

# **APPENDIX C**

**Changes to Chapter 163, Part II, F.S. since 1996**

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
1998:[Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5]			
Exempted <b>brownfield area</b> amendments from the <b>twice-a-year limitation</b> .	163.3187(1)(g)	N/A	NO
Required that the <b>capital improvements element</b> set forth standards for the <b>management of debt</b> .	163.3177(3)(a)4	The CIE provides an analysis, updated annually, for the Six-Year Schedule of Improvements timeframe on the projection of the maximum, non-revenue supported, debt capacity for Pinellas County. This analysis is based upon the assumptions that growth in real property value is at a rate commensurate with the projections; that the debt coverage ratio is 1:1.25; and that the Board of County Commissioners approved a property tax levy of 10 mils, which is the maximum allowed by the State Constitution. The County has adopted CIE policies that the programming of funds for capital facilities and programs will not exceed the County's fiscal capacity; that the County shall confine long-term borrowing to capital improvements that cannot be financed on a "pay-as-you-go" basis; and that bonds shall be structured to be paid back within a period not to exceed the expected useful life of the project.	NO

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
Required inclusion of at least <b>two planning periods</b> -- at least 5 years and at least 10 years.	163.3177(5)(a)	Population growth is projected for five to 20 years (out to 2025). The adopted schedule of improvements in the CIE, which is amended annually, extends out five years beyond the current budget years, covering the shorter planning period. The previous EAR-based amendments adopted in 1998 identified needed improvements through 2010 to implement the Comprehensive Plan. The upcoming EAR-based amendments will identify improvements and other implementation measures through at least 2020.	Yes, based on adopted EAR
Allowed <b>multiple individual plan amendments</b> to be considered together as one amendment cycle.	163.3184(3)(d)	NLAN*	NO
Defined <b>optional sector plan</b> and created section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245	The County has not adopted any optional sector plans.	NO
Established the requirements for <b>a public school facilities element</b> .	163.3177(12)	The County has not adopted an optional public school facilities element.	NO
Established the minimum requirements for imposing <b>school concurrency</b> .	163.3180(12), now Section (13)	The County has not exercised the option of imposing school concurrency.	NO
Required DCA adopt <b>minimum criteria</b> for the compliance determination of a <b>public school facilities element</b> imposing school concurrency.	163.3180(13), now Section (14)	N/A	NO

\* **NLAN = No Local Plan Amendment Necessary**

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
Required that <b>evaluation and appraisal reports</b> address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i)	Addressed in this EAR	NO
Amended the definition of " <b>in compliance</b> " to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)	NLAN	NO
Required DCA to <b>maintain a file with all documents received or generated</b> by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	N/A	NO
Allowed a <b>local government to amend its plan</b> for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)	NLAN	NO
Substantially reworded Section 163.3191, F.S., related to <b>evaluation and appraisal reports</b> .	163.3191	NLAN. The EAR adopted on November 1, 2005 is based on these amended requirements.	NO
Changed the <b>population requirements</b> for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	The Transportation Element adopted in 1998 includes a mass transit component and an aviation and related facilities component as required by this section.	NO
Required that <b>ports</b> and local governments in the coastal area, which have <b>spoil disposal responsibilities</b> , identify dredge disposal sites in the comp plan.	163.3178(7)	Pinellas County does not have spoil disposal responsibility.	NO
Exempted from the <b>twice-per-year limitation</b> certain port related amendments for <b>port transportation facilities</b> and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	Pinellas County does not operate a port.	NO
Required <b>rural counties</b> to base their future land use plans and the amount of land designated <b>industrial</b> on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversify local economies.	163.3177(6)(a)	Pinellas County is an urban county.	NO

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
Added the Growth Policy Act to Ch. 163, Part II to promote <b>urban infill and redevelopment</b> .	163.2511,163.2514,163.2517,163.2520,163.2523,163.2526	Pinellas County has not designated any urban infill or redevelopment areas in the unincorporated area per Statute 163.2514, F.S.	NO
Required that all comp plans comply with the <b>school siting requirements</b> by October 1, 1999.	163.3177(6)(a)	Pinellas County adopted school siting requirements into the Future Land Use Element in September of 1996.	NO (Amendments were completed in 1996)
Made <b>transportation facilities</b> subject to concurrency.	163.3180(1)(a)	Pinellas County has applied concurrency to State and County roads since 1990.	NO
Required use of <b>professionally accepted techniques</b> for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)	Pinellas County has utilized the MPO Level of Service Report for measuring level of service for roads since 1994. Pinellas County is working with the MPO and the cities to coordinate the development of bicycle and pedestrian data to allow for the measurement of pedestrian and bicycle level of service on the major road network.	The Transportation Element will be amended to reflect new or revised level of service standards.
Excludes <b>public transit facilities</b> from <b>concurrency</b> requirements.	163.3180(4)(b)	Pinellas County addresses mass transit in its concurrency management system, although the Board does not oversee transit operations.	Pinellas County will consider amending its concurrency management system to exclude mass transit after completion of the EAR
Allowed <b>multi-use DRIs</b> to satisfy the <b>transportation concurrency</b> requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)	Pinellas County has chosen not to utilize this provision.	NO
Allowed <b>multi-modal transportation districts</b> in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)	The County has not established any multi-modal transportation districts.	NO

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
Exempted amendments for <b>urban infill and redevelopment areas, public school concurrency</b> from the <b>twice-per-year limitation</b> .	163.31879(1)(h) and (i)	Unincorporated Pinellas County does not have any urban infill or redevelopment areas, and did not adopt optional school concurrency requirements.	NO
Defined <b>brownfield designation</b> and added the assurance that a developer may proceed with development upon receipt of a brownfield designation.	163.3220(2)	NO	The Brownfield concept will be amended into the Natural, Historic and Cultural Resources Element as well as the Future Land Use Element.
Repealed Section 163.3184(11)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.		NLAN	NO
Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.		NLAN	NO
Repealed Sections 163.3191(13) and (15), F.S.		N/A	NO
Allowed <b>small scale amendments</b> in <b>areas of critical state concern</b> to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187 (1)(c)1.e	There are no areas of critical state concern in Pinellas County.	NO
Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of <b>incentives</b> for new development within <b>urban infill and redevelopment areas</b> .	163.2517(3)(j)2	There are no areas of urban infill and redevelopment designated in unincorporated Pinellas County	NO
Created the <b>rural land stewardship area</b> program.	163.3177(11)(d)	Pinellas County is an urban county	NO

Changes to Chapter 163, F.S., 1998-2003	163, F.S. Citations	Already Addressed? (Where and How)	Amendment Still Needed?
Required that all agencies that review comprehensive plan amendments and rezonings include a <b>nonvoting representative of the district school board</b> .	163.3174	Based on an Interlocal Agreement signed in April 2003, Pinellas County includes a School Board staff representative as a member of the Local Planning Agency as a non-voting member. The Pinellas County School Board receives notices of all land use and zoning changes, and can participate in those meetings and hearings, or provide comments and input, as they need to.	NO
Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)	Objective 1.2 of the Water Supply Element and Policy 1.4.6 of the ICE Element were amended, and Policy 1.1.4 of the Capital Improvements Element was added in December 2004 reflecting a commitment to coordinate with the RWSP.	YES (Groundwater section of Natural, Historic and Cultural Resources Element)
Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)	NLAN	NO
Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)	The Water Supply Element and the ICE Element have already been amended as of December 2004.	YES (Groundwater section of Natural, Historic and Cultural Resources Element)
Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)	See above	The Natural, Historic and Cultural Resources Element will be updated upon completion of the update to the RWSP.

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Required that the Intergovernmental Coordination Element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)	The ICE Element was amended to address coordination with the RWSP.	NO
Required the local governments adopting a public educational facilities element to execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4	Pinellas County has not adopted an optional Public Education Facilities Element.	NO
Required that counties larger than 100,000 population and their municipalities submit inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and identify strategies to remedy any deficiencies or duplications.	163.3177(6)(h) 6,7,&8	Pinellas County and the municipalities in the County submitted the required ISDR Report in December 2003.	No specific amendments were identified; however, being revised as a part of the EAR process
Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9	Pinellas County participated in this process.	NO
Added a new section 163.31776 that allows a county to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	Pinellas County has not adopted an optional Public Education Facilities Element.	NO
Added a new section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777	Pinellas County and the School Board along with the required municipalities entered into the required agreement in April 2003.	NO
Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	Unincorporated Pinellas County does not have any designated urban infill and redevelopment areas.	NO
Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)	NLAN	NO
Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)	NLAN	NO
Streamlined the timing of comprehensive plan amendment review.	163.3184(3),(4), (6),(7) and (8)	NLAN	NO
Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)	Pinellas County provides the sign-in form for both transmittal and adoption hearings.	NO

<b>Changes to Chapter 163, F.S., 1998-2003</b>	<b>163, F.S. Citations</b>	<b>Already Addressed? (Where and How)</b>	<b>Amendment Still Needed?</b>
Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	NLAN	NO
Required EAR's to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163.3191(2)(1)	Over the years, Pinellas County has restricted densities in the coastal high hazard areas and have, therefore, not had to reduce densities and impact property rights of residents. A policy has been in place since 1989 not to approve amendments that increase densities above 5 upa.	
Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215	NLAN	NO
Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	Pinellas County has not sought participation in this program.	NO
Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)	Pinellas County already has extensive siting criteria in its adopted Comprehensive Plan and associated land development regulations	NO
Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)	NLAN	NO

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