or projects as part of the planning process.

RESPONSE: The City's Comprehensive Plan does not include any language regarding coordination between the state and City comprehensive plan and planning period standards. Therefore no Plan change is needed.

49. Section 163.3177(6)(a)

- Modifies requirements for the future land use element to include guidance from repealed Rule 9J-5.006, Florida Administrative Code, relative to the general range of density or intensity of uses for gross land area and establishing a long term end toward which land use programs and activities are ultimately directed.
- Deletes requirement that the future land use element address the general distribution, location, and extent of land uses for public buildings and grounds.

RESPONSE: the adopted Plan meets the requirements of (6)(a) in that it shows the future general distribution, location, and extent of land uses and their approximate acreage and density and intensity range. No changes to the Plan are needed.

50. Section 163.3177(6)(a)2 and 3

- Modifies the standards on which future land use plan and plan amendments are based to include: permanent and seasonal population, compatibility, the need to modify land uses and development patterns within antiquated subdivisions, preservation of waterfronts, location of schools proximate to urban residential areas, and other considerations taken from repealed Rule 9J-5.006, Florida Administrative Code.

RESPONSE: this statutory change will guide the City in its future Plan updates, but does not require a change to the current adopted Plan, which addresses these issues.

- Deletes requirement that the data on which comprehensive plans and plan amendments are based include data on energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems and greenhouse gas reduction strategies.

RESPONSE: no change to Plan required due to this statutory change.

51. Section 163.3177(6)(a)4

- Modifies requirements for the future land use element "to accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited."

RESPONSE: the current plan accomplishes this statutory change in the Data and Analysis and through the Future Land Use Map, therefore no Plan change is required.

- Provides that in the future land use element, the amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions.

RESPONSE: the adopted Future Land Use Element meets this requirement, and no Plan change is needed to address this statutory change.

- Deletes a requirement that the future land use element address future industrial uses in rural areas.

52. Section 163.3177(6)(a)6

RESPONSE: not applicable, as the City is an urban and not a rural area. No change to the Plan is needed due to this statutory change.

- Deletes the requirement that in coastal counties, the future land use element must include regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts.

RESPONSE: not applicable as Putnam Co. is not a coastal county. No change to the Plan is needed due to this statutory change.

53. Section 163.3177(6)(a)8 [New]

- Establishes requirements for analyzing future land use map amendments based on portions of repealed Rule 9J-5.006, Florida Administrative Code.

RESPONSE: the adopted Future Land Use Element and Map of the Plan meets these requirements, based on the 9J-5 rules that have now been folded into the Statutes. No Plan amendments are required for this statutory change.

54. Section 163.3177(6)(a)9 and 10 [New]

- Establishes requirements for the future land use element and map series, including with slight revisions to the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl that were in repealed Rule 9J-5.006, Florida Administrative Code.

RESPONSE: the adopted Future Land Use Element of the Comprehensive Plan, under Objective A.1.6 and its policies, discourage urban sprawl – no Plan change is required in this case.

55. Section 163.3177(6)(b)

- Modifies requirements for the transportation element to include significant portions of repealed Rule 9J-5.019, Florida Administrative Code, addressing circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and airport master plans. Provides that the purpose of the transportation element is to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible.

RESPONSE: the current adopted Traffic Element addresses multiple forms of transportation including roads, transit, the airport, and trails. No change to the Plan is required based on this statutory change.

56. Section 163.3177(6)(c)

- Modifies requirements for the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater

aquifer recharge element to include guidance from portions of repealed Rule 9J-5.011, Florida Administrative Code, and deletes requirements for including a topographic map depicting any areas adopted by a water management district as prime groundwater recharge areas and addressing areas served by septic tanks.

RESPONSE: the adopted Public Facilities Element evaluates the above factors in the data and analysis. Sections 373.709 and 163.3177(6)(c)3, Florida Statutes, require that a local government's water supply and work plan be updated within 18 months after a water management district's governing board approves an updated regional water supply plan. The purpose of the update is to reflect any changes in the regional plan that affect the local water supply and work plan. The St. Johns River Water Management District adopted the North Florida Water Supply Plan on January 17, 2017, therefore the City must accomplish the following by July, 2018:

1. ***Update the Comprehensive Plan to be in keeping with the regional water supply plan***
2. ***Revise the potable water sub-element to adopt a water supply facilities work plan for at least a 10-year planning period, also addressing conservation and reuse measures to meet future needs.***
3. ***Revise the Conservation Element to assess current & projected water needs & sources for at least a 10-year planning period.***
4. ***Revise the Capital Improvement Element to identify capital improvement water supply projects to be implemented in the 1st five years of the work plan.***
5. ***Revise the Intergovernmental Coordination Element to adopt principles & guidelines needed to coordinate with the regional water supply plan.***

The City does not have to address these issues until July of 2018, and it would be appropriate to reference this deadline as an EAR-based amendment in the Public Facilities Element.

57. Section 163.3177(6)(c)3

- Modifies potable water supply planning requirements to remove the provision that "amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan."

RESPONSE: this is a statutory housekeeping change pertaining to the frequency of amendments, and since there is no longer a twice-a-year limitation to Comprehensive Plan text amendments, no changes to the adopted Plan are necessary.

58. Section 163.3177(6)(d)1 and 2 [New]

- Modifies requirements for the conservation element to include portions of repealed Rule 9J-5.013, Florida Administrative Code, to list the natural resources to be identified, analyzed and protected and toward which conservation principles, guidelines and standards are to be directed.

RESPONSE: the adopted Conservation Element of the Comprehensive Plan meets these requirements, based on the 9J-5 rules that have now been folded into the Statutes. No Plan amendments are required for this statutory change.

59. Section 163.3177(6)(d)3

- Modifies requirements for analyzing current and projected water sources for a 10-year period to include consideration of demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet these demands and the existing levels of conservation, use and protection and policies of the regional water management district.

60. Section 163.3177(6)(f)1 and 2

RESPONSE: while the City will by July, 2018 comply with water supply requirements as previously stated, the most recent data shows that the R.C. Willis Water Treatment Plant is operating at only 30% of its full capacity, meaning that there is ample water supply. No changes to the adopted Comprehensive Plan are needed.

- Provides requirements for the housing element to include guidelines, standards and strategies based on an inventory taken from the latest decennial United States Census or more recent estimates and various other considerations listed in repealed Rule 9J- 5.010, Florida Administrative Code.

RESPONSE: the adopted Housing Element of the Comprehensive Plan meets these requirements, based on the 9J-5 rules that have now been folded into the Statutes. While the requirement for updated Census data was eliminated in 2012 (# 17) by the Legislature, Census data will be updated at the time of the next Plan revision. No Plan amendments are required for this statutory change.

61. Section 163.3177(6)(f)2 [Deleted]

- Deletes requirement for an affordable housing needs assessment conducted by the state land planning agency.

RESPONSE: as this is a requirement for the State DEO, it is not applicable to the City. No Plan amendments are requirement for this statutory change.

62. Section 163.3177(6)(f)3 [New]

- Based on repealed Rule 9J-5.010, Florida Administrative Code, sets forth new requirements for the creation and preservation of affordable housing, elimination of substandard housing conditions, providing for adequate sites and distribution for a range of incomes and types, and including programs for partnering, streamlined permitting, quality of housing, neighborhood stabilization, and improving historically significant housing.

RESPONSE: the adopted Housing Element of the Comprehensive Plan meets these requirements, based on the 9J-5 rules that have now been folded into the Statutes. No Plan amendments are required for this statutory change.

63. Section 163.3177(6)(g)

- Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archaeological resources.

64. Section 163.3177(6)(g)2 [Deleted]

- Deletes provisions for local government adoption of recreational surface water use policies.

65. Section 163.3177(6)(g)10 [New]

- Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and that are vulnerable to the impacts of rising sea level.

RESPONSE: since Putnam County is not a coastal county, the City does not have a coastal management element and these statutory changes are not applicable to the City. No Plan amendments are required.

66. Section 163.3177(6)(h)1.b [Deleted]

- Deletes requirement for the intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.

RESPONSE: no Plan amendment is required due to this statutory change.

67. Section 163.3177(6)(h)3.a and b [New]

- Modifies requirements for the intergovernmental coordination element to include portions of repealed Rule 9J-5.015, Florida Administrative Code, including coordinating and addressing impacts on adjacent municipalities and coordinating the establishment of level of service standards.

RESPONSE: the adopted Intergovernmental Coordination Element of the Comprehensive Plan meets these requirements, based on the 9J-5 rules that have now been folded into the Statutes. No Plan amendments are required for this statutory change.

NOTE: the following statutory changes are procedural and minor in nature, are not applicable to the City, or delete previous requirements such as school concurrency or frequency of plan amendments. Therefore no Plan changes will be required as a result.

68. Section 163.3177(6)(h)3 and 4 [Deleted]

- Deletes requirements in the intergovernmental coordination element for fostering coordination between special districts and local general purpose governments, submittal of public facilities report, execution of interlocal agreement with district school board, the county and nonexempt municipalities, and submittal of reports to the Florida Department of Community Affairs by counties with populations greater than 100,000.

69. Section 163.3177(6)(i), (j), (k) [Deleted]

- Deletes provisions for optional elements of the comprehensive plan, transportation and traffic circulation, airport compatibility and other requirements related to transportation corridors and reduction of greenhouse gas emissions specific to local governments within an urbanized area.

70. Section 163.3177(6)(k) [Deleted]

- Deletes provisions for airport master plans. 71. Section 163.3177(7)(a)-(l) [Deleted]

- Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.

72. Section 163.3177(8)-(14) [Deleted]

- See prior table entries for description of deleted provisions.

73. Section 163.3177(15)(a); Renumbered, Now: Section 163.3177(7)(a)

- See Chapter 2011-139, Laws of Florida.

74. Section 163.3177(7)(c)2

- Modifies provisions for processing plan amendments for land located within a rural agricultural industrial center to presume that these amendments are not urban sprawl as defined in section 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by section 163.3184.

75. Section 163.31777(1)(b)-(d) and (2)

- Deletes requirements for submittal of public schools interlocal agreements to the state land planning agency based on an established schedule and other requirements involving the state land planning agency related to waivers and exemptions.

76. Section 163.31777(3)(a)-(c) and (4)-(7) [Deleted]

- Deletes requirements related to the submittal of comments from the Office of Educational Facilities on the interlocal agreement, challenges to the state land planning agency notice of intent, and other review process requirements.

77. Section 163.3180(1)

- Deletes parks and recreation, schools, and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.

78. Section 163.3180 (1)(a) and (b) [New]

- Modifies concurrency requirements to include portions of repealed Rule 9J-5.0055, Florida Administrative Code, which relate to achieving and maintaining adopted levels of service for a 5-year period, and providing for rescission of any optional concurrency provisions by plan amendment, which is not subject to state review.

79. Section 163.3180(1)(b) [Deleted]

- Deletes requirement that professionally accepted techniques be used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.

80. Section 163.3180(2)(b) and (c) [Deleted]

- Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.

81. Section 163.3180(3)

- Deletes provisions addressing governmental entities and establishment of binding level of service standards with respect to limiting the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted under section 163.3184

82. Section 163.3180(4)(b) and (c) [Deleted]

- Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.

83. Section 163.3180(5)(a)-(h) [New]

- Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, Florida Administrative Code. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share contribution. Defines the term “transportation deficiency.”

84. Section 163.3180(6)-(13) [Deleted]

- See prior table entries for description of deleted provisions. 85. Section 163.3180(6)(a) [New]

- Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.

86. Section 163.3180(6)(f)1 and 2

- Modifies school concurrency provisions to provide that adoption and application of school concurrency is optional.

87. Section 163.3180(d) [2014 cite: Section 163.3180(g)]

- Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are to be identified and consistent with the school board's educational facilities plan.

88. Section 163.3180(h)1.a., b. and c. [New]

- Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board's educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.

89. Section 163.3180(14)-(17) [Deleted]

- See prior entries for description of deleted provisions.

90. Section 163.3182 [Revised]

- Changes "transportation concurrency backlogs" to "transportation deficiencies" and makes related modifications.

91. Section 163.3182(2) [Revised]

- Changes "creation of transportation concurrency backlog authorities" to "creation of transportation development authorities" and makes related modifications.

92. Section 163.3182(4) [Revised]

- Changes "powers of a transportation concurrency backlog authority" to "powers of a transportation development authority" and makes related modifications.

93. Section 163.3184(1)(b) [Revised]

- Modifies the definition of "in compliance" to include a reference to section 163.3248 and delete the reference to now repealed chapter 9J-5, Florida Administrative Code.

94. Section 163.3184(1)(c) [New]

- Provides a list of the "reviewing agencies." 95. Section 163.3184(2) [New]
- Sets forth the "expedited" and "coordinated" review processes. 96. Section 163.3184(3) and (4) [New]
- Sets forth requirements for adopting and processing plan amendments according to the "expedited" and "coordinated" review processes, the scope of the comments to be provided by review agencies, responsibilities of the state land planning agency with respect to its various levels of review, and coordination with other state agencies and public hearings.

97. Section 163.3184(5)-(7) [New]

- Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.

98. Section 163.3184(11); 2014 cite: Section 163.3184(8)

- Modifies provisions to enable the Administration Commission to specify sanctions to which the local government will be subject if it elects to make a plan amendment effective notwithstanding a determination of noncompliance.

99. Section 163.3184(15); 2014 cite: Section 163.3184(11)

- Modifies provisions for public hearings to state there is no prohibition or limitation on the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

100. Section 163.3184(12) [New]

- Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.

101. Section 163.3184(13) [New]

- Revises provisions to require that no proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in subsection (1)(b).

102. Section 163.3187(1)(a)-(f); 2014 cite: Section 163.3187(1)(a)-(d)

- Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale future land use map amendments are permissible.

103. Section 163.3187(1)2.a and b;3,4 and (e)-(q); 2014 Section cite: 163.3187(2)-(5)

- Modifies the public notice requirements for small scale plan amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.

104. Section 163.3189; Now: Repealed

- See prior entries for description of deleted provisions. 105. Section 163.3191(1)-(14); 2014 cite: Section 163.3191(1)-(5)
- Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of its plan to occur at least once every 7 years. The required local government evaluation is limited to whether plan amendments are necessary to reflect changes in state requirements (only) since the last update. The local government is required to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to section 163.3184(4) (State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with these requirements.

106. Section 163.3217(2)

- Deletes the reference to section 163.3187(1) and provisions regarding the frequency of adoption of plan amendments as they relate to adoption of a municipal overlay.

107. Section 163.3220(3)

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

108. Section 163.3221(2) and (11)

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

109. Section 163.3229

- Extends the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to sections 163.3187 and 163.3189 regarding compliance determination by state land planning agency.

110. Section 163.3235

- Modifies provisions for periodic review of a development agreement to delete requirements for annual review conducted during years 6 through 10, incorporates the review into a written report and the state land planning agency adoption of rules regarding the contents of the report.

111. Section 163.3239

- Deletes requirements that a copy of the recorded development agreement be submitted to the state land planning agency within 14 days after the agreement is recorded and for the effective date of the agreement based on receipt by the state land planning agency.

112. Section 163.3245(1)

- Changes "Optional Sector Plans" to "Sector Plans" and clarifies the intent to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and protection of regionally significant resources, including regionally significant water courses and wildlife corridors. Revises the amount of geographic area intended for sector plans from at least 5,000 acres to at least 15,000 acres and protection of public facilities.

113. Section 163.3245(2)

- Deletes provisions for the state land planning agency entering into an agreement to authorize preparation of an optional sector plan, and consideration of the state comprehensive and strategic regional policy plans, and clarifies the process for scoping meetings and joint planning agreements.

114. Section 163.3245(3)

- Modifies the provisions for two levels of sector planning, clarifying the requirements for the long term master plan and detailed specific area plan. These plans may be based upon a planning period longer than timeframe on which the local comprehensive plan is based and are not required to demonstrate need. The state land planning agency is required to consult with certain other agencies as part of its review of the plans.

115. Section 163.3245(4) [New]

- Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.

116. Section 163.3245(5)(d) [New]

- Requires the detailed specific area plan to establish a buildout date until which the approved development is not subject to downzoning, unit density reduction or intensity reduction, with certain exceptions.

117. Section 163.3245(6) [New]

- Establishes provisions for master development approval, pursuant to section 380.06(21), for the entire planning area in order to establish a buildout date and describes the level of detail appropriate for review of the application.

118. Section 163.3245(7) [New]

- Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.

119. Section 163.3245(8) [New]

- Establishes provisions for landowner withdrawal of consent to the master plan at the proposed stage and after adoption.

120. Section 163.3245(9) [New]

- Provides that after adoption of a long-term master plan or a detailed specific area plan, an owner is entitled to continue existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.

121. Section 163.3245(10) [New]

- Allows the state land planning agency to enter into an agreement with a local government that on or before July 1, 2011 adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres based on certain requirements.

122. Section 163.3245(11) [New]

- Addresses a detailed specific area plan to implement a conceptual long-term buildout overlay found in compliance before July 1, 2011.

123. Section 163.3245(12) [New]

- Provides for a landowner or developer that has received approval of a master DRI development order to implement this order by filing application(s) to approve the detailed specific area plan.

124. Section 163.3246(9)(a)

- Modifies provisions in the local government comprehensive planning certification program to allow small scale development amendments to follow the process in section 163.3187.

125. Section 163.3246(12)

- Deletes provisions in the local government comprehensive planning certification program that address the failure to adopt a timely evaluation and appraisal report and failure to adopt an evaluation and appraisal report found to be sufficient.

126. Section 163.3246(14) [Deleted]

- Deletes the requirement that the Office of Program Policy Analysis and Government Accountability prepare a report evaluating the certification program.

127. Section 163.32465; Now: Repealed

- See prior entries for description of repealed provisions.

128. Section 163.3248 [New]

- Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed section 163.3177(11).

129. Section 163.3248(1) [New]

- Sets forth the intent of Rural Land Stewardship Areas 130. Section 163.3248(2) [New]

- Establishes a process upon which local governments may adopt a future land use overlay, which may not require a demonstration of need based on population projections or any other factors.

131. Section 163.3248(3) [New]

- Sets forth six broad principles of rural sustainability that rural land stewardship areas are to further.

132. Section 163.3248(4) [New]

- Provides for agency assistance and participation to local governments or property owners in development of a plan for rural land stewardship area.

133. Section 163.3248(5) [New]

- Requires that a rural land stewardship area not be less than 10,000 acres, is located outside of municipalities and established urban service areas and is designated by plan amendment by each local government with jurisdiction.

134. Section 163.3248(5)(a)-(d) [New]

- Requires the plan amendment(s) designating a rural land stewardship area to be reviewed pursuant to section 163.3184 and to meet certain requirements involving criteria for designating receiving areas, the application of innovative planning and development strategies, a process for implementing these strategies and a mix of densities and intensities that would not be characterized as urban sprawl.

135. Section 163.3248(6) [New]

- Requires a receiving area to be designated only pursuant to procedures established in the local government's land development regulations. If approval of the designation by a county board of county commissioners is required, it is to be made by resolution with a simple majority vote. A listed species survey must be performed and coordinated with appropriate agencies if listed species occur on the receiving area development site. Protective measures must be based on the rural land stewardship area as a whole.

136. Section 163.3248(7) [New]

- Sets forth requirements for establishing a rural land stewardship overlay zoning district and methodology for the creation, conveyance, and use of transferrable rural land use/stewardship credits.

137. Section 163.3248(8)(a)-(k) [New]

- Sets forth limitations for creating, assigning and transferring stewardship credits based on underlying permitted uses, densities and intensities, and considerations for assigning credits based on the value and location of land and environmental resources.

138. Section 163.3248(9)(a)-(e) [New]

- Provides for incentives to owners of land within rural land stewardship sending areas, in addition to use or conveyance of credits, to enter into rural land stewardship agreements.

139. Section 163.3248(10) [New]

- Expresses the intent of the section as an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas.

140. Section 163.3248(11) [New]

- Expresses the intent of the Legislature that the rural land stewardship area in Collier County be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

141. Section 163.360(2)(a)

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

142. Section 163.516(3)(a)

- Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

2012: [Chapters 2012-5, 2012-75, 2012-83, 2012-90, 2012-96 and 2012-99, Laws of Florida]

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

1. Section 163.3162(2)(a)

- Rewords the definition of "farm" to the same meaning provided in section 823.14. 2. Section 163.3162(2)(b)
- Rewords the definition of farm operation to the same meaning provided in section 823.14.

3. Section 163.3162(2)(d)

- Adds a definition of "governmental entity," which has the same meaning provided in section 164.1031. The term does not include a water control district or a special district created to manage water.

4. Section 163.3162(3)(b)

- Changes "county" to "governmental entity." 5. Section 163.3162(3)(c)
- Changes "county" to "governmental entity" 6. Section 163.3162(3)(c)3.
- Changes "county" to "governmental entity" 7. Section 163.3162(3)(c)3.(i)

- Changes “county” to “governmental entity”

8. Section 163.3162 Note

- Adds provisions related to agricultural enclaves 9. Section 163.3167(8)
- Provides that any local government charter provision that was in effect as of June 1, 2011 for an initiative or referendum process for development orders or comprehensive plan amendments may be retained and implemented

10. Section 163.3174(4)(b)

- Changes the “preparation of the periodic reports” to “the periodic evaluation and appraisal of the comprehensive plan”

11. Section 163.3175(5)

- Adds “advisory” to define the commanding officer’s comments on the impact of proposed changes on military bases, and requires the comments to be based on appropriate data and analysis which must be provided to the local government with the comments

12. Section 163.3175(5)(d)

- Requires local governments to consider the commanding officer’s comments in the same manner as comments from other reviewing agencies, and deletes the language that states the comments are not binding.

13. Section 163.3175(6)

- Adds language requiring the local government to consider the accompanying data and analysis provided by the commanding officer, in addition to the comments, and adds language stating that consideration shall be based on how the change relates to the strategic mission of the base, public safety and the economic vitality of the base while respecting private property rights.

14. Section 163.3177(1)(f)3.

- Changes the “University of Florida’s Bureau of Economic and Business Research” to the “Office of Economic and Demographic Research” and adds language stating that population projections must, at a minimum, reflect each area’s proportional share of the total county population and the total county population growth.

15. Section 163.3177(6)(a)4.

- Changes the “University of Florida’s Bureau of Economic and Business Research” to the “Office of Economic and Demographic Research.”

16. Section 163.3177(6)(a)8.c.

- Changes the requirement that future land use map amendments be based on an analysis of the minimum amount of land needed as determined by the local government, to instead be based on an analysis of the minimum amount of land needed to achieve the requirements of the statute.

17. Section 163.3177(6)(f)2.

- Deletes the requirement that the housing element be based in part on an inventory taken from the latest Census.

18. Section 163.31777(3)

- Moves the exemptions for a public school interlocal agreement from section 163.3180(6)(i) to section 163.31777(3).

19. Section 163.31777(4)

- Adds language requiring each local government exempt from the requirement to have a public school interlocal agreement to assess, at the time of evaluation and appraisal, if the local government still meets the requirements for exemptions described in section 163.31777(3). Each local government that is exempt must comply with the interlocal agreement provisions within one year of a new school within the municipality being proposed in the 5-year district facilities work program

20. Section 163.3178(3)

- Replaces “Department of Community Affairs” with “state land planning agency” and changes the language that stated intermodal transportation facilities “shall” not be designated as developments of regional impact to “may” not be designated as developments of regional impact.

21. Section 163.3178(6)

- Deletes the provision that the Coastal Resources Interagency Management Committee shall identify incentives to encourage local governments to adopt siting plans and uniform criteria and standards to be used by local governments to implement state goals related to marina siting

22. Section 163.3180(1)(a)

- Adds language stating that an amendment that rescinds concurrency shall be processed under the expedited state review process, and is not required to be transmitted to reviewing agencies for comment, except for agencies that have

requested transmittal, and for municipal amendments, it must be transmitted to the county. A copy of the adopted amendment shall be transmitted to the state land agency. If the amendment rescinds transportation or school concurrency, the adopted amendment must also be sent to the Department of Transportation or Department of Education, respectively.

23. Section 163.3180(6)(a)

- Provides general rewording. Adds language to clarify that the choice of one or more municipality to not adopt school concurrency does not preclude implementation of school concurrency within other jurisdictions of the school district.

24. Section 163.3180(6)(i)

- Moved to section 163.31777(3) 25. Section 163.3184(2)(c)
- Adds developments that are proposed under section 380.06(24)(x) to the list of amendments that must follow the state coordinated review process.

26. Section 163.3184(3)(b)1.

- Changes the number of days a local government has to transmit an amendment from "10 days" to "10 working days".

27. Section 163.3184(3)(b)2.

- Changed the time limit for the reviewing agencies' transmittal to 30 days "after" instead of "from" the date the amendment was received

28. Section 163.3184(3)(c)2.

- Changed the number of days a local government has to transmit an amendment from "days" to "working days."

29. Section 163.3184(4)(b)

- Changes the time limit a local government has to transmit an amendment from "immediately following" the first public hearing to " within 10 working days after" the first public hearing

30. Section 163.3184(4)(e)2.

- Changed the number of days a local government has to transmit an amendment from "days" to "working days."

31. Section 163.3184(5)(b)

- Corrects the citation related to plan amendment package completeness from subsection (3)(c)3. to subsection (4)(e)3.

32. Section 163.3184(5)(d)

- Changes the time limit by which the Administration Commission must enter a final order from 45 days after the receipt of the recommended order to the time period specified in section 120.569.

33. Section 163.3184(5)(e)1.

- Changes the time limit for the state land planning agency to submit a not in compliance recommended order to the Administration Commission from no later than 30 days after the receipt of the recommended order to the time period provided in section 120.569.

34. Section 163.3184(5)(e)2.

- Changes the time limit by which the state land planning agency must enter into an in compliance final order from 30 days after the receipt of the recommended order to the time period provided in section 120.569.

35. Section 163.3184(6)(f)

- Changes the time period by which the state land planning agency must issue a cumulative notice of intent from "upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement" to "within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement."

36. Section 163.3184(8)(b)1.a.

- Changes the statutory reference for the Florida Small Cities Community Development Block Grant program.

37. Section 163.3184(12)

- Changes "subsection" to "section." 38. Section 163.3191(3)
- Changes "in accordance with" to "pursuant to" and adds subsection (4) to the section 163.3184 citation.

39. Section 163.3204

- Replaces "Department of Community Affairs" with "state land planning agency" and changes "this" Act to "the Community Planning" Act.

40. Section 163.3213(6)

- Changes the citation that refers to the sanctions that can be the sole issue before the Administration Commission when land development regulations are inconsistent with the comprehensive plan from section 163.3184(11)(a) or (b) to sections 163.3184(8)(a) or (b)1. or 2.

41. Section 163.3221(14)

- Changes the definition of state land planning agency to refer to the Department of Economic Opportunity instead of the Department of Community Affairs.

42. Section 163.3245(1)

- Deletes the reference to section 163.3177(11). 43. Section 163.3245(7)
- Deletes the requirement that the department provide an annual status report to the legislature regarding every optional sector plan.

44. Section 163.3245(9)

- Adds "or her" to "his consent to the master plan." 45. Section 163.3246(1)
- Replaces "Department of Community Affairs" with "state land planning agency." 46. Section 163.3247(5)(a)
- Replaces "Secretary of Community Affairs" with "executive director of the state land planning agency."

47. Section 163.3247(5)(b)

- Replaces "Department of Community Affairs" with "state land planning agency." 48. Section 163.3248(6)
- Removes the word "county" from "board of commissioners."

2013: [Chapters 2013-15, 2013-78, 2013-115, 2013-213, 2013-224 and 2013-239, Laws of Florida]

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

1. Section 163.2136(3)(c)-(k) [re-numbered]

- Re-numbers section 163.3162(3)(b)-(j) as 163.3162(3)(c)-(k) in order to accommodate new section 163.3162(3)(b) – see item 4 below.

2. Section 163.3162(2)(d)

- Amends the definition of "governmental entity" in the provisions for agricultural lands and practices to provide that the term does not include a water management district (in addition to the term not including a water control district established under chapter 298 and a special district created by special act for water management purposes).

3. Section 163.3162(3)(a)

- Replaces "county" with "governmental entity." 4. Section 163.3162(3)(b) [New]
- Prohibits a governmental entity from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to section 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

5. Section 163.3167(8)(a) [New]

- Provides that an initiative or referendum process in regard to any development order is prohibited. Removes language that allowed an initiative or referendum process by a local government charter in effect as of June 1, 2011 to be retained and implemented.

6. Section 163.3167(8)(b) [New]

- Provides that an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited, except for those amendments that affect more than five parcels of land if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient.

7. Section 163.3167(8)(c) [New]

- States the intent of the Legislature to prohibit any initiative and referendum in regard to any development order, and prohibit any initiative and referendum in regard to any local comprehensive plan or map amendment except as specifically and narrowly permitted in paragraph (b). States that these prohibitions are remedial in nature and apply retroactively to any initiative or referendum process commenced after June 1, 2011, and that any such initiative or referendum process commenced or completed thereafter is null and void and of no legal force and effect.

8. Section 163.3180(5)(h)1 [New]

- Revises and adds requirements for local governments that continue to implement a transportation concurrency system,

whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, Chapter 2011-139, Laws of Florida, or as subsequently modified.

9. Section 163.3180(5)(h)1.c [New]

- Adds "development agreement" in the listed land use development permits for which an applicant may satisfy transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system and section 380.06 when applicable, if conditions in subsequent sections are met.

10. Section 163.3180(5)(h)1.c.II [New]

- Adds language allowing a local government to accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.

11. Section 163.3180(5)(h)1.d [New]

- Modifies language to require local governments that continue to implement a transportation concurrency system to provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

12. Section 163.3180(5)(h)3 [New]

- Clarifies that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

NOTE: the statutory changes below pertain to the replacement of transportation concurrency with a mobility plan, which was previously discussed. Also as previously discussed, it is recommended that an EAR-based amendment call for the repeal of transportation concurrency and the institution of a mobility plan for the City.

13. Section 163.3180(5)(i) [New]

- Sets forth new provisions for any local government that elects to repeal transportation concurrency.
- Encourages adoption of alternative mobility funding system that uses one or more of the tools and techniques identified in subsection (f).
- Provides that any alternative mobility funding system adopted may not be used to deny, time or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. States that the revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed.
- Requires a mobility fee-based funding system to comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in subsection (h).

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

14. Section 163.3246(1),(4)-(7), (9)(a), (12) and (13)

- Changes numerous references in the provisions for the local government comprehensive planning certification program from "department" to "state land planning agency."

15. Section 163.325 [New]

- Creates short title for sections 163.325-163.3253 as the "Manufacturing Competitiveness Act."

16. Section 163.3251(1)–(6) [New]

- Creates six definitions as used in the provisions for manufacturing development in sections 163.3251-163.3253:
- (1) "Department" means Department of Economic Opportunity;
- (2) "Local government development approval" means a local land development permit, order, or other approval issued by a local government, or a modification of such permit, order, or approval, which is required for a manufacturer to physically locate or expand and includes, but is not limited to, the review and approval of a master development plan required under section 163.3252(2)(c).
- (3) "Local manufacturing development program" means a program enacted by a local government for approval of master development plans under section 163.3252.
- (4) "Manufacturer" means a business that is classified in Sectors 31-33 of the National American Industry Classification

System (NAICS) and is located, or intends to locate, within the geographic boundaries of an area designated by a local government as provided under section 163.3252.

- (5) "Participating agency" means: (a) The Department of Environmental Protection, (b) The Department of Transportation, (c) The Fish and Wildlife Conservation Commission, when acting pursuant to statutory authority granted by the Legislature and (d) Water management districts.
- (6) "State development approval" means a state or regional permit or other approval issued by a participating agency, or a modification of such permit or approval, which must be obtained before the development or expansion of a manufacturer's site, and includes, but is not limited to, those specified in section163.3253(1).

17. Section 163.3252 [New]

- Setting forth provisions for a local manufacturing development program and master development approval for manufacturers, allows a local government to adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries.

18. Section 163.3252(1)(a) and (b) [New]

- Requires a local government that elects to establish a local manufacturing development program to submit a copy of the ordinance establishing the program to DEO within 20 days after the ordinance is enacted.
- Provides that a local government ordinance adopted before the effective date of this act establishes a local manufacturing development program if it satisfies the minimum criteria established in subsection (3) and if the local government submits a copy of the ordinance to DEO on or before September 1, 2013.

19. Section 163.3252(2)[New]

- Requires that DEO develop a model ordinance by December 1, 2013, to guide local governments that intend to establish a local manufacturing development program. Requires the model ordinance, which need not be adopted by a local government, to include the elements set forth in sections 163.3252(2)(a)-(k).

20. Section 163.3252(2)(a) [New]

- Requires the model ordinance to include procedures for a manufacturer to apply for a master development plan and procedures for a local government to review and approve a master development plan.

21. Section 163.3252(2)(b) [New]

- Requires the model ordinance to identify those areas within the local government's jurisdiction which are subject to the program.

22. Section 163.3252(2)(c)1-4 [New]

- Requires the model ordinance to include the minimum elements for a master development plan, including but not limited to:
- (1) A site map
- (2) A list proposing the site's land uses
- (3) The maximum square footage, floor area ratio, and building heights for future development on the site, specifying with particularity those features and facilities for which the local government will require the establishment of maximum dimensions, and
- (4) Development conditions 23. Section 163.3252(2)(d)1-11 [New]
- Requires the model ordinance to include a list of development impacts, if applicable to the proposed site, which the local government will require to be addressed in a master development plan, including but not limited to:
- (1) Drainage
- (2) Wastewater
- (3) Potable water
- (4) Solid waste
- (5) Onsite and offsite natural resources
- (6) Preservation of historic and archeological resources
- (7) Offsite infrastructure
- (8) Public services
- (9) Compatibility with adjacent offsite land uses
- (10) Vehicular and pedestrian entrance to and exit from the site, and

- (11) Offsite transportation impacts 24. Section 163.3252(2)(e) [New]
- Requires the model ordinance to include a provision vesting any existing development rights authorized by the local government before the approval of a master development plan, if requested by the manufacturer.

25. Section 163.3252(2)(f) [New]
- Requires the model ordinance to include whether an expiration date is required for a master development plan and, if required, a provision stating that the expiration date may not be earlier than 10 years after the plan's adoption.

26. Section 163.3252(2)(g)1 and 2 [New]
- Requires the model ordinance to include a provision limiting the circumstances that require an amendment to an approved master development plan to: (1) Enactment of state law or local ordinance addressing an immediate and direct threat to the public safety that requires an amendment to the master development order, and (2) Any revision to the master development plan initiated by the manufacturer.

27. Section 163.3252(2)(h) [New]
- Requires the model ordinance to include a provision stating the scope of review for any amendment to a master development plan is limited to the amendment and does not subject any other provision of the approved master development plan to further review.

28. Section 163.3252(2)(i) [New]
- Requires the model ordinance to include a provision stating that, during the term of a master development plan, the local government may not require additional local development approvals for those development impacts listed in paragraph (d) that are addressed in the master development plan, other than approval of a building permit to ensure compliance with the state building code and any other applicable state- mandated life and safety code.

29. Section 163.3252(2)(j) [New]
- Requires the model ordinance to include a provision stating that, before commencing construction or site development work, the manufacturer must submit a certification, signed by a licensed architect, engineer, or landscape architect, attesting that such work complies with the master development plan.

30. Section 163.3252(2)(k) [New]
- Requires the model ordinance to include a provision establishing the form that will be used by the local government to certify that a manufacturer is eligible to participate in the local manufacturing development program adopted by that jurisdiction.

31. Section 163.3252(3)(a)-(d) [New]
- Requires a local manufacturing development program ordinance to as a minimum be consistent with subsection (2) and establish procedures for (a) Reviewing an application from a manufacturer for approval of a master development plan, (b) Approving a master development plan, which may include conditions that address development impacts anticipated during the life of the development, (c) Developing the site in a manner consistent with the master development plan without requiring additional local development approvals other than building permits and (d) Certifying that a manufacturer is eligible to participate in the local manufacturing development program.

32. Section 163.3252(4)(a) and (b)1 and 2 [New]
- Prohibits a local government that establishes a local manufacturing development program from abolishing the program until it has been in effect for at least 24 months.
- Sets forth provisions for a local government's repealing its local manufacturing development program ordinance, stating that (1) Any application for a master development plan which is submitted to the local government before the effective date of the repeal is vested and remains subject to the local manufacturing development program ordinance in effect when the application was submitted; and (2) The manufacturer that submitted the application is entitled to participate in the manufacturing development coordinated approval process established in section 163.3253.

33. Section 163.3253 [New]
- Creates provisions for a coordinated manufacturing development approval process, requiring DEO to coordinate the manufacturing development approval process with participating agencies, as set forth in this section, for manufacturers that are developing or expanding in a local government that has a local manufacturing development program.

34. Section 163.3253(1)(a)-(i) [New]
- Requires the approval process to include collaboration and coordination among, and simultaneous review by, the participating agencies of applications for: (a) Wetland or environmental resource permits, (b) Surface water management permits, (c) Stormwater permits, (d) Consumptive water use permits (e) Wastewater permits, (f) Air emission permits, (g)

Permits relating to listed species, (h) Highway or roadway access permits and (i) Any other state development approval within the scope of a participating agency's authority.

35. Section 163.3253(2)(a) and (b) [New]

- Requires a manufacturer to file its application for state development approval with DEO and each participating agency with proof that its development or expansion is located in a local government that has a local manufacturing development program. If a local government repeals its local manufacturing development program ordinance, a manufacturer developing or expanding in that jurisdiction remains entitled to participate in the process if the manufacturer submitted its application for a local government development approval before the effective date of repeal.

36. Section 163.3253(3)(a) [New]

- Requires DEO to convene a meeting with one or more participating agencies if a manufacturer requests one at any time during the process and that the participating agencies attend.
- Allows DEO to participate as necessary to accomplish the purposes set forth in section 20.60(4)(f), does not require the department to mediate between the participating agencies and the manufacturer.

37. Section 163.3253(3)(b) [New]

- Prohibits DEO from being a party to any proceeding initiated under sections 120.569 and 120.57 that relates to approval or disapproval of an application for state development approval processed under this section.

38. Section 163.3253(3)(c) [New]

- Prohibits DEO's participation in a coordinated manufacturing development approval process under this section from having any effect on its approval or disapproval of any application for economic development incentives sought under section 288.061 or another incentive requiring DEO approval.

39. Section 163.3253(4)(a) [New]

- Requires that if a participating agency determines an application is incomplete, the participating agency must notify the applicant and DEO in writing of the additional information necessary to complete the application.
- Requires that a participating agency provide a request for additional information to the manufacturer and DEO within 20 days after the date the application is filed with the participating agency unless the deadline is waived in writing by the manufacturer.

40. 163.3253(4)(b) [New]

- Provides that if the participating agency does not request additional information within the 20-day period, the participating agency may not subsequently deny the application based on the manufacturer's failure to provide additional information.

41. Section 163.3253(4)(c) [New]

- Within 10 days after the manufacturer's response to the request for additional information, a participating agency may make a second request for additional information for the sole purpose of obtaining clarification of the manufacturer's response.

42. Section 163.3253(5)(a) [New]

- Requires each participating agency to take final agency action on a state development approval within its authority within 60 days after a complete application is filed, unless the deadline is waived in writing by the manufacturer. The 60-day period is tolled by the initiation of a proceeding under sections 120.569 and 120.57.

43. Section 163.3253(5)(b) [New]

- Requires a participating agency to notify DEO if the agency intends to deny a manufacturers application and, unless waived in writing by the manufacturer, the department shall timely convene an informal meeting to facilitate a resolution.

44. Section 163.3253(5)(c) [New]

- Unless waived in writing by the manufacturer, if a participating agency does not approve or deny an application within the 60-day period, within the time allowed by a federally delegated permitting program, or, if a proceeding is initiated under sections 120.569 and 120.57, within 45 days after a recommended order is submitted to the agency and the parties, the state development approval within the authority of the participating agency is deemed approved. A manufacturer seeking to claim approval by default under this subsection shall notify, in writing, the clerks of both the participating agency and DEO of that intent. A manufacturer may not take action based upon the default approval until such notice is received by both agency clerks.

45. Section 163.3253(5)(d) [New]

- Allows the manufacturer at any time after a proceeding is initiated under sections

120.569 and 120.57 to demand expeditious resolution by serving notice on an administrative law judge and all other parties to the proceeding. The administrative law judge is required to set the matter for final hearing no more than 30 days after receipt of such notice. After the final hearing is set, a continuance may not be granted without the written agreement of all parties.

46. Section 163.3253(6) [New]

- Provides that subsections (4) and (5) do not apply to permit applications governed by federally delegated or approved permitting programs to the extent that subsections (4) and (5) impose timeframes or other requirements that are prohibited by or inconsistent with such federally delegated or approved permitting programs.

47. Section 163.3253(7) [New]

- Authorizes the state land planning agency to adopt rules to administer section 163.3253.

48. Section 163.340(2)

- Updates a statutory reference in the definition of "public body" from section 165.031(5) to 163.031(7).

49. Note to Section 163.3162 (2012 version of statute)

- Repeals section 4 of Chapter 2012-75, Laws of Florida, which had established an alternate method for certain landowners to apply to DEO for an agricultural enclave designation. The right to apply for agricultural enclave designation under the alternate method expired on January 1, 2013.

2014: [Chapters 2014-93, 2014-178, and 2014-218, Laws of Florida]

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

1. Section 163.3167(8)(b)

- Deletes the provision that an initiative or referendum in regards to a comprehensive plan amendment or map amendment is only allowed if it affects more than five parcels of land.

2. Section 163.3167(8)(c)

- Deletes the provision that an initiative or referendum in regards to a comprehensive plan amendment or map amendment is only allowed if it affects more than five parcels of land.

3. Section 163.3177(7)(a)2.

- Changes "rural areas of critical economic concern" to "rural areas of opportunity." 4. Section 163.3177(7)(a)3.b.
- Changes "rural area of critical economic concern" to "rural area of opportunity." 5. Section 163.3177(7)(e)
- Provides general re-wording and changes "rural area of critical economic concern" to "rural area of opportunity."

6. Section 163.3187(3)

- Changes "rural area of critical economic concern" to "rural area of opportunity." 7. Section 163.3202(1)
- Requires that local governments must adopt, amend, and enforce land development regulations that are consistent with and implement the comprehensive plan within one year after submission of the comprehensive plan or amended comprehensive plan pursuant to section 163.3191, Florida Statutes (evaluation and appraisal process), instead of section 163.3167(2), Florida Statutes).

8. Section 163.3206(1) [New]

- Provides legislative intent related to the importance of fuel terminals. 9. Section 163.3206(2)(a)1.-9. [New]
- Provides a definition of "fuel" with cross references. 10. Section 163.3206(2)(b) [New]
- Provides a definition of "fuel terminal." 11. Section 163.3206(3) [New]
- Provides that after July 1, 2014, a local government may not amend its comprehensive plan, land use map, zoning districts, or land use regulations to conflict with a fuel terminal's classification as a permitted and allowable use, including an amendment that causes a fuel terminal to be a nonconforming use, structure, or development.

12. Section 163.3206(4) [New]

- Provides that if a fuel terminal is damaged or destroyed due to a natural disaster or other catastrophe, a local government must allow the timely repair of the fuel terminal to its capacity before the natural disaster or catastrophe.

13. Section 163.3206(5) [New]

- Provides that the section does not limit the authority of a local government to adopt, implement, modify, and enforce applicable state and federal requirements for fuel terminals, including safety and building standards. Local authority may not conflict with federal or state safety and security requirements.

14. Section 163.3246(10)

- Changes "rural area of critical economic concern" to "rural area of opportunity."

2015: [Chapter 2015-30, sections 1-6, Laws of Florida, effective May 15, 2015; Chapter 2015-69, section 1, Laws of Florida, effective July 1, 2015]

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

1. Section 163.3178, **Coastal Management Element** (Chapter 2015-69, section 1, Laws of Florida)

- Adds a requirement that the redevelopment component of the Coastal Management Element must:
- Reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
- Encourage removal of coastal real property from FEMA flood zone designations.
- Be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and federal flood plain management regulations.
- Require construction seaward of the coastal construction control line to be consistent with chapter 161, Florida Statutes.
- Encourage local governments to participate in the National Flood Insurance Program Community Rating System to achieve flood insurance premium discounts for their residents.

2. Section 163.3175(9), **Compatibility of Development with Military Installations** (Chapter 2015- 30, section 1, Laws of Florida).

- Deletes obsolete provisions establishing 2012 deadlines for a local government to adopt plan amendments related to military base compatibility.

3. Section 163.3177(6)(c)4., **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element** (Chapter 2015-30, section 2, Laws of Florida).

- Provides that a local government that does not own, operate, or maintain its own water supply facilities and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or maintain a work plan if the local government's usage of water is less than 1 percent of the public water utility's total permitted allocation.
- The local government must cooperate with any local government or utility provider that provides service within its jurisdiction.
- The local government must keep the element up to date in accordance with section 163.3191 (evaluation and appraisal).

4. Section 163.3184(2), **Comprehensive Plan/Plan Amendment Procedures** (Chapter 2015-30, section 3, Laws of Florida)

- The list of plan amendments subject to the coordinated state review process is expanded to include plan amendments that propose an amendment to an adopted sector plan and plan amendments that propose a development that qualifies as a development of regional impact pursuant to section 380.06, Florida Statutes.

5. Section 163.3245, **Sector Plans** (Chapter 2015-30, section 4, Laws of Florida). Amends the section as follows:

- For both the long-term master plan and detailed specific area plans, provisions in the Community Planning Act that are inconsistent with or are superseded by the planning standards in sections 163.3245(3)(a) and (b) do not apply.
- Conservation easements may be based on digital orthophotography that meets certain criteria.
- A conservation easement may include a provision for the grantor to substitute other land that meets certain criteria by recording an amendment to the conservation easement; substitution requires the consent of the grantee, which consent shall not be unreasonably withheld (sections 163.3245(3)(b)7. and 9.).
- An applicant for a detailed specific area plan must transmit a copy of the application to reviewing agencies, which must provide written comments to the local government within 30 days after the applicant transmits the application (section 163.3245(3)(f)).
- Authorizes the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the water management district to accept a conservation easement provided for a detailed specific area plan as mitigation under

chapters 373 and 379 and section 373.414, Florida Statutes (section 163.3245(3)(h)).

- Clarifies that adoption of a long-term master plan or a detailed specific area plan does not limit the right to establish new agricultural or silvicultural uses in the sector plan or detailed specific area plan area (section 163.3245(9)).
- Provides that an applicant with an approved master development order may request that the water management district issue a consumptive use permit for the same time period as the approved master development order (section 163.3245(13)).
- The more specific provisions of this section supersede the generally applicable provisions of this chapter which otherwise would apply.
- This section does not preclude a local government from requiring data and analysis beyond the minimum criteria established by this section (section 163.3245(15)).

6. Section 163.3246(11) and (14), **Local Government Comprehensive Planning Certification Program – Connected-City Corridor Pilot Program [New]** (Chapter 2015-30, section 5, Laws of Florida)

- Deletes requirements for notice to and coordination by regional planning councils in connection with developments of regional impact within a certified local government.
- Creates a connected-city corridor plan amendment pilot program.
- Expresses legislative intent to encourage growth of high-technology industry and innovation through a locally controlled comprehensive plan amendment process.
- Establishes Pasco County as a pilot community for connected-city corridor plan amendments for a period of 10 years.
- Requires the state land planning agency to issue a written notice of certification to Pasco County by July 15, 2015 that includes the geographic boundary of the connected- city corridor and a requirement for annual or biennial monitoring reports.
- Provides that the notice of certification is subject to challenge under section 120.569.
- Establishes criteria for connected-city corridor plan amendments.
- Provides that except for site-specific access management requirements, development in the certification area is deemed to satisfy concurrency if the County adopts a long-term transportation network plan and financial feasibility plan.
- Provides an exemption from development of regional impact review.
- Requires that the Office of Program Policy Analysis and Government Accountability provide a report and recommendations for implementing a statewide program to the Governor, President of the Senate, and Speaker of the House by December 1, 2024.

7. Section 163.3248(4), **Rural Land Stewardships** (Chapter 2015-30, section 6, Laws of Florida)

- Deletes regional planning councils as entities that provide assistance and participate in developing a plan for the rural land stewardship area.

2016: [Chapter 2016-10, section 13, Laws of Florida, effective May 10, 2016; Chapter 2016-148, sections 2-4, Laws of Florida, effective July 1, 2016]

NOTE: the following statutory changes are procedural and minor in nature or are not applicable to the City. Therefore no Plan changes will be required as a result.

1. Section 163.3177(6)(a)11, **Amendments to Future Land Use Element to Address Military Base Compatibility** (Chapter 2016-10, section 13, Laws of Florida)

- Deletes this obsolete subsection which required local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012.

2. Section 163.3175(7), **Financial Reporting for Ex Officio Military Representatives on Local Boards** (Chapter 2016-148, section 2, Laws of Florida)

- Modifies this section to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, F.S., solely due to his or her service on the local government's land planning or zoning board.

3. Section 163.3184, **Process for Adoption of Comprehensive Plans or Plan Amendments** (Chapter 2016-148, section 3, Laws of Florida)

- Amends section 163.3184(2)(c) to modify the language pursuant to changes in section 380.06, F.S., to require state coordinated review of plan amendments that approve DRI-sized proposed developments; no substantive change.
- Adds subsection 163.3184(5)(e)3 to provide that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after issuance unless the state land planning agency issues a final order finding the amendment in compliance, refers the recommended order to the Administration Commission, or all parties consent in writing to an extension of the 90-day period.
- Amends section 163.3184(7)(d), for plan amendment challenges that are subject to mediation or expeditious resolution, to provide that when an administrative law judge issues a recommended order finding an amendment in compliance, except where the parties agree or there are exceptional circumstances, the state land planning agency must issue a final order within 45 days after issuance of a recommended order; and if the final order is not issued in 45 days, the recommended order finding the amendment in compliance becomes the final order.

4. Section 163.3245(1), **Sector Plans** (Chapter 2016-148, section 4, Laws of Florida)

- Modifies this section to reduce the minimum amount of total land area required for a sector plan from 15,000 acres to 5,000 acres.