

**EVALUATION AND APPRAISAL REPORT OF THE CITY OF FELLSMERE COMPREHENSIVE PLAN
CHANGES TO FLORIDA STATUTES
APPENDIX C.3**

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, <u>Laws of Florida.</u>]					
1	Creates the Agricultural Lands and Practices Act . (2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation. (3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act. (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.	163.3162 [New]	X	No impact on City policies.	None.
	(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.		X	No impact on City policies.	None.
	(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances			No impact on City policies.	None.
	(4)(c): Provides that the act does not limit the powers of certain counties .		X	N/A	None.
	(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation .		X	No impact on City policies.	None.
2	Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	X	No impact on City policies.	None.
3	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)	X	N/A	None.
4	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31776	X	No impact on City policies.	None.
5	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31777	X	No impact on City policies.	None.

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2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, <u>Laws of Florida.</u>]					
1	(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.	163.3167	X	N/A	None.
	(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.			To be addressed through data and analysis and adoption of comprehensive plan amendment associated with SSA for DCA 09-01	Revise PFE to incorporate 2010 SJRWMD Water Supply Plan and 2035 planning timeframe per SSA for DCA 09-01.
	(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.		X	N/A	None.
2	(1): Provides legislative findings on the compatibility of development with military installations .	Creates 163.3175.	X	The City does not have nor is it in close proximity to any military institution.	None.
	(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.		X	The City does not have nor is it in close proximity to any military institution.	None.
	(3): Provides for responsive comments by the commanding officer or his/her designee.		X	The City does not have nor is it in close proximity to any military institution.	None.
	(4): Provides for the county or affected local government to take such comments into consideration .		X	The City does not have nor is it in close proximity to any military institution.	None.
	(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.		X	The City does not have nor is it in close proximity to any military institution.	None.
	(6): Encourages the commanding officer to provide information on community planning assistance grants .		X	The City does not have nor is it in close proximity to any military institution.	None.

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3	(6)(a): <ul style="list-style-type: none"> Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. Changed to encourage rural land stewardship area designation as an overlay on the future land use map. 	163.3177	X	The City does not have nor is it in close proximity to any military institution and has not designated any rural land stewardship areas.	None.
	(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments				Revise PFE to require an update to the Comprehensive Plan consistent with this requirement.
	(10)(l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations		X	The City does not have nor is it in close proximity to any military institution.	None.
	(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas		X	The City has not designated a rural land stewardship area.	None.
	(11)(d)2.: Provides for multi-county rural land stewardship areas .		X	The City has not designated a rural land stewardship area.	None.
	(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area .		X	The City has not designated a rural land stewardship area.	None.
	(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.		X	The City has not adopted a density transfer mechanism.	None.
	(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.		X	No impact on City policies.	None.

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	(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment ; requires DCA to provide technical assistance to local governments.			The City has not elected to implement this allowance.	Revise FLUE to implement a TDR program.
4	(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.	Creates 163.31771		No impact to City policies.	None.
	(2): Provides definitions .			No impact to City policies.	None.
	(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.			The City has not currently elected to utilize this allowance.	None.
	(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant , which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.			The City has not currently elected to utilize this allowance.	None.
	(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.			The City has not currently elected to utilize this allowance.	None.
	(6): Requires the DCA to report to the Legislature.		X	N/A	None.
5	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act .	163.3184(1)(b)	X	N/A	None.
6	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.		X	The City does not have nor is it in close proximity to any military institution.	None.
	(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.	163.3187	X	The City has not designated a rural land stewardship area.	None.

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7	Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations .	163.3191(2)(n)	X	The City does not have nor is it in close proximity to any military institution.	None.
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u>]					
1	Added the definition of “ financial feasibility .”	163.3164(32) [New]	X	No impact to City policies.	None.
2	(2): Required comprehensive plans to be “ financially ” rather than “economically” feasible .	163.3177		No impact to City policies.	None.
	(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements . Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement . (3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.			Annual updates are being accomplished consistent with statute. Development agreements are identified as allowable funding sources by policies.	None.
	(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section’s capital improvements requirements.		X	No impact to City policies.	None.
	(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.		X	The City has not adopted a long term concurrency management system.	None.
	(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.		X	No impact to City policies.	None.
	(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).			To be addressed through data and analysis and adoption of comprehensive plan amendment associated with SSA for DCA 09-01	Revise FLUE to incorporate 2010 SJRWMD Water Supply Plan.

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Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.		X	The City is not a coastal county.	None.
(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.				Create a policy requiring the PFE update as required by statute.
(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities .				Create a policy requiring coordination with regional water supply authorities.
(11)(d)4.c.: Required rural land stewardship areas to address affordable housing .		X	The City has not designated any rural land stewardship areas.	None.
(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area . If any listed species present, must ensure adequate provisions to protect them.		X	The City has not designated any rural land stewardship areas.	None.
(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area .		X	The City has not designated any rural land stewardship areas.	None.
(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.		X	The City has not designated any rural land stewardship areas.	None.
(12): Must adopt public school facilities element .		X	A PSFE has already been adopted.	None.
(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.		X	N/A	None.

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	(12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas , and use of schools as emergency shelters .		X	The adopted PSFE addresses these requirements.	None.
	(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.				Create a policy in the ICE and PSFE requiring such maps be maintained.
	(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.		X	A PSFE has already been adopted.	None.
	(12)(j): Established penalty for failure to adopt a public school facility element.		X	A PSFE has already been adopted.	None.
	(13): (New section) Encourages local governments to develop a “ community vision ,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.		X	The City has undertaken a number of planning efforts to help identify a vision for the future.	The City shall review prior action for compliance with this section or otherwise consider undertaking a community vision.
	(14): (New section) Encourages local governments to develop an “ urban service boundary ,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).		X	The City adopted an urban service boundary prior to the effective date of this statute. A review of compliance with this requirement has not been conducted.	The City shall review prior action for compliance with this section or otherwise consider undertaking a an urban service boundary.
3	163.31776 is repealed	163.31776 [Now: Repealed]	X		
4	(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency . The opt-out provision at the end of Subsection (2) is deleted.	163.31777	X	The required interlocal agreement is in place and consistent with the noted requirement.	None.
	(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.		X	N/A	None.

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	(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.		X	N/A	None.
5	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178	X		None.
6	(1)(a): Added “ schools ” as a required concurrency item.	163.3180	X	The concurrency management system has been revised to incorporate school concurrency.	None.
	(2)(a): Required consultation with water supplier prior to issuing building permit to ensure “ adequate water supplies ” to serve new development will be available by the date of issuance of a certificate of occupancy.			Not currently addressed.	Create a policy in the ICE and PFE consistent with this requirement.
	(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.			CIE	None.
	(4)(c): The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.		X	The City has not elected to create a concurrency waiver for transportation and public schools.	None.
	(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.		X	The City has not elected to create a concurrency exception area.	None.

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(5)(e) – (g): If local government has established transportation exceptions , the guidelines for implementing the exceptions must be “ consistent with and support a comprehensive strategy, and promote the purpose of the exceptions. ” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.		X	The City has not elected to create a concurrency exception area.	None.
(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.		X	The City has not elected to utilize the de minimis allowance of statute.	None.
(7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.		X	The City has not elected to create a transportation concurrency management area.	None.
(9)(a): Allowed adoption of a long-term concurrency management system for schools.		X	The City has not elected to create a long term concurrency management system for schools.	None.
(9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.		X	The City has not elected to create a long term concurrency management system.	None.

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(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service.			The mandatory levels of service within the City have been maintained in compliance with the requirements of the Comprehensive Plan.	Commit to an evaluation of the current level of service standards in relation to their consistency with the City's development and redevelopment goals.
(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions .			TRAN, CIE	None.
(13): Required school concurrency (not optional).			The PSFE has already been adopted.	None.
(13)(c).1: Requires school concurrency after five years to be applied on a "less than districtwide basis" (i.e., by using school attendance zones, etc).			PSFE, CIE	None.
(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.		X	The City has not formally adopted a service area boundary.	None.
(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must be shifted to contiguous service areas with school capacity.			PSFE	None.
(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.			PSFE	None.
(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation .			PSFE	None.
(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community: <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition 			Not currently addressed	Revise PSFE and CIE to incorporate this requirement.

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(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.			PSFE	None.
(13)(g)6.a.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.			This requirement has been implemented through the PSFE and CIE along with the interlocal agreement with the school board.	None.
(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.		X		None.
(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.		X		None.
(15): Prior to adopting Multimodal Transportation Districts , FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.		X	The City has not elected to establish any multimodal transportation districts.	None.
(16): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options . FDOT will develop a model ordinance by December 1, 2005.			The City has adopted policies utilizing the Counties method.	

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7	<p>(17): (New 2005 section) If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>	163.3184 [New]		The City has not sought confirmation from the State regarding prior visioning exercise and adoption of urban service boundary.	The City shall review prior action for compliance with this section or otherwise consider undertaking a community vision and adopting an urban service boundary.
8	(1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.	163.3187		The City has not elected to utilize this allowance.	None.
	(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern , a 20-acre limit applies.		X	The City has not designated any rural areas of critical economic concern.	None.
	(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.		X	The City has not designated any rural areas of critical economic concern.	None.
9	(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in s.163.3177(12).	163.3191	X	The City has already adopted a PSFE.	None.

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	(2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects , including conservation and reuse , needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply workplan.			The City is not in an area of critical water supply.	The EAR has provided data identifying alternative water supply projects.
	(2)(o): (New 2005 provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.		X	The City has not elected to establish any multimodal transportation districts.	None.
	(2)(p): (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities .			The City has determined that its method is adequate.	None.
	(10): The Evaluation and Appraisal Report -based amendment must be adopted within a single amendment cycle . Failure to adopt within this cycle results in penalties . Once updated, the comprehensive plan must be submitted to the DCA.		X	No impact to City policies.	None.
10	(10) New section designating Freeport as a certified community . (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246 [New]	X	N/A	None.
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, <u>Laws of Florida</u>]					
1	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5) [New]		Applies only to unincorporated areas.	None.
2	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33) [New]	X	Applies only to unincorporated areas.	None.
3	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	163.3177(6)(g)2. [New]	X	The City is not adjacent to or in close proximity to any coastal area and does not maintain a coastal element.	None.

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	Ch. 2006-220, LOF.				
4	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area . Ch. 2006-220, LOF.	163.3177(11)(d)6.	X	The City has not designated any rural land stewardship areas.	None.
5	Recognizes “extremely-low-income persons” as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)		The City does not currently address the housing needs of extremely low income persons.	Revise policies in the Housing and FLU Elements to address housing needs of this income group.
6	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)	X	Performed by RPC.	None.
7	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)	X	The City is not within or in close proximity to any Coastal High Hazard Area.	None.
8	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a) [New]	X	The City is not within or in close proximity to any Coastal High Hazard Area.	None.
9	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b) [New]		The City has not elected to follow the noted statutory process.	None.

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Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
10	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA , and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c)	X	The City is not within or in close proximity to any Coastal High Hazard Area.	None.
11	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		PFE	None.
12	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)	X	No impact to City policies.	None.
13	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.	X	No impact to City policies.	None.
14	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	163.3208 [New]		The City does not currently address electric distribution substations	Revise policies in the FLUE to address statutory requirements.
15	Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209 [New]	X	No impact to City policies.	None.
16	Community Workforce Housing Innovation Pilot Program ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.	New	X		None.

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Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
17	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	New			Amend the FLUE to be consistent with this allowance.
2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]					
1	(26) Expands the definition of “ urban redevelopment ” to include a community redevelopment area. Ch. 2007-204, LOF.	163.3164		No impact to City policies.	None.
	(32) Revises the definition of “ financial feasibility ” by clarifying that the plan is financially feasibility for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.			No impact to City policies.	None.
2	(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.	163.3177		No impact to City policies.	None.
	(3)(a)6. Revises the citation to the MPO’s TIP and long-range transportation plan . Ch. 2007-196, LOF.		X	No impact to City policies.	None.
	(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.		X	No impact to City policies.	None.

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	(3)(c) Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place if the annual update is not adopted). Ch. 2007-204, LOF.		X	No impact to City policies.	None.
	(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.	[New]		Not currently addressed.	Amend CIE to be consistent with this requirement.
	(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.		X		None.
	(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.	[New]	X		None.
3	(4)(b) Expands transportation concurrency exceptions to include airport facilities . Ch. 2007-204, LOF.	163.3180 [New]	X	The City has not elected to establish a concurrency exception area.	None.
	(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.		X	The City has not elected to establish a concurrency exception area.	None.

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Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
4	(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area . Ch. 2007-204, LOF.		X	The City has not elected to establish a concurrency exception area.	None.
	(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.			No impact to City policies.	None.
	(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.			No impact to City policies.	None.
	(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.			PSFE	None.
	(16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.	[New]		The City uses the County fair share methodology that has been found to be consistent with State requirements.	None.
	(17) Allows an exemption from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.	[New]		This City has not currently elected to use this option.	Consider an amendment to the HE to allow for this exemption.
4	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. Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3182 [New]	X	The City does not have any backlogged facilities not has it established a transportation concurrency backlog authority.	None.

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Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
6	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]	X	Procedural	None.
7	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]	X	The City does not have nor is it in close proximity to any port.	None.
8	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		No impact to City policies.	None.
9	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	X		None.
10	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement . Ch. 2007-196, LOF.	339.282 [New]			Amend the TRAN & CIE to be consistent with this allowance.
11	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)			Amend the HE to be consistent with this allowance.
5	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		This City has not currently elected to use this option.	Amend the HE to be consistent with this allowance.

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2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
1	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		FLUE	None.
2	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		Not adequately addressed.	Amend the FLUE based upon energy efficient land use patterns and accounting for electric systems.
3	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)		Not adequately addressed.	Amend the FLUE based upon greenhouse gas reduction strategies.
4	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		The CON Element does not include factors that affect energy conservation.	Revise the CON Element to include factors that affect energy conservation.
5	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		The future land use map does not depict energy conservation.	Revise FLUE policies and the FLUM to address energy conservation.
6	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		The City has not revised their Housing Element to 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.	Revise Housing policies to 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.
7	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. Ch. 2008-191, LOF.	163.3177(6)(f)1.h. and i.		The City has not revised their TRAN Element to include strategies to reduce greenhouse gas emissions.	Revise TRAN policies to include strategies to reduce greenhouse gas emissions.
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce	163.3177(6)(j)		The City does not address the State	Revise policies within the FLUE and CON Element

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	greenhouse gas emissions. Ch. 2008-191, LOF.			Comprehensive Plan changes.	to address low carbon emitting electric power plants.
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan		Not adequately addressed.	Amend the FLUE based upon energy efficient land use patterns and accounting for electric systems.
2009 [Chapters 2009-85 and 2009-96, Laws of Florida]					
1	Changes "Existing Urban service area" to " Urban service area " and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)	X	The City does not use an urban service area as defined by statute.	None.
2	Adds definition of " Dense urban land area. " Section 2, Chapter 2009-96, LOF.	163.3164(34)	X	The City is not a dense urban land area.	None.
3	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible . Section 3, Chapter 2009-96, LOF.	163.3177(3)(b)1.		The City has a financially feasible Capital Improvement Element and annual CIP.	None.
4	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports . For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	163.3177(6)(a)	X	The City does not have nor is it in close proximity to any airport.	None.
5	Requires the intergovernmental coordination element to recognize airport master plans . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.b.	X	The City does not have nor is it in close proximity to any airport.	None.
6	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c.			Amend the ICE to be consistent with this requirement.
7	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations . Section 3, Chapter	163.3177(6)(h)1.d.	X	The City does not have nor is it in close proximity to any airport.	None.

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	2009-85, LOF.				
8	Defines “ rural agricultural industrial center ” and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a) [New]	X	The City does not intend to classify any existing uses as rural agricultural industrial areas.	None.
9	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)2.	X	The City has not designated any transportation concurrency exception areas.	None.
10	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)3.	X	The City has not designated any transportation concurrency exception areas.	None.
11	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)4.	X	The City has not designated any transportation concurrency exception areas.	None.
12	Except in transportation concurrency exception areas , local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System . Section 4, Chapter 2009-96, LOF.	163.3180(10)		Within the City, only Interstate 95 is on the SIS.	The City will amend its policies to adopt the FDOT standards for the SIS.
13	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)	X	The City does not have or utilize the provisions for backlogged transportation facilities.	None.