MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

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To: Planning Board

From: Michael E. Disher, AICP, Senior Planner MD

Date: April 21, 2015

Subject: Evaluation and Appraisal Report – Changes to State Laws, Part 1: 2008-2011

MEETING DATE: March 24, 2015

At the March 24, 2015 Planning Board meeting, Staff provided the Board with a summary and list of changes to the state's growth management laws that occurred between 2008-2011. This review is required by F.S. 163.3191 as part of the periodic Evaluation and Appraisal Report process. The purpose of this review is to determine comprehensive plan amendments needed to reflect changes in growth management legislation since the last comprehensive plan update. Part two of this review covers the years 2012-2014. A list of the individual changes from the Department of Economic Opportunity website is attached for reference.

2012

The changes to growth management legislation in 2012 were largely intended to clarify the wording, meaning, purpose, or implementation of the sweeping changes adopted in 2011.

- "Grandfathered" referendum processes in local government charters for development orders or local plan amendments that existed as of June 1, 2011.
- Changed focus of analysis for required for future land use map amendments, from amount of land needed for growth determined by the local government, to the amount needed to achieve state requirements.
- Clarified the state and local review process for amendments rescinding concurrency.
- Allowed individual local governments in a school district to retain school concurrency even if other jurisdictions in that district do not.
- Clarified and adjusted the timeframes involved in processing comprehensive plan amendments through the expedited review process and state coordinated review process.

2013

The most significant growth management changes in 2013 related to the creation of a new incentive program for manufacturing. The program was intended to empower local governments to create incentives, streamline development review, provide supporting infrastructure, and clarify roles of state and local agencies in attracting significant manufacturing facilities to the state. It modified provisions, definitions, requirements, and limitations on development regulations and policies pertaining to agriculture and manufacturing, including procedures and requirements to for local governments to create their own "manufacturing development program." The manufacturing development program is a type of economic incentive similar to

the "working waterfronts" program created by the state in 2005 and later adopted by the Town. It required state agencies to create a model ordinance that can be adopted by local governments to incentivize creation of industrial parks and manufacturing facilities.

The Legislature that year also adopted the following provisions:

- Clarified and further limited "grandfathering" of local referendum processes for comprehensive plan amendments that existed in local charters as of June 1, 2011 to those including more than five parcels of land; explicitly prohibited such processes for development permits; and declared such processes that were adopted after June 1, 2011 to be null and void, effective retroactively.
- Created new transportation policy requirements for local governments that choose to repeal transportation concurrency, and encouraged adoption of mobility funding systems as an alternative to impact fees.
- Granted two-year extensions to permits and development orders that were to expire between 2013-2015, not to be used in combination with previous extensions to exceed a total of four years.

2014

- Required local governments to implement their comprehensive plan within one year after adoption or amendment.
- Created new provisions related to fuel terminals.
- Granted two-year extensions to permits and development orders that were to expire between 2014-2016, not to be used in combination with previous extensions to exceed a total of four years. A bill has been filed in the 2015 Legislative session to renew it for a sixth time.

Staff is in the process of analyzing these changes and their affect upon the Town's comprehensive plan. A list of needed comprehensive plans amendments will be provided to the Board based on this review. This list will ultimately be sent to the State DEO as the required EAR Notification Letter.

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Attachment
Changes to F.S. Ch. 163, 2012-2014

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	resources.				
136	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.	163.3248(9)(a)-(e) [New]			
137	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.	163.3248(10) [New]			
138	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.	163.3248(11) [New]			
139	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.360(2)(a)			
140	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.516(3)(a)			
2012 [Chapters 2012-5, 2012-75, 2012-83, 2012-90, 2012-96 and 2012-99 Laws of Florida]					
1	Rewords the definition of "farm" to the same meaning provided in s. 823.14	163.3162(2)(a)			
2	Rewords the definition of farm operation to the same meaning provided in s. 823.14	163.3162(2)(b)			
3	Adds a definition of "governmental entity," which has the same meaning provided in s.164.1031. The term does not include a water control district or a special district created to manage water.	163.3162(2)(d)			
4	Changes "county" to "governmental entity"	163.3162(3)(b)			
5	Changes "county" to "governmental entity"	163.3162(3)(c)			
6	Changes "county" to "governmental entity"	163.3162(3)(c)3.			
7	Changes "county" to "governmental entity"	163.3162(3)(c)3.(i)			
8	Adds provisions related to agricultural enclaves	163.3162 Note			
9	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	163.3167(8)			
10	Changes the "preparation of the periodic reports" to "the periodic evaluation and appraisal of the comprehensive plan"	163.3174(4)(b)			
11	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	163.3175(5)			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	which must be provided to the local government with the comments				
12	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.	163.3175(5)(d)			
13	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	163.3175(6)			
14	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	163.3177(1)(f)3.			
15	Changes the "University of Florida's Bureau of Economic and Business Research" to the "Office of Economic and Demographic Research"	163.3177(6)(a)4.			
16	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	163.3177(6)(a)8.c.			
17	Deletes the requirement that the housing element be based in part on an inventory taken from the latest Census	163.3177(6)(f)2.			
18	Moves the exemptions from having a public school interlocal agreement from s. 163.3180(6)(i) to s.163.31777(3)	163.31777(3)			
19	Adds language requiring each local government exempt from having 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 s. 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	163.31777(4)			
20	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	163.3178(3)			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	developments of regional impact.				
21	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	163.3178(6)			
22	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.	163.3180(1)(a)			
23	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.	163.3180(6)(a)			
24	Moved to s. 163.31777(3)	163.3180(6)(i)			
25	Adds developments that are proposed under s. 380.06(24)(x) to the list of amendments that must follow the state coordinated review process.	163.3184(2)(c)			
26	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(3)(b)1.			
27	Changed the time limit for the reviewing agencies' transmittal to 30 days "after" instead of "from" the date the amendment was received	163.3184(3)(b)2.			
28	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(3)(c)2.			
29	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	163.3184(4)(b)			
30	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(4)(e)2.			
31	Corrects the citation related to plan amendment package completeness from (3)(c)3. To (4)(e)3.	163.3184(5)(b)			
32	Changes the time limit by which the Administration Commission must enter into a final order from 45 days after the receipt of the recommended order to the time period specified in s. 120.569.	163.3184(5)(d)			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
33	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 s. 120.569	163.3184(5)(e)1.			
34	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 s. 120.569	163.3184(5)(e)2.			
35	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"	163.3184(6)(f)			
36	Changes the statutory reference for the Florida Small Cities Community Development Block Grant program	163.3184(8)(b)1.a.			
37	Changes "subsection" to "section"	163.3184(12)			
38	Changes "in accordance with" to "pursuant to" and adds (4) to the 163.3184 citation.	163.3191(3)			
39	Replaces "Department of Community Affairs" with "state land planning agency" and "this" Act to "the Community Planning Act"	163.3204			
40	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 s. 163.3184(11)(a) or (b) to s. 163.3184(8)(a) or (b)1. or 2.	163.3213(6)			
41	Changes the definition of state land planning agency to refer to the Department of Economic Opportunity instead of the Department of Community Affairs	163.3221(14)			
42	Deletes the reference to s. 163.3177(11)	163.3245(1)			
43	Deletes the requirement that the department provide an annual status report to the legislature regarding every optional sector plan.	163.3245(7)			
44	Adds "or her" to "his consent to the master plan"	163.3245(9)			
45	Replaces "Department of Community Affairs" with "state land planning agency"	163.3246(1)			
46	Replaces "Secretary of Community Affairs" with "executive director of the state land planning agency"	163.3247(5)(a)			
47	Replaces "Department of Community Affairs" with "state land planning agency"	163.3247(5)(b)			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
48	Removes the word "county" from "board of commissioners"	163.3248(6)			
2013 [Chapters 2013-15, 2013-78, 2013-115, 2013-213, 2013-224 and 2013-239, Laws of Florida]					
1	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.	163.2136(3)(c)-(k) [re-numbered]			
2	Amends the definition of "governmental entity" in the **provisions for agricultural lands and practices**, clarifying that in addition to not including a water control district established under chapter 298 or a special district created by special act for water management purposes, the term does not include a water management district.	163.3162(2)(d)			
3	Replaces "county" with "governmental entity."	163.3162(3)(a)			
4	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 s. 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.	163.3162(3)(b) [New]			
5	Clarifies the **provisions for growth management** 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.	163.3167(8)(a) [New]			
6	Clarifies 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.	163.3167(8)(b) [New]			
7	States the intent of the Legislature is 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	163.3167(8)(c) [New]			

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	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	permitted in paragraph (b). States these prohibitions are remedial in nature and apply retroactively to any initiative or referendum process commenced after June 1, 2011, clarifying that any such initiative or referendum process that has been commenced or completed thereafter is null and void and of no legal force and effect.				
8	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.	163.3180(5)(h)1 [New]			
9	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 s. 380.06 when applicable, if conditions in subsequent sections are met.	163.3180(5)(h)1.c [New]			
10	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.	163.3180(5)(h)1.c.II [New]			
11	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.	163.3180(5)(h)1.d [New]			
12	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.	163.3180(5)(h)3 [New]			
13	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 paragraph (f). Clarifies 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	163.3180(5)(i) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	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 paragraph (h).				
14	Changes numerous references in the provisions for the **local government comprehensive planning certification program** from "department" to "state land planning agency."	163.3246(1),(4)-(7), (9)(a), (12) and (13)			
15	Creates short title for ss. 163.325-163.3253 as the "**Manufacturing Competitiveness Act**."	163.325 [New]			
16	Creates six definitions as used in the provisions for **manufacturing development** in ss. 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 s. 163.3252(2)(c). (3) "Local manufacturing development program" means a program enacted by a local government for approval of master development plans under s. 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 s. 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)	163.3251(1)–(6) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	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 s.163.3253(1).				
17	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.	163.3252 [New]			
18	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. 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.	163.3252(1)(a) and (b) [New]			
19	Requires DEOto develop by December 1, 2013 a **model ordinance** 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 ss. 163.3252(2)(a)-(k).	163.3252(2)[New]			
20	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.	163.3252(2)(a) [New]			
21	Requires the model ordinance to identify those areas within the local government's jurisdiction which are subject to the program.	163.3252(2)(b) [New]			
22	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	163.3252(2)(c)1-4 [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	features and facilities for which the local government will require the establishment of maximum dimensions and 4. Development conditions.				
23	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.	163.3252(2)(d)1-11 [New]			
24	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.	163.3252(2)(e) [New]			
25	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.	163.3252(2)(f) [New]			
26	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.	163.3252(2)(g)1 and 2 [New]			
27	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.	163.3252(2)(h) [New]			
28	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.	163.3252(2)(i) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
29	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.	163.3252(2)(j) [New]			
30	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.	163.3252(2)(k) [New]			
31	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.	163.3252(3)(a)-(d) [New]			
32	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 s. 163.3253.	163.3252(4)(a) and (b)1 and 2 [New]			
33	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.	163.3253 [New]			
34	Requires the approval process to include collaboration and	163.3253(1)(a)-(i) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	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	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.	163.3253(2)(a) and (b) [New]			
36	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 s. 20.60(4)(f), does not require the department to mediate between the participating agencies and the manufacturer.	163.3253(3)(a) [New]			
37	Prohibits DEO from being a party to any proceeding initiated under ss. 120.569 and 120.57 that relates to approval or disapproval of an application for state development approval processed under this section.	163.3253(3)(b) [New]			
38	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 s. 288.061 or another incentive requiring DEO approval.	163.3253(3)(c) [New]			
39	Requires if a participating agency determines an application is incomplete that the participating agency notifies the applicant and DEO in writing of the additional information necessary to complete the application. Requires, unless the deadline is waived in writing by the manufacturer, a participating agency to provide a request for	163.3253(4)(a) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	additional information to the manufacturer and DEO within 20 days after the date the application is filed with the participating agency.				
40	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.	163.3253(4)(b) [New]			
41	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.	163.3253(4)(c) [New]			
42	Requires, unless the deadline is waived in writing by the manufacturer, 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. The 60-day period is tolled by the initiation of a proceeding under ss. 120.569 and 120.57.	163.3253(5)(a) [New]			
43	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.	163.3253(5)(b) [New]			
44	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 ss. 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.	163.3253(5)(c) [New]			
45	Allows the manufacturer at any time after a proceeding is initiated under ss. 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.	163.3253(5)(d) [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
46	Prohibits subsections (4) and (5) from applying 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.	163.3253(6) [New]			
47	Allows DEO to adopt rules to administer section 163.3253.	163.3253(7) [New]			
48	Revises the **definitions** to replace a reference to s.165.031(5) in the definition of "public body" to s. 165.031(7).	163.340(2)			
49	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 ag enclave designation under the alternate method expired on January 1, 2013.	Note to 163.3162 (2012 version of statute)			
	2014 Changes [Chapters 2014-93, 2014-178, 2014-218]				
1	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.	163.3167(8)(b)			
2	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.	163.3167(8)(c)			
3	Changes "rural areas of critical economic concern" to "rural areas of opportunity"	163.3177(7)(a)2.			
4	Changes "rural area of critical economic concern" to "rural area of opportunity"	163.3177(7)(a)3.b.			
5	Provides general re-wording and changes "rural area of critical economic concern" to "rural area of opportunity"	163.3177(7)(e)			
6	Changes "rural area of critical economic concern" to "rural area of opportunity"	163.3187(3)			
7	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, F.S. (evaluation and appraisal process), instead of Section 163.3167(2), F.S.(requirement that each local government maintain a comprehensive plan).	163.3202(1)			
8	Provides legislative intent related to the importance of fuel terminals.	163.3206(1) [New]			
9	Provides a definition of fuel with cross references	163.3206(2)(a)1.-9. [New]			

N/A = Not Applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
10	Provides a definition of fuel terminal	163.3206(2)(b) [New]			
11	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.	163.3206(3) [New]			
12	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.	163.3206(4) [New]			
13	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.	163.3206(5) [New]			
14	Changes "rural area of critical economic concern" to "rural area of opportunity"	163.3246(10)			

N/A = Not Applicable