

January 24, 2025

The Honorable Paul Mixon
Chairman, Okaloosa County
Board of County Commissioners
302 N. Wilson Street - Suite 302
Crestview, Florida 32536

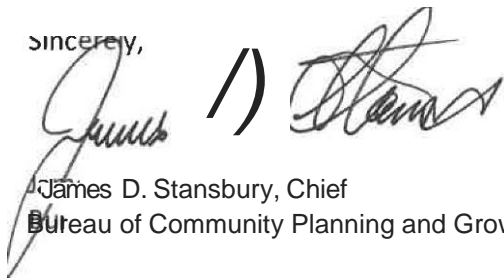
Dear Chairman Mixon,

FloridaCommerce has completed its review of the comprehensive plan amendment for Okaloosa County adopted by Ordinance No. 24-22 on December 3, 2024 (Amendment No. 24-01ER), which was received and determined complete on December 10, 2024. We have reviewed the amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in section 163.3184(1)(b), F.S. FloridaCommerce is therefore issuing a Notice of Intent to find the comprehensive plan amendment "In Compliance." A copy of the Notice of Intent is enclosed and will be posted on FloridaCommerce's Internet website. You may access the Notice of Intent at <http://floridajobs.force.com/orc>.

FloridaCommerce's Notice of Intent to find a plan amendment "In Compliance" is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until FloridaCommerce or the Administration Commission enters a final order determining the amendment to be "In Compliance."

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850)-717-8510 or by email at Scott.Rogers@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

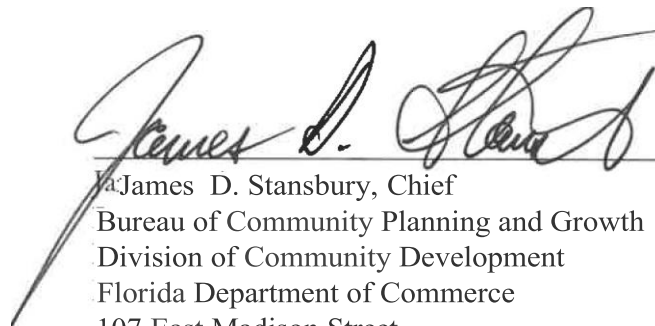
Enclosure: Notice of Intent

cc: Elliot L. Kampert, Director, Okaloosa County Department of Growth Management
Randall Woodruff, Deputy Director, Crestview Planning Office
Austin Mount, Chief Executive Officer, Emerald Coast Regional Council

FLORIDA DEPARTMENT OF COMMERCE
THE STATE LAND PLANNING AGENCY
NOTICE OF INTENT TO FIND THE
OKALOOSA COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 24-01ER-NOI-46-01-(A)-(I)

The Florida Department of Commerce ("Department") gives notice of its intent to find the Amendment to the Comprehensive Plan for Okaloosa County, adopted by Ordinance No. 24-22 on December 3, 2024, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendment is not filed within thirty (30) days after the local government adopted the Amendment, the Amendment become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition is filed, the Amendment does not become effective until the Department or the Administration Commission enters a final order determining that the Amendment is in compliance.



James D. Stansbury, Chief
Bureau of Community Planning and Growth
Division of Community Development
Florida Department of Commerce
107 East Madison Street
Tallahassee, Florida 32399



OKALOOSA COUNTY GROWTH MANAGEMENT

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OKALOOSA COUNTY 2024 EVALUATION & APPRAISAL REPORT ADOPTION: ESR 24-02/CPA 2024-02



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**OKALOOSA COUNTY
COMPREHENSIVE PLAN
2024 EVALUATION AND APPRAISAL REPORT**



Prepared by

Department of Growth Management

August, 2024

OKALOOSA COUNTY COMPREHENSIVE PLAN 2024 EVALUATION AND APPRAISAL REPORT

PART 1 INTRODUCTION

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit evaluation and appraisal reports to Florida Commerce for a sufficiency determination. Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated.
2. Notify the state land planning agency (Florida Commerce) by letter of this determination.
3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.
5. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

On September 19, 2023, Okaloosa County notified the Florida Commerce Bureau of Comprehensive Planning that in accordance with Section 163.3191, Florida Statutes, and Rule 73C-49, Florida Administrative Code, Okaloosa County have reviewed its Comprehensive Plan and determined that plan amendments will be necessary to implement statutory changes since the last update to the Comprehensive Plan. Accompanying this letter was an affidavit signed by the Chairman of the Board of County Commissioners attesting to the status of the Comprehensive Plan and the future amendments.

On February 20, 2024, Florida Commerce acknowledged receipt of the County's September 19, 2023 Evaluation and Appraisal Notification letter and affidavit. The letter from Florida Commerce notified that County the proposed comprehensive plan amendments that are based on the Evaluation and Appraisal Report should be transmitted to Florida Commerce by September 27, 2024, within one year of the County's notification, pursuant to Section 163.3191(2), Florida Statutes.

The Okaloosa County 2024 Evaluation and Appraisal Report (EAR), incorporates the County's updated Planning Profiles as the Technical Documents containing support data and analysis for

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the various elements of the Comprehensive Plan, provides updates to statutory requirements per Florida Statutes, provides for a minimum 10-year planning period and cites the source and date of population projections used in establishing the 10-year planning period.

PART 2

STATUTORY REQUIREMENTS

Statutory requirements for evaluation and appraisal reports are expressed at Section 163.3191, Florida Statutes as follows.

163.3191 Evaluation and appraisal of comprehensive plan

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. [163.3177](#)(5) or to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination. The notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. [163.3177](#)(5), and must cite the source and date of the population projections used in establishing the 10-year planning period.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. [163.3184](#).

(3) Local governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section must be reviewed pursuant to s. [163.3184](#)(4). Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

(4) If a local government fails to submit the letter and affidavit prescribed by subsection (1) or to transmit the update to its plan pursuant to subsection (3) within 1 year after the date the letter was transmitted to the state land planning agency, it may not initiate or adopt any publicly initiated plan amendments to its comprehensive plan until such time as it complies with this section, unless otherwise required by general law. This prohibition on plan amendments does not apply to privately initiated plan amendments. The failure

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of the local government to timely update its plan may not be the basis for the denial of privately initiated comprehensive plan amendments.

(5) If it is determined that a local government has failed to update its comprehensive plan pursuant to this section, the state land planning agency must provide the required population projections that must be used by the local government to update the comprehensive plan. The local government shall initiate an update to its comprehensive plan within 3 months following the receipt of the population projections and must transmit the update within 12 months. If the state land planning agency finds the update is not in compliance, it must establish the timeline to address the deficiencies, not to exceed an additional 12-month period. If the update is challenged by a third party, the local government may seek approval from the state land planning agency to process publicly initiated plan amendments that are necessary to accommodate population growth during the pendency of the litigation. During the update process, the local government may provide alternative population projections based on professionally accepted methodologies, but only if those population projections exceed the population projections provided by the state land planning agency and only if the update is completed within the timeframe set forth in this subsection.

(6) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

PART 3 STATUTORY REQUIREMENTS AND OKALOOSA COUNTY RESPONSE

The following are the state statutes and Okaloosa County's determination if amendments or changes to the county's Comprehensive Plan are necessary to implement the requirements of the Statutory Changes to the Community Planning Act, Chapter 163, Part II, Florida Statutes: 2016-2022.

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

1. Section 163.3177, Florida Statutes (F.S.), Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2016-10, section 13, Laws of Florida)

- Removes language in subsection (6)(a)11., requiring local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent to or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012.

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Okaloosa Response: *The statutory revision does not require any action on the part of local governments. Notwithstanding, the Okaloosa County Comprehensive Plan includes provisions addressing compatibility of land uses adjacent with military installations.*

2. Section 163.3175, F.S., Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations (Chapter 2016-148, section 2, Laws of Florida)

- Modifies subsection (7) to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, F.S., solely due to his or her service on the local government's land planning or zoning board.

Okaloosa Response: *The statutory revision does not require any action on the part of local governments. The Okaloosa County Planning Commission includes a representative from Eglin Air Force Base as required pursuant to sec. 163.3175(7), FS.*

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

- Amends language of subsection (2)(c) pursuant to changes in section 380.06, F.S., to require a state coordinated review of plan amendments that approve Development of Regional Impact-sized proposed developments; no substantive change.

Okaloosa Response: *The statutory revision does not require any amendments to the Okaloosa County Comprehensive Plan.*

- Adds subsection (5)(e)3 to provide direction that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after issuance unless the state land planning agency issues a final order finding the amendment in compliance, refers the recommended order to the Administration Commission, or all parties consent in writing to an extension of the 90day period.

Okaloosa Response: *The statutory revision does not require any amendments to the Okaloosa County Comprehensive Plan.*

- Amends subsection (7)(d), for plan amendment challenges that are subject to mediation or expeditious resolution, to provide that when an administrative law judge issues a recommended order finding an amendment in compliance, except

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where the parties agree or there are exceptional circumstances, the state land planning agency must issue a final order within 45 days after issuance of a recommended order. If the final order is not issued in 45 days, the recommended order finding the amendment in compliance becomes the final order. Statutory Changes to the Community Planning Act, Chapter 163, Part II, Florida Statutes: 2016-2022

Okaloosa Response: *The statutory revision does not require any amendments to the Okaloosa County Comprehensive Plan.*

4. Section 163.3245, F.S., Sector Plans (Chapter 2016-148, section 4, Laws of Florida)
 - Modifies subsection (1) to reduce the minimum amount of total land area required for a sector plan from 15,000 acres to 5,000 acres.

Okaloosa Response: *The statutory revision does not require any amendments to the Okaloosa County Comprehensive Plan.*

2017: [None]

2018: [Chapter 2018-34, section 1, Laws of Florida, Effective March 19, 2018; Chapter 2018-158, sections 7, 8, and 21, Laws of Florida, Effective April 6, 2018.]

1. Section 163.3221, F.S., Florida Local Government Development Agreement Act; Definitions (Chapter 2018-34, section 1, Laws of Florida)

- Amends the definition of “development” within subsection (4)(b) to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.

Okaloosa Response: *The statutory revision did not require amendments to the Okaloosa County Comprehensive Plan or revisions to the County Land Development Code.*

2. Section 163.3245, F.S., Sector Plans (Chapter 2018-158, section 7, Laws of Florida)

- Updates statutory cross references within subsection (3)(e) and subsection (12).
- Revises subsection (6) to amend the requirements associated with a master development approval.

Okaloosa Response: *The statutory revision does not require any action on the part of Okaloosa County.*

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3. Section 163.3246, F.S., Local Government Comprehensive Planning Certification Program (Chapter 2018-158, section 8, Laws of Florida)

- Updates the Local Government Comprehensive Planning Certification Program to modify language of subsections (11), (12), and (14) referencing Developments of Regional Impact.

Okaloosa Response: *The statutory revision does not require any action on the part of Okaloosa County.*

4. Section 163.3164, F.S., Community Planning Act; Definitions (Chapter 2018-158, section 21, Laws of Florida)

- Renumbers existing subsections (31) through (51) as (32) through (52) and adds a new subsection (31) to define “master development plan” or “master plan”.

Okaloosa Response: *The statutory revision does not require any amendments to the Okaloosa County Comprehensive Plan.*

2019: [Chapter 2019-3, section 31, Laws of Florida, Effective July 3, 2019; Chapter 2019-106, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-144, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-155, section 2, Laws of Florida, Effective July 1, 2019; Chapter 2019-157, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-165, sections 3-7, Laws of Florida, Effective June 28, 2019]

1. Section 163.3177, F.S., Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2019-3, section 31, Laws of Florida)

- Updates statutory reference related to affordable workforce housing within subsection (6)(f).

Okaloosa Response: *The statutory revision does not require any action on the part of Okaloosa County. However, it should be noted that Okaloosa County is, at the time of this writing, undertaking a study to develop an Attainable Workforce Housing Strategy. Upon completion, this study will inform the County’s decisions regarding attainable housing and may serve as the basis for future amendments to the County’s Comprehensive Plan and Land Development Code.*

2. Section 163.31801, F.S., Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges (Chapter 2019-106, section 1, Laws of Florida)

- Revises the section’s title.

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- Amends language of paragraphs (a) through (d) of subsection (3) to clarify the local government responsibilities related to impact fees.
- Adds new paragraphs (e) through (i) to subsection (3) to amend the minimum requirements for the adoption of impact fees by specified local governments and note restrictions to the allowable uses of those impact fees.
- Adds a new subsection (6), which exempts water and sewer connection fees from the Florida Impact Fee Act.

Okaloosa Response: *Okaloosa County does not currently collect impact fees. While the County's Water and Sewer Department does collect connection fees, the amendment exempts such fees from the Florida Impact Fee Act and so the statutory revision does not require any action on the part of Okaloosa County.*

3. Section 163.3175, F.S., Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations (Chapter 2019-144, section 1, Laws of Florida)

- Re-designates existing paragraphs (i) through (n) of subsection (2) as paragraphs (j) through (o).
- Adds new paragraphs (i) and (p) to subsection (2) to specify additional local governments that must coordinate with certain military installations regarding the compatibility of land development.

Okaloosa Response: *The revisions added Naval support Activity Orlando which affects Orange County and the City of Orlando as well as the United States Southern Command which affects Miami-Dade County and Doral. As neither of these installations are in Okaloosa County, the statutory revisions did not necessitate any action on the part of Okaloosa County. However, it should be noted that Okaloosa County has established a close and productive relationship with the leadership of Eglin Air Force Base, Hurlburt Field, and the other tenant commands stationed on the Eglin Reservation.*

4. Section 163.3209, F.S., Electric Transmission and Distribution Line Right-of-way Maintenance (Chapter 2019-155, section 2, Laws of Florida)

- Removes language requiring the local government approval of a property owner's request for electric utilities to perform certain right-of-way vegetation and tree maintenance.

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Okaloosa Response: *The Okaloosa County Comprehensive Plan does not include any provisions regulating vegetation or tree maintenance by electric utilities. In addition, public utilities are exempt from the tree protection provisions of the County's Land Development Code; therefore, the statutory revision does not require any action on the part of Okaloosa County.*

5. Section 163.3187, F.S., Process for Adoption of Small-Scale Comprehensive Plan Amendment (Chapter 2019-157, section 1, Laws of Florida)

- Removes subsection (1)(b), which specified the cumulative annual acreage maximum of adopted small-scale comprehensive plan amendments.

Okaloosa Response: *Acknowledged; the statutory revision does not require any action on the part of Okaloosa County.*

6. Section 163.3167, F.S., Scope of Act (Chapter 2019-165, section 3, Laws of Florida)

- Amends subsection (3) to require local governments that have adopted comprehensive plans after January 1, 2019 to incorporate into their comprehensive plans development orders that existed before the comprehensive plan's effective date.

Okaloosa Response: *Acknowledged; as the statutory revision affects newly created municipalities, it does not require any action on the part of Okaloosa County.*

7. Section 163.3180, F.S., Concurrency (Chapter 2019-165, section 4, Laws of Florida)

- Amends subsection (5)(i) to clarify compliance requirements for a mobility fee-based funding system.
- Revises subsection (6)(h)2.b. to require a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities and provides the requirements for the basis of that credit.

Okaloosa Response: *Okaloosa County is currently undertaking a mobility fee study and will ensure that any mobility fee program implemented as a result complies with subsection 163.3180(5)i, FS. Okaloosa County does not currently enforce school concurrency and so the revisions to subsection (6)(h)2.b do not require any Comprehensive Plan amendments on the part of Okaloosa County.*

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8. Section 163.31801, F.S., Impact Fees; Short Title; Minimum Requirements: Audits; Challenges (Chapter 2019-165, section 5, Laws of Florida)

- Amends subsection (3) to add minimum conditions that certain impact fees must satisfy.
- Renumbers existing subsections (4) and (5) as subsections (6) and (7).
- Adds a new subsection (4) to require local governments to credit against the collection of an impact fee any contribution related to public education facilities.
- Adds subsection (5) so that if a local government increases its impact fee rates then the holder of impact fee credits is entitled to the full benefit of the intensity or density of the credit balance as of the date it was established and renumbers subsequent subsections.
- Amends renumbered subsection (7) to provide that in certain actions, the local government has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements and prohibits the court from using a deferential standard for the benefit of the government.
- Adds subsection (8) to authorize a local government to provide an exception or waiver for an impact fee for the development or construction of affordable housing, and in doing such is not required to use any revenues to offset the impact.
- Adds subsection (9) to clarify that this section does not apply to water and sewer connection fees.

Okaloosa Response: *Okaloosa County does not currently collect impact fees. While the County's Water and Sewer Department does collect connection fees, the statutory revisions do not require any action on the part of Okaloosa County.*

9. Section 163.3202, F.S., Land Development Regulations (Chapter 2019-165, section 6, Laws of Florida)

- Adds paragraph (j) to subsection (2) to require preexisting development orders to be incorporated into local land development regulations.

Okaloosa Response: *Paragraph (j) of subsection (2) incorporates the provision of section 163.3167(3), FS, requiring that the "comprehensive plan for a newly incorporated municipality which becomes effective after January 1, 2016, and all land development regulations adopted to implement the comprehensive plan must*

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incorporate each development order existing before the comprehensive plan's effective date." This requirement does not necessitate any action on the part of Okaloosa County.

10. Section 163.3215, F.S., Standing to Enforce Local Comprehensive Plans Through Development Orders (Chapter 2019-165, section 7, Laws of Florida)

- Amends subsection (8)(a) to provide that either party is entitled to a certain summary procedure in certain court proceedings.
- Adds subsection (8)(b) clarifying how a court may find a summary procedure does not apply.
- Adds subsection (8)(c), which provides that a prevailing party in a challenge to certain development orders can be entitled to recover certain fees and costs.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

2020: [Chapter 2020-2, section 27, Laws of Florida, Effective May 18, 2020; Chapter 2020-27, sections 4 and 5, Laws of Florida, Effective July 1, 2020; Chapter 2020-58, section 1, Laws of Florida, Effective July 1, 2020; Chapter 2020-122, section 2, Laws of Florida, Effective July 1, 2020; Chapter 2020-150, section 28, Laws of Florida, Effective July 1, 2021]

1. Section 163.3178, F.S., Coastal Management (Chapter 2020-2, section 27, Laws of Florida)

- Amends subsection (2)(k) to update statutory references.
- Revises paragraphs (b) and (c) within subsection (8) to remove outdated deadlines.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

2. Section 163.31771, F.S., Accessory Dwelling Units (Chapter 2020-27, section 4, Laws of Florida)

- Amends subsections (3) and (4) to allow a local government to adopt an ordinance allowing accessory dwelling units to be located in any area zoned for single family residential use and removes the requirement that the ordinance be

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conditioned upon a finding that there is a shortage of affordable rentals within the jurisdiction.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County. As previously noted, Okaloosa County is undertaking a study to develop an Attainable Workforce Housing Strategy. It is anticipated that accessory dwelling units will be addressed in considerable detail as part of the strategy.*

3. Section 163.31801, F.S., Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges (Chapter 2020-27, section 5, Laws of Florida)

- Adds subsection (10) and supporting paragraphs (a) through (e) to address the data on impact fee charges that must be reported in an annual financial report by a county, municipality, or special district.

Okaloosa Response: *Acknowledged; as Okaloosa County does not collect impact fees, the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

4. Section 163.31801, F.S., Impact Fees; Short Title; Intent; Minimum Requirements; Audits, Challenges (Chapter 2020-58, section 1, Laws of Florida)

- Amends subsection (3)(d) to specify that a new or increased impact fee may not be charged to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing such an impact fee unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant.

- Amends subsection (4) to clarify that a local government must provide credit against the collection of an impact fee of any contribution related to public education facilities regardless of any charter provision, comprehensive plan policy, ordinance, or resolution.

- Renumbers existing subsections (8) and (9) as subsections (9) and (10).

- Adds a new subsection (8) that sets forth the provisions by which impact fee credits are assignable and transferable and renumbers subsequent subsections.

Okaloosa Response: *Okaloosa County does not currently collect impact fees. The statutory revisions do not require any action on the part of Okaloosa County.*

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5. Section 163.3168, F.S., Planning Innovations and Technical Assistance (Chapter 2020-122, section 2, Laws of Florida)

- Adds subsection (4) providing guidance to the state land planning agency when selecting applications for technical assistance funding to give preference to counties with a population of 200,000 or less, and to municipalities located within such counties, in determining whether the area in and around a proposed multiuse corridor interchange as described in section 338.2278, F.S., contains appropriate land uses and protections and aiding in amending a comprehensive plan to provide such appropriate land uses and protections.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

6. Section 163.3180, F.S., Concurrency (Chapter 2020-150, section 28, Laws of Florida)

- Amends subsection (2) to alter the governmental entity that approves onsite sewage treatment and disposal systems from the Department of Health to the Department of Environmental Protection.

Okaloosa Response: *The statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

2021: [Chapter 2021-7, sections 6 and 7, Laws of Florida, Effective July 1, 2021; Chapter 2021-63, section 1, Laws of Florida, Effective June 4, 2021; Chapter 2021-161, section 1, Laws of Florida, Effective July 1, 2021; Chapter 2021-178, section 1, Laws of Florida, Effective July 1, 2021; Chapter 2021-186, section 1, Laws of Florida, Effective July 1, 2021; Chapter 2021-195, sections 1-3, Laws of Florida, Effective July 1, 2021; Chapter 2021-201, section 1, Laws of Florida, Effective July 1, 2021; Chapter 2021-206, sections 1 and 3, Laws of Florida, Effective July 1, 2021]

1. Section 163.3162, F.S., Agricultural Lands and Practices, (Chapter 2021-7, section 6, Laws of Florida)

- Reenacts subsection (2)(b) to provide a definition for “Farm operation.”

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

2. Section 163.3163, F.S., Applications for Development Permits; Disclosure and Acknowledgement of Contiguous Sustainable Agricultural Land, (Chapter 2021-7, section 7, Laws of Florida)

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- Reenacts subsection (3)(b) to provide a definition for “Farm operation.”

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

3. Section 163.31801, F.S., Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges, (Chapter 2021-63, section 1, Laws of Florida)

- Adds a new subsection (3) to define “Infrastructure” and “Public facilities.”
- Renumbers existing subsections (3) through (11) and rewords existing subsections (3), (5), (6), (8), and (11) for clarity
- Amends existing subsection (4) to provide additional regulations pertaining to impact fee credits.
- Adds a new subsection (6), which prescribes the circumstances under which impact fees may be increased, sets forth limitations on those fee increases, and notes that this section applies retroactively to January 1, 2021.

Okaloosa Response: *Okaloosa County does not currently collect impact fees. These statutory revisions do not require any action on the part of Okaloosa County.*

4. Section 163.3168, F.S., Planning Innovations and Technical Assistance (Chapter 2021-161, section 1, Laws of Florida; and Chapter 2021-186, section 1, Laws of Florida)

- Repeals existing subsection (4) that directed the state land planning agency to give preference when selecting applications for funding for technical assistance to counties with a population of 200,000 or less, and to municipalities within those counties, for assistance in determining whether the area in and around a proposed multiuse corridor interchange contains appropriate land uses and natural resource protections and amending a comprehensive plan to provide for such land uses and protections.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

5. Section 163.3205, F.S., Solar Facility Approval Process, (Chapter 2021-178, section 1, Laws of Florida)

- Creates section 163.3205, F.S., which applies to sites that are subject to an application to construct a solar facility submitted to a local government on, or after, July 1, 2021, to encourage renewable solar electrical generation, define “solar

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facility”, and set forth an allowance for solar facilities in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts in an unincorporated area.

Okaloosa Response: *On April 6, 2021, the Board of County Commissioners adopted Ordinance 21-09 amending the Future Land Use Element to allow solar facilities in areas bearing the “Agriculture” Future Land Use Map designation. This ordinance was subsequently provided to the then-Department of Economic Opportunity at the time of adoption as required by law. On that same date, the Board adopted Ordinance 21-10 which amended the County’s Land Development Code to allow solar facilities on properties located in the County’s Agricultural zoning district consistent with the Comprehensive Plan. The Okaloosa County Comprehensive Plan and Land Development Code comply with this requirement.*

6. Section 163.3167, F.S., Scope of Act (Chapter 2021-195, section 1, Laws of Florida)

- Amends subsection (3) to clarify that requirements pertaining to development orders and their incorporation and interaction with comprehensive plans are specifically related to plans for municipalities incorporated after January 1, 2016.

Okaloosa Response: *Acknowledged; as previously noted, the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

7. Section 163.3177, F.S., Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2021-195, section 2, Laws of Florida)

- Adds subsection (6)(i) which requires each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making. The statute also provides a statement of rights local governments may adopt in order to meet these requirements.

Okaloosa Response: *On December 7, 2021, the Okaloosa County Board of County Commissioners amended the Okaloosa County Comprehensive Plan to include a Private Property Rights Element in compliance with subsection 163.3177(6)(i). The Private Property Element utilizes the statement of rights provided in the statute.*

8. Section 163.3237, F.S., Amendment or Cancellation of a Development Agreement (Chapter 2021-195, section 3, Laws of Florida)

- Amends this section to allow a party to a development agreement and a local government to amend or cancel a development agreement without consent of

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other affected property owners unless the amendment or cancellation will modify the allowable uses or entitlements on such owner's property.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

9. Section 163.3202, F.S., Land Development Regulations (Chapter 2021-201, section 1, Laws of Florida)

- Adds new subsection (5) to specify that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling except under certain listed conditions.

Okaloosa Response: *Acknowledged; the Okaloosa County Land Development Code does not include any building design elements. This statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

10. Section 163.3167, F.S., Scope of Act (Chapter 2021-206, section 1, Laws of Florida)

- Revises subsection (5) to allow landowners with a development order approved before the municipality was incorporated to abandon said development order and develop the order's vested density and intensity as long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan and all existing concurrency obligations in the development order remain in effect.

Okaloosa Response: *Acknowledged; as previously discussed, this statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

11. Section 163.3187, F.S., Process for Adoption of Small-Scale Comprehensive Plan Amendment (Chapter 2021-206, section 3, Laws of Florida)

- Amends subsection (1)(a) to increase the small-scale development amendment limit to 50 acres or fewer.
- Revises subsection (3) pertaining to small-scale development amendments for sites within a rural area of opportunity to allow a 100 percent increase to the 50-acre acreage limit now included in subsection (1)(a).

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments on the part of Okaloosa County.*

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2022: [Chapter 2022-83, section 1, Laws of Florida, Effective July 1, 2022; Chapter 2022-122, section 1, Laws of Florida, Effective July 1, 2022; Chapter 2022-183, section 5, Laws of Florida, Effective July 1, 2022; Chapter 2022-204, section 2, Laws of Florida, Effective July 1, 2022]

1. Section 163.32051, F.S., Floating Solar Facilities, (Chapter 2022-83, section 1, Laws of Florida)

- Creates 163.32051, which provides legislative findings regarding floating solar facilities.
- Defines the term “floating solar facility.”
- Requires a floating solar facility to be a permitted use in the appropriate land use categories and requires local governments to amend their land development regulations to promote expanded uses of floating solar facilities.
- Authorizes a county or municipality to specify buffer and landscaping requirements, which may not exceed the requirements for similar uses involving the construction of other solar facilities permitted in agricultural land use categories and zoning districts.
- Provides exceptions to the construction of floating solar facilities in an Everglades Agricultural Area reservoir project if it is determined to have negative impacts on the project.

Okaloosa Response: Chapter 6 of the Okaloosa County Land Development Code will be revised to allow floating solar facilities in retention ponds.

2. Section 163.3180, F.S., Amending Concurrency, (Chapter 2022-122, section 1, Laws of Florida)

- Amends subsection (6)(h)2. to revise provisions specifying when school concurrency is deemed satisfied.
- Requires the district school board to notify the local government that capacity is available for development within 30 days after receipt of the developer’s legally binding commitment.
- Specifies that any proportionate-share mitigation directed toward a school capacity improvement not identified in the 5-year school board educational facilities plan must be set aside and not spent until such an improvement has been identified.

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Okaloosa Response: *Okaloosa County is not currently enforcing school concurrency and so this statutory revision does not require any action by the County at this time.*

3. Section 163.3175, F.S., Updating Military Base Names, (Chapter 2022-183, section 5, Laws of Florida)

- Amends paragraph (n) subsection (2) to update two military base names to Patrick Space Force Base and Cape Canaveral Space Force Station, associated with Brevard County and Satellite Beach.

Okaloosa Response: *Acknowledged; as the military installations referenced in the statute do not occur in Okaloosa County, no action is needed.*

4. Section 163.3178, F.S., Coastal Management, (Chapter 2022-204, section 2, Laws of Florida)

- Reenacts Subsections (2)(k), (5), and (6) to incorporate the amendment made to Section 311.09 by Chapter 2022-204, Laws of Florida, adding Putnam County to the Florida Seaport Transportation and Economic Development Council.

Okaloosa Response: *Acknowledged; the statutory revision does not require any Comprehensive Plan amendments or other actions on the part of Okaloosa County.*

PART 4 CHANGES AND IMPLEMENTATION

1. Section 163.3177(1)(f)(3), F.S., Required and Optional Elements of Comprehensive Plan; Studies and Surveys.

- Requires that the comprehensive plan provide a minimum planning period of ten (10) years and cite the sources and date of population projections used in establishing the 10-year planning period.

Okaloosa Response: *The Okaloosa County 2024 Planning Profiles Attachment A) is a consolidation of ten (10) separate planning area profiles that are consolidated into county wide technical analysis which serves as the available data from professionally accepted sources in support of the Okaloosa County Comprehensive Plan. The 2024 Planning Profiles, incorporated by reference into the Comprehensive Plan, are technical documents that contain background*

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information including the technical support data and analysis for the various elements for the Comprehensive Plan. The 2024 Planning Profile update is the County's method to revise the Comprehensive Plan to provide a minimum 10-year planning period and source and date of population projections. The Planning Profiles also support the evaluation and appraisal process to determine whether the need exists for the county to amend the comprehensive plan to reflect changes in state requirement.

Attachments

Attachment A – Planning Profiles

Located at the bottom of this page

<https://myokaloosa.com/gm/planning/plan>